

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 311

S.P. 108

In Senate, February 4, 1993

An Act Concerning Shellfish Licenses.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec. (BY REQUEST).

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 1991, c.
4 831, §1, is further amended to read:

6 3-A. **Shellfish conservation license; qualifications, fees,**
7 **procedures.** A Upon payment to the municipality of the licensing
8 fee established in a shellfish conservation ordinance may fix the
9 qualifications for a adopted under this article, any person who
10 possesses a valid shellfish license issued under section 6601
11 must be issued a municipal shellfish license, including municipal
12 residency, subject to the following provisions.

14 A. ~~No municipal commercial license may be issued unless the~~
15 ~~applicant has a current shellfish license, as provided in~~
16 ~~section 6601.~~ A municipality may shall issue licenses under
17 this section regardless of whether or not the area has been
18 closed by the commissioner. A person taking shellfish from
19 a closed area for depuration under a depuration certificate
20 issued by the commissioner is not required to hold a
21 municipal shellfish license.

22 B. A shellfish conservation ordinance may fix license
23 fees. The fee for a resident license may not exceed \$200
24 and the fee for a nonresident license may be not more than
25 twice the resident fee.

26 C. Application methods and procedures for licenses may be
27 determined by the shellfish conservation ordinance subject
28 to the provisions of this section. Notice of the number and
29 the procedure for application shall obtaining a municipal
30 license must be published in a trade or industry publication
31 or in a newspaper or combination of newspapers with general
32 circulation which that the municipal officers consider
33 effective in reaching persons affected not less than 10 days
34 prior to the period of issuance and shall must be posted in
35 the municipal offices until the period concludes. The
36 ~~period of issuance for resident and nonresident licenses~~
37 ~~shall be the same.~~ Subsequent to that period, the
38 ~~municipality shall make any resident or nonresident licenses~~
39 ~~not granted during the period available to residents or~~
40 ~~nonresidents.~~

41 D. ~~Except as otherwise provided in this section, a~~
42 ~~shellfish conservation ordinance shall not discriminate~~
43 ~~between resident license holders and nonresident license~~
44 ~~holders.~~

45 E. ~~The municipality shall provide and reserve a minimum~~
46 ~~number of commercial licenses for nonresidents which shall~~

be a number not less than 10% of the number of commercial licenses provided for residents. When the number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license shall be provided. When the number of resident commercial licenses is 5 or fewer, nonresident commercial licenses shall not be required.

F. When 2 or more municipalities have entered into an agreement with one another for joint or cooperative action under this subsection, the combined total number of commercial licenses for nonresidents provided by these municipalities shall be a number not less than 10% of the combined total number of commercial licenses issued for residents. When the combined total number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license shall be provided. When the combined total number of resident commercial licenses is 5 or fewer, nonresident commercial licenses shall not be required.

Sec. 2. 12 MRSA §6671, sub-§7, as enacted by PL 1977, c. 661, §5, is amended to read:

7. **Joint programs; reciprocal privileges.** Municipalities may enter into joint conservation agreements with other municipalities and adopt joint programs. The agreements, and the programs and ordinances adopted under them, shall be are subject to the same requirements as municipal programs and ordinances. Resident-privileges Privileges of one municipality in a joint agreement may be extended to the residents of other municipalities in the agreement.

Sec. 3. 12 MRSA §6676, as enacted by PL 1985, c. 48, §2, is amended to read:

§6676. Summary of municipal ordinances

The department shall prepare a summary description of all municipal shellfish ordinances which shall include, that includes but is not be limited to, a listing for each municipality of the license application period, fee structure, number of licenses available to residents and nonresidents. The department shall update and publish the summary every 6 months in a trade or industry journal which that the commissioner considers to be effective in reaching the persons affected.

STATEMENT OF FACT

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4 This bill requires municipalities that have adopted
6 shellfish conservation ordinances to issue a municipal shellfish
license to any person holding a state shellfish harvesting
license.