

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-793)
109TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1716, L.D. 1822, Bill,
"AN ACT to Clarify Provisions for Fish Weirs and Clam
Ordinances in Unorganized Territories."

Amend the bill by striking out all of the title and in-
serting in its place the following: 'AN ACT to Clarify Pro-
visions for fish Weirs in Unorganized Territories.'

Further

/Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 12 MRSA §682, sub-§4, as amended by PL 1973,
c. 569, §3, is further amended by adding at the end a new
sentence to read:

It shall not include a wharf, fish weir or trap that may be
licensed under Title 38, chapter 9.

Sec. 2. 38 MRSA §1022, as last amended by PL 1975,
c. 287, §2, is further amended by adding after the 2nd
paragraph a new paragraph to read:

In the case of waters adjacent to unorganized or deorganized
territory that is not an island, the commissioner shall have
the powers of municipal officers to issue licenses under this
section. Notwithstanding the provisions of this section governing
procedures, the commissioner shall review the application and
hold a hearing as if this were a lease application under Title 12,
section 6072, subsections 5 and 6.

Sec. 3. Application. Permits issued by the Land Use
Regulation Commission to place a weir in waters adjacent to
unorganized territory shall be void on the effective date of
this Act.'

Statement of Fact

This amendment places the authority for issuing weir permits in waters adjacent to unorganized territory in the Department of Marine Resources. It clearly removes the authority to issue these permits from the Land Use Regulation Commission. It also declares permits presently issued for this purpose as void on the effective date of this Act.

The amendment deletes from the bill any provision giving additional powers to the Department over clam conservation.

Reported by the Committee on Marine Resources
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