

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 841

H.P. 622 House of Representatives, March 19, 1987
Reference to the Committee on Marine Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative BEGLEY of Waldoboro.

STATE OF MAINE

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

AN ACT to Repeal the 2-inch Clam Law.

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

Sec. 1. 12 MRSA §6671, sub-§3, as repealed and
replaced by PL 1985, c. 737, Pt. A, §28, is 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~~ may limit the size of soft-shell
clams ~~in accordance with subchapter 17, article 5;~~ may
fix the qualifications for a license, including mu-
nicipal residency; may fix license fees; and may au-
thorize the municipal officers to open and close

1 flats under specified conditions. A program or ordi-
2 nance shall not regulate areas closed by regulation
3 of the commissioner. An ordinance may also provide
4 for enforcement, protection and evaluation of a green
5 crab fencing program. No municipal commercial li-
6 cense may be issued unless the applicant has a cur-
7 rent shellfish license, as provided in section 6601.
8 The municipality shall provide and reserve a minimum
9 number of commercial licenses for nonresidents which
10 shall be a number not less than 10% of the number
11 provided for residents. When the number of resident
12 licenses is less than 10 but more than 5, at least
13 one nonresident license shall be provided. When the
14 number of resident licenses is 5 or less, nonresident
15 licenses shall not be required. The fee for a non-
16 resident license shall be not more than 10 times the
17 fee for a resident license, provided that in no case
18 may the fee for a nonresident license exceed \$150.
19 Notice of the number and the procedure for applica-
20 tion shall be published in a trade or industry publi-
21 cation, or in a newspaper or combination of newspa-
22 pers with general circulation, which the municipal
23 officers consider effective in reaching persons af-
24 fected, not less than 10 days prior to the period of
25 issuance and shall be posted in the municipal offices
26 until the period concludes. The period of issuance
27 for resident and nonresident licenses shall be the
28 same. Subsequent to that period, the municipality
29 shall make any resident or nonresident licenses not
30 granted during the period available to residents or
31 nonresidents.

32 **Sec. 2. 12 MRSA §6671, sub-§9, as amended by PL**
33 **1985, c. 737, Pt. A, §29, is further amended to**
34 **read:**

35 **9. Penalty.** Notwithstanding the provisions of
36 **Title 17-A, section 4-B, whoever takes or possesses**
37 **shellfish contrary to a municipal ordinance autho-**
38 **rized by this section is guilty of a crime punishable**
39 **by a fine of not less than \$100 nor more than \$1,000;**
40 **~~except that fines for violation of subchapter 1, ar-~~**
41 **~~ticle 57 shall be as provided in section 6601.~~**

42 **Sec. 3. 12 MRSA c. 623, sub-c. I, article 5, as**
43 **amended by PL 1985, c. 737, Pt. A, §30, is repealed.**

STATEMENT OF FACT

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This purpose of this bill is to repeal the 2-inch clam law.

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