

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 622, L.D. 841)  
(New Title)  
FIRST REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 1622

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H.P. 1191 House of Representatives, May 19, 1987  
Reported by the Minority from the Committee on Marine  
Resources and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative BEGLEY of  
Waldoboro.

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STATE OF MAINE

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

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AN ACT to Amend the 2-inch Clam Law.

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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5 12 MRSA §6671, sub-§3, as repealed and replaced  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

1 the municipal officers to open and close flats under  
2 specified conditions. A program or ordinance shall  
3 not regulate areas closed by regulation of the com-  
4 missioner. An ordinance may also provide for enforce-  
5 ment, protection and evaluation of a green crab fencing  
6 program. No municipal commercial license may be  
7 issued unless the applicant has a current shellfish  
8 license, as provided in section 6601. The municipali-  
9 ty shall provide and reserve a minimum number of com-  
10 mercial licenses for nonresidents which shall be a  
11 number not less than ~~10%~~ 15% of the number provided  
12 for residents. If the number of nonresident licenses  
13 to be issued based on this percentage results in a  
14 fraction of 0.5 or more, the municipality shall set  
15 the number of nonresident licenses at the next high-  
16 est whole number. When the number of resident li-  
17 censes is less than 10 but more than 5, at least one  
18 nonresident license shall be provided. When the num-  
19 ber of resident licenses is 5 or less, nonresident  
20 licenses shall not be required. Nonresident licenses  
21 for municipalities with reciprocal shellfish manage-  
22 ment agreements shall allow harvesting of shellfish  
23 in all the municipalities included in the agreement.  
24 The fee for a nonresident license shall be not more  
25 than 10 times the fee for a resident license, pro-  
26 vided that in no case may the fee for a nonresident  
27 license exceed \$150. Notice of the number and the  
28 procedure for application shall be published in a  
29 trade or industry publication, or in a newspaper or  
30 combination of newspapers with general circulation,  
31 which the municipal officers consider effective in  
32 reaching persons affected, not less than 10 days pri-  
33 or to the period of issuance and shall be posted in  
34 the municipal offices until the period concludes.  
35 The period of issuance for resident and nonresident  
36 licenses shall be the same. Subsequent to that peri-  
37 od, the municipality shall make any resident or non-  
38 resident licenses not granted during the period  
39 available to residents or nonresidents.

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STATEMENT OF FACT

2           This new draft increases the percentage of non-  
3 resident shellfish licenses required to be issued in  
4 towns with shellfish management programs from 10% to  
5 15%. It also specifies that nonresident licenses  
6 from municipalities with reciprocal shellfish manage-  
7 ment agreements shall allow harvesting in all the mu-  
8 nicipalities included in the agreement.

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