

MAINE STATE LEGISLATURE

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(New Draft of H.P. 398, L.D. 547)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 1549

H.P. 1067

House of Representatives, May 20, 1985

Reported by Representative Ruhlin from the Committee on Marine Resources and printed under Joint Rule 2. Original bill sponsored by Representative Connors of Franklin. Cosponsored by Representative Begley of Waldoboro.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Guarantee Equitable Access to
Soft-shell Clam Resources.

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

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

3. Shellfish conservation ordinance. Within any area of the municipality, a shellfish conservation ordinance may regulate or prohibit the possession of shellfish; may fix the amount of shellfish that may be taken; shall limit the size of soft-shell clams in accordance with subchapter I, Article 5; may fix the qualifications for a license, including municipal residency; may fix license fees; and may authorize the municipal officers to open and close flats under specified conditions. A program or ordinance shall not regulate areas closed by regulation of the com-

missioner. An ordinance may also provide for enforcement, protection and evaluation of a green crab fencing program. No municipal commercial license may be issued unless the applicant has a current shellfish license, as provided in section 6601. The municipality shall provide and reserve a minimum number of commercial licenses for nonresidents which shall be a number not less than 10% of the number provided for residents. When the number of resident licenses is less than 10 but more than 5, at least one nonresident license shall be provided. When the number of resident licenses is 5 or less, nonresident licenses shall not be required. The fee for a nonresident license shall be not more than 10 times the fee for a resident license, provided that in no case may the fee for a nonresident license exceed \$150. Notice of the number and the procedure for application shall be published in a trade or industry publication which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes. The period of issuance for resident and nonresident licenses shall be the same. Subsequent to that period, the municipality shall make any resident or nonresident licenses not granted during the period available to residents or nonresidents.

STATEMENT OF FACT

The purpose of this new draft is to guarantee the access of nonresident clam diggers to the soft-shell clam resource of the State.

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