

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 984

H.P. 732 House of Representatives, March 27, 1987
Reference to the Committee on Marine Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative VOSE of Eastport.
Cosponsored by Representative MOHOLLAND of Princeton.

STATE OF MAINE

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

AN ACT Concerning Residency Requirements for
Clam Licenses.

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

6 Sec. 1. 12 MRSA §6671, sub-§3, as repealed and
7 replaced by PL 1985, c. 737, Pt. A, §28, is amended
8 to read:

9 3. Shellfish conservation ordinance. Within any
10 area of the municipality, a shellfish conservation
11 ordinance may regulate or prohibit the possession of
12 shellfish; may fix the amount of shellfish that may
13 be taken; shall limit the size of soft-shell clams in
14 accordance with subchapter I, article 5; may fix the
15 qualifications for a license, including municipal
16 residency as provided in subsection 10; may fix li-

1 cense fees; and may authorize the municipal officers
2 to open and close flats under specified conditions. A
3 program or ordinance shall not regulate areas closed
4 by regulation of the commissioner. An ordinance may
5 also provide for enforcement, protection and evalua-
6 tion of a green crab fencing program. No municipal
7 commercial license may be issued unless the applicant
8 has a current shellfish license, as provided in sec-
9 tion 6601. The municipality shall provide and reserve
10 a minimum number of commercial licenses for nonresi-
11 dents which shall be a number not less than 10% of
12 the number provided for residents. When the number of
13 resident licenses is less than 10 but more than 5, at
14 least one nonresident license shall be provided. When
15 the number of resident licenses is 5 or less, nonres-
16 ident licenses shall not be required. The fee for a
17 nonresident license shall be not more than 10 times
18 the fee for a resident license, provided that in no
19 case may the fee for a nonresident license exceed
20 \$150. Notice of the number and the procedure for ap-
21 plication shall be published in a trade or industry
22 publication, or in a newspaper or combination of
23 newspapers with general circulation, which the munic-
24 ipal officers consider effective in reaching persons
25 affected, not less than 10 days prior to the period
26 of issuance and shall be posted in the municipal of-
27 fices until the period concludes. The period of is-
28 suance for resident and nonresident licenses shall be
29 the same. Subsequent to that period, the municipality
30 shall make any resident or nonresident licenses not
31 granted during the period available to residents or
32 nonresidents.

33 Sec. 2. 12 MRSA §6671, sub-§10 is enacted to
34 read:

35 10. Municipal residency. A municipality may not
36 grant a resident license under this article to any
37 person who is not a resident of that municipality. A
38 person can purchase a resident license in only one
39 municipality each year. For purposes of this arti-
40 cle, a person is a resident of a municipality if that
41 person:

42 A. Is registered to vote in that municipality;

43 B. Pays excise taxes on a motor vehicle he owns
44 in that municipality;

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C. Pays real property taxes to that municipali-
ty; or

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D. Can show proof, acceptable to the municipali-
ty, of having been domiciled in that municipality
for the 6 months preceding his application.

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STATEMENT OF FACT

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This bill proposes a stricter standard of proof
of residency to procure a resident license under mu-
nicipal shellfish conservation programs.

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