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Date: (Filing No. H-)

MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 715, L.D. 960, Bill, “An Act Regarding Size Requirements for Soft-shell Clams and the Creation of a Spat Collection Permit”

Amend the bill by striking out the title and substituting the following:

'An Act To Allow Municipalities with Municipal Shellfish Conservation Ordinances To Establish Minimum and Maximum Size Limits for Shellfish That Are at Least as Strict as Those Limits Established by the State'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §6671, sub-§3, ¶A, as amended by PL 2017, c. 350, §1, is further amended to read:

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

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions; ~~and~~
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program;
- (6) Establish a minimum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any minimum size limit set in this chapter or by rule, except that an ordinance must establish

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1 minimum size limits for possession of soft-shell clams that are at least as strict as
2 those limits established in section 6681; and

3 (7) Establish a maximum size limit for possession of shellfish regulated in the
4 ordinance, as long as those size limits are as strict or stricter than any maximum
5 size limit set in this chapter or by rule.

6 **Sec. 2. 12 MRSA §6671, sub-§3, ¶B**, as enacted by PL 2001, c. 188, §2, is
7 repealed.

8 **Sec. 3. 12 MRSA §6671, sub-§8, ¶D** is enacted to read:

9 D. Enforcement by the municipality of any provision adopted by a municipality
10 pursuant to this section may occur only in the municipality in which the shellfish is
11 harvested.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
13 section number to read consecutively.

14 **SUMMARY**

15 This amendment replaces the bill, which is a concept draft, and the title. It specifies
16 that a municipality with a municipal shellfish conservation ordinance may establish
17 minimum or maximum size limits on shellfish regulated by the ordinance as long as those
18 limits established are no less stringent than any minimum or maximum size limit set in
19 law or rule, except it requires that an ordinance must establish minimum size limits for
20 soft-shell clams that are at least as strict as those limits established in the Maine Revised
21 Statutes, Title 12, section 6681. Lastly, it also clarifies that enforcement of any provision
22 adopted in any ordinance is enforceable only in the municipality in which the harvesting
23 of the shellfish occurs.