



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 646

H.P. 460

House of Representatives, February 28, 2017

An Act Regarding Municipal and Regional Shellfish Management Programs

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SIMMONS of Waldoboro.
Cosponsored by Representatives: PIERCE of Dresden, SUTTON of Warren.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §6671, sub-§3, ¶A,** as amended by PL 2007, c. 494, §1, is
3 further amended to read:

4 A. Within any area ~~of~~ in the intertidal zone within the municipality, a shellfish
5 conservation ordinance may:

6 (1) Regulate or prohibit the possession of shellfish;

7 (2) Fix the amount of shellfish that may be taken;

8 (3) Provide for protection from shellfish predators;

9 (4) Authorize the municipal officials to open and close flats under specified
10 conditions; ~~and~~

11 (5) Specify areas of the intertidal zone in which the dragging of mussels may be
12 limited to the degree necessary to support a municipal shellfish conservation
13 program; and

14 (6) Authorize regional shellfish management programs to undertake any
15 additional powers granted by the commissioner pursuant to subsection 7.

16 **Sec. 2. 12 MRSA §6671, sub-§7,** as amended by PL 2001, c. 188, §7, is further
17 amended to read:

18 **7. Joint programs; reciprocal privileges.** Municipalities may enter into regional
19 shellfish management agreements with other municipalities and adopt regional shellfish
20 management programs. The agreements, and the programs and ordinances adopted under
21 them, are subject to the same requirements as municipal programs and ordinances. In
22 addition to the powers granted to municipal shellfish management programs, the
23 commissioner may grant regional shellfish management programs other powers.
24 Resident privileges of one municipality in a regional shellfish management agreement
25 may be extended to the residents of other municipalities in the agreement. A regional
26 shellfish management committee comprised of at least one resident from each
27 municipality named in the regional agreement may be established to administer a regional
28 program.

29 **SUMMARY**

30 This bill limits the authority of a shellfish conservation ordinance to the intertidal
31 zone within a municipality. It also allows the Commissioner of Marine Resources to
32 grant regional shellfish management programs additional powers beyond those powers
33 granted to municipal shellfish management programs.