

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1723

H. P. 1613

Office of the Clerk of the House

Governor's Bill. Reference to the Committee on Marine Resources suggested.

EDWIN H. PERT, Clerk of the House

Presented by Mr. N. Nelson of Roque Bluffs.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Clarify Procedures Involved with the Municipal Shellfish Conservation Program.

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

Sec. 1. 12 MRSA § 6671, sub-§ 3, first sentence, as enacted by PL 1977, c. 661, § 5, is amended to read:

Within any area in the intertidal zone or coastal waters in the municipality, a shellfish conservation ordinance may **grant authority to the municipal officers to regulate or ~~prohibit~~ prohibit** the taking of shellfish; may fix the amount of shellfish that may be taken; may limit the size of soft shell clams; may fix the qualifications for a license, including municipal residency; and may fix license fees.

Sec. 2. 12 MRSA § 6671, sub-§ 4, ¶ B, as enacted by PL 1977, c. 661, § 5, is amended to read:

B. Receive and file with the municipal clerk the written approval of the commissioner for **the shellfish conservation program and** the proposed ordinance.

Sec. 3. 12 MRSA § 6671, sub-§ 5, as enacted by PL 1977, c. 661, § 5, is repealed and the following enacted in its place:

5. Period of Ordinance. The ordinance becomes effective when the commissioner approves an attested, certified copy of the ordinance passed by the municipality and the ordinance remains in effect for no more than 3 years.

STATEMENT OF FACT

The sections of this bill accomplish the following:

Sec. 1. This will enable municipal officers to open or close conservation areas without approval of a regular or special town meeting.

Sec. 2. The department must have the power to review and approve the shellfish program, as well as the shellfish ordinance implementing the program, in order to assure sound conservation of clam resources.

Sec. 3. The requirement to have the ordinance filed within 7 days was unrealistically severe, commonly causing ordinances previously approved and passed by the towns to be invalid or causing costly delays in programs.