

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 921

H.P. 680 House of Representatives, March 25, 1987
Reference to the Committee on Marine Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative VOSE of Eastport.
Cosponsored by Representatives LOOK of Jonesboro,
MOHOLLAND of Princeton, and Senator RANDALL of Washington.

STATE OF MAINE

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

AN ACT Concerning Nonresident Clam Licenses.

1
2

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

5 12 **MRSA §6671, sub-§3**, as repealed and replaced
6 by PL 1985, c. 737, Pt. A, §28, is amended to read:

7 3. Shellfish conservation ordinance. Within any
8 area of the municipality, a shellfish conservation
9 ordinance may regulate or prohibit the possession of
10 shellfish; may fix the amount of shellfish that may
11 be taken; shall limit the size of soft-shell clams in
12 accordance with subchapter I, article 5; may fix the
13 qualifications for a license, including municipal
14 residency; may fix license fees; and may authorize
15 the municipal officers to open and close flats under
16 specified conditions. A program or ordinance shall

1 not regulate areas closed by regulation of the com-
2 missioner. An ordinance may also provide for enforce-
3 ment, protection and evaluation of a green crab fencing
4 program. No municipal commercial license may be
5 issued unless the applicant has a current shellfish
6 license, as provided in section 6601. The municipali-
7 ty shall provide and reserve a minimum number of com-
8 mercial licenses for nonresidents which shall be a
9 number not less than 10% of the number provided for
10 residents. When the number of resident licenses is
11 less than 10 but more than 5, at least one nonresi-
12 dent license shall be provided. When the number of
13 resident licenses is 5 or less, nonresident licenses
14 shall not be required. The fee for a nonresident li-
15 cense shall be not more than ~~10-times-the-fee-for-a~~
16 ~~resident-license,-provided-that-in-no--case--may--the~~
17 ~~fee--for-a-nonresident-license-exceed-\$150~~ \$250. No-
18 tice of the number and the procedure for application
19 shall be published in a trade or industry publica-
20 tion, or in a newspaper or combination of newspapers
21 with general circulation, which the municipal offi-
22 cers consider effective in reaching persons affected,
23 not less than 10 days prior to the period of issuance
24 and shall be posted in the municipal offices until
25 the period concludes. The period of issuance for
26 resident and nonresident licenses shall be the same.
27 Subsequent to that period, the municipality ~~shall~~ may
28 make any resident or nonresident licenses not granted
29 during the period available to residents or nonresi-
30 dents.

31 STATEMENT OF FACT

32 This bill increases the ceiling for how much a
33 town can charge for a nonresident shellfish license.
34 It also lifts the requirement that nonresident li-
35 cense fees not exceed 10 times the fee for a resident
36 license. The bill gives a municipality discretion
37 over whether to make unsold licenses available to
38 residents and nonresidents after the period of issu-
39 ance.

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