

MAINE STATE LEGISLATURE

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New draft of: H. P. 747, L. D. 1076

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1498

H. P. 1034

House of Representatives, April 2, 1963

Reported by Mr. Young from Committee on Sea and Shore Fisheries and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**AN ACT Repealing the Town Clam Laws and Authorizing Special Privileges
for Cooperating Towns.**

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

Sec. 1. R. S., c. 37-A, § 49-A, additional. Chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended by adding a new section 49-A, to read as follows:

'Sec. 49-A. Municipalities authorized to raise and appropriate money for shellfish conservation. Any municipality by vote of its legislative body may raise and appropriate money for any shellfish conservation program which has been approved by the commissioner.'

Sec. 2. R. S., c. 37-A, § 50, amended. The first 2 sentences of section 50 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, are amended to read as follows:

'Any municipality which has raised or appropriated money within 2 years next prior to acting under this section for a shellfish conservation program approved by the commissioner as authorized under section 49-A may enact a municipal ordinance fixing the time when clams, quahogs and mussels may be taken from any or all of the coastal waters and flats within the municipality. The ordinance may also provide limitations on the amount of clams, quahogs and mussels which may be taken within the municipality, and may likewise provide that municipal licenses be required for the taking of any such species within the municipality, and may determine the qualifications for the license, including residence requirements, and may fix the license fees.'

Sec. 3. R. S., c. 37-A, § 50, sub-§ I, repealed and replaced. Subsection I of

section 50 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is repealed and the following enacted in place thereof:

'Effective dates, approval, filing requirements. An ordinance adopted under this section does not become effective until the commissioner has approved a copy certified by the municipal clerk and filed that approval with that clerk. Once such approval and filing requirements have been met, the ordinance remains in full force and effect for a period of 3 years from the date the municipal legislative body enacted it, unless sooner terminated by the terms of the ordinance or by repeal by the municipal legislative body.'

Sec. 4. R. S., c. 37-A, § 61, sub-§ VII, amended. Subsection VII of section 61 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'VII. Licensee's authority to take worms and shellfish. The holder of a current commercial shellfish and marine worm license may dig or take **shellfish**, marine worms, clamworms, bloodworms or sandworms in any of the tidal waters or flats of the State, except in those areas which are closed to the digging or taking of ~~such worms for conservation purposes the same~~ by regulation passed under ~~the provisions of section sections 16 or 17, and except in those areas under municipal shellfish cultivation authorized in section 46.~~ The holder may not, however, dig or take any shellfish contrary to any ordinance in full force and effect which was passed pursuant to the authority provided in section 50 and amendments thereto.

A. The holder of a current commercial shellfish and marine worm license may ~~also~~ buy or sell any of the above described worms.'

Sec. 5. P. & S. L., 1959, c. 154, Chapter A, repealed. Chapter A of chapter 154 of the private and special laws of 1959, as amended by chapters 42 and 92 of the private and special laws of 1961, is repealed.

Sec. 6. P. & S. L., 1959, c. 155, § 129-A, additional. Chapter 155 of the private and special laws of 1959 is amended by adding a new section 129-A, to read as follows:

'Sec. 129-A. Digging of clams on flats of York River. It shall be lawful to dig clams on any of the flats in the York River in the County of York, provided said clams are not used for any purposes except as bait for fishing.'

Sec. 7. P. & S. L., 1959, c. 155, §§ 1, 3, 11-16, 17-A, 17-B, 17-C, 18-31, 47-52, 57-61, 74, 75, 84-88, 90-103, 120-123 and 127, repealed. Sections 1, 3, 11 to 16, 17-A and 17-B as enacted by section 2 of chapter 46 of the private and special laws of 1961, 17-C as enacted by chapter 45 of the private and special laws of 1961, 18 to 31, 47 to 49, 49-A as enacted by chapter 115 of the private and special laws of 1961, 50 to 52, 57 to 61, 74, 75, 84 to 88, 90 to 103, 120 to 123 and 127 of chapter 155 of the private and special laws of 1959 are repealed.

Sec. 8. Effective date. This act shall take effect on July 1, 1964.