

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 547

6
7 H.P. 398

House of Representatives, February 13, 1985

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

10 EDWIN H. PERT, Clerk

Presented by Representative Connors of Franklin.

Cosponsored by Representative Begley of Waldoboro.

11
12 STATE OF MAINE
13

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

17 AN ACT to Establish a State Clam Digging
18 License.
19

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

22 Sec. 1. 12 MRSA §6001, sub-§5, as amended by PL
23 1981, c. 480, §4, is further amended to read:

24 5. Fee. The fee for a shellfish license shall be
25 ~~§13~~ §150.

26 Sec. 2. 12 MRSA §6651, sub-§2, as amended by PL
27 1983, c. 838, §1, is further amended to read:

28 2. Uses of fund. The commissioner may expend the
29 money in the Shellfish Fund for management, enforce-
30 ment, restoration, development and conservation of
31 shellfish in the intertidal zone or coastal waters.
32 The commissioner shall establish a municipal grants
33 program to support the implementation, operation and
34 enforcement of municipal shellfish conservation pro-

1 grams and ordinances. The commissioner shall reserve
2 at least 80% of the annual revenues to the Shellfish
3 Fund for the grants program.

4 Sec. 3. 12 MRSA §6671, sub-§3, as amended by PL
5 1983, c. 838, §3, is further amended to read:

6 3. Shellfish conservation ordinance. Within any
7 area of the municipality, a shellfish conservation
8 ordinance may regulate or prohibit the possession of
9 shellfish; may fix the amount of shellfish that may
10 be taken; shall limit the size of soft-shell clams in
11 accordance with subchapter I, Article 5; may fix the
12 qualifications for a license, including municipal
13 residency, may fix license fees, and may authorize
14 the municipal officers to open and close flats under
15 specified conditions. A program or ordinance shall
16 not regulate areas closed by regulation of the com-
17 missioner. An ordinance may also provide for enforce-
18 ment, protection and evaluation of a green crab fencing
19 program. No municipal commercial license may be
20 issued unless the applicant has a current shellfish
21 license, as provided in section 6601. The fee for a
22 nonresident license shall be not more than 10 times
23 the fee for a resident license, provided that in no
24 case may the fee for a nonresident license exceed
25 \$150. Notice of the number and the procedure for ap-
26 plication shall be published in a trade or industry
27 publication which the municipal officers consider ef-
28 fective in reaching persons affected, not less than
29 10 days prior to the period of issuance and shall be
30 posted in the municipal offices until the period con-
31 cludes. Subsequent to that period, the municipality
32 shall make any resident or nonresident licenses not
33 granted during the period available to residents or
34 nonresidents. A program or ordinance may not require
35 a municipal license for the activities licensed by
36 the State under section 6601.

37 Sec. 4. 12 MRSA §6671, sub-§7, as enacted by PL
38 1977, c. 661, §5, is amended to read:

39 7. Joint programs. Municipalities may enter into
40 joint conservation agreements with other municipali-
41 ties and adopt joint programs. The agreements, and
42 the programs and ordinances adopted under them, shall
43 be subject to the same requirements as municipal pro-

1 grams and ordinances. Resident privileges of one mu-
2 nicipality in a joint agreement may be extended to
3 the residents of other municipalities in the agree-
4 ment.

5 Sec. 5. 12 MRSA §6671, sub-§10 is enacted to
6 read:

7 10. Shellfish conservation grants. A municipal-
8 ity may apply to the commissioner for a grant from
9 the Shellfish Fund not to exceed \$10,000 for the op-
10 eration and enforcement of a shellfish conservation
11 program and ordinance.

12 STATEMENT OF FACT

13 This bill establishes a statewide license for
14 clam digging and repeals the authorization of municip-
15 al clam licenses. The fee for a state license is
16 set a \$150. This will result in a significant reduc-
17 tion in costs to clam diggers who must now obtain
18 several, very expensive nonresident municipal li-
19 censes in order to make a living.

20 The remaining authorization for municipal shell-
21 fish conservation programs is left intact. A grants
22 program funded by the increase in the state license
23 fee is established to support the municipal programs.

24 Provisions in the existing statutes for limited
25 recreational clam digging are left intact.

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