

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 51

6  
7 H.P. 45

House of Representatives, January 15, 1985

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Manning of Portland.

Cosponsored by Representative Holloway of Edgecomb, Representative  
12 Coles of Harpswell and Senator Chalmers of Knox.

13 STATE OF MAINE

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Regarding Notice of Municipal  
18 Shellfish Conservation Programs.  
19

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

22 12 MRSA §6671, sub-§3, as amended by PL 1983, c.  
23 838, §3, is further amended to read:

24 3. Shellfish conservation ordinance. Within any  
25 area of the municipality, a shellfish conservation  
26 ordinance may regulate or prohibit the possession of  
27 shellfish; may fix the amount of shellfish that may  
28 be taken; shall limit the size of soft-shell clams in  
29 accordance with subchapter I, Article 5; may fix the  
30 qualifications for a license, including municipal  
31 residency; may fix license fees; and may authorize  
32 the municipal officers to open and close flats under  
33 specified conditions. A program or ordinance shall  
34 not regulate areas closed by regulation of the com-  
35 missioner. An ordinance may also provide for enforce-  
36 ment, protection and evaluation of a green crab fenc-

1 ing program. No municipal commercial license may be  
2 issued unless the applicant has a current shellfish  
3 license, as provided in section 6601. The fee for a  
4 nonresident license shall be not more than 10 times  
5 the fee for a resident license, provided that in no  
6 case may the fee for a nonresident license exceed  
7 \$150. Notice of the number and the procedure for ap-  
8 plication shall be published in a trade or industry  
9 publication, or in a newspaper or combination of  
10 newspapers with general statewide circulation, which  
11 the municipal officers consider effective in reaching  
12 persons affected, not less than 10 days prior to the  
13 period of issuance and shall be posted in the municipi-  
14 pal offices until the period concludes. Subsequent  
15 to that period, the municipality shall make any resi-  
16 dent or nonresident licenses not granted during the  
17 period available to residents or nonresidents.

18

#### STATEMENT OF FACT

19 The requirement that notice of the number and  
20 procedure for applying for nonresident shellfish li-  
21 censes be published in a trade or industry publica-  
22 tion has proven difficult to comply with. There are  
23 few such publications and they require notices for  
24 printing months in advance. The purpose of this bill  
25 is to give the municipal officers the alternative to  
26 publish the notice in a newspaper or combination of  
27 newspapers to achieve statewide circulation.

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