

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 153

H. P. 117

House of Representatives, January 9, 1975

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Concerning the Taking of Shellfish by Holders of Commercial
Shellfish Licenses.

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

Sec. 1. 12 MRSA, § 3503, sub-§ 8 is enacted to read:

8. Hearing required before closed shellfish flats opened to commercial licensees. The commissioner, before opening any shores, waters or flats closed under this section to holders of a commercial shellfish license for the purpose of taking shellfish under section 3452, shall hold a public hearing in a municipality which includes or is adjacent to the shores, waters or flats to be opened to the commercial licensee. The commissioner shall publish notice both of his intent and of the time and place of the public hearing, which shall be published at least 2 weeks prior to the hearing in a newspaper of general circulation in the county where the hearing is to be held. At the hearing, the commissioner or his designee shall take relevant comments of reasonable length from interested parties concerning the conditions and restrictions surrounding the opening and the effects of that opening upon the inhabitants and economy adjacent to the area to be opened.

Within a week after the close of the hearing, the commissioner or his designee shall summarize the testimony given at the hearing and shall make a reasonable number of copies of the summary available at no cost to members of the public.

After the close of the hearing, the commissioner may, in accordance with section 3452, open the shores, waters or flats to the taking of shellfish by any commercial licensee whom he designates. The commissioner may impose any reasonable restrictions upon that taking which he deems fit.

Sec. 2. 12 MRSA, §§ 4312 and 4313 are enacted to read:

§ 4312. Holders of commercial shellfish licenses to pay fees to municipalities

1. Payment of fee. A holder of a commercial shellfish license shall pay to any municipality in which he has taken shellfish a fee equal to 10% of the local current market value of the amount of shellfish taken on the day on which they were taken. The license holder shall pay the accumulated fees to the municipality by the last day of each quarter of the year in which the holder has taken any shellfish from the municipality. For the purpose of this subsection, the first quarter begins January 1st of each year.

2. Weekly report. The license holder shall submit weekly to the appropriate official of any municipality in which he has taken shellfish during that week a signed statement of the amount of shellfish, by type, which the holder took from the shores, waters or flats of the municipality during each day of the week in which the license holder took shellfish in the municipality.

3. Penalty. Any holder of a commercial shellfish license, who willfully or negligently falsifies any weekly statement submitted under this section to a municipal official or who willfully or negligently fails to submit to an appropriate official a signed weekly statement of the amount of shellfish taken from the municipality during any week within which shellfish were taken from that municipality, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days, or by both.

4. Commissioner to furnish market price quotations. The Commissioner of Marine Resources shall, upon request, furnish to the officials of any municipality the local market price for any type of shellfish on any date. The commissioner shall, after a public hearing preceded by 2-weeks' notice in the state paper, establish a suitable method for determining the current market price of shellfish for various localities. The commissioner is authorized to make any rules and regulations necessary to carry out the purposes of this section.

5. Other fees superseded. Notwithstanding any other public or private and special law to the contrary, payment of fees under this section shall supersede and render unnecessary payment of any other fee by a holder of a commercial shellfish license to a municipality.

STATEMENT OF FACT

This Act will require a public hearing before the commissioner can open closed shellfish flats to holders of commercial shellfish licenses.

In the past, shellfish flats closed by pollution have been opened to certain holders of commercial licenses who can deplete the shellfish before selling them on the market. At the same time, these flats have remained closed to local residents. This Act will require the commissioner to determine the impact on the locality of opening polluted shellfish flats to commercial licensees before he opens them to local residents.

This Act will also require holders of commercial shellfish licenses to pay fees to municipalities for the taking of shellfish.