

MAINE STATE LEGISLATURE

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(After Deadline)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2650

S.P. 1010

In Senate, May 4, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Marine Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator CLARK of Cumberland.

Cosponsored by Representative MITCHELL of Freeport, Representative RYDELL of Brunswick, Representative PRIEST of Brunswick.

STATE OF MAINE

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

1 AN ACT to Repeal from the Budget Bill the
2 Provisions Concerning Municipal Shellfish
3 Licenses.
4

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

7 12 MRSA §6671, sub-§3, as amended by PL 1987, c.
8 816, Pt. KK, §13, is further amended to read:

1 3. Shellfish conservation ordinance. Within any
2 area of the municipality, a shellfish conservation
3 ordinance may regulate or prohibit the possession of
4 shellfish; may fix the amount of shellfish that may be
5 taken; shall limit the size of soft-shell clams in
6 accordance with article 5; may fix the qualifications
7 for a license, including municipal residency; may fix
8 license fees; and may authorize the municipal officers
9 to open and close flats under specified conditions. A
10 program or ordinance shall not regulate areas closed
11 by regulation of the commissioner. An ordinance may
12 also provide for enforcement, protection and
13 evaluation of a green crab fencing program. No
14 municipal commercial license may be issued unless the
15 applicant has a current shellfish license, as provided
16 in section 6601. The municipality shall provide and
17 reserve a minimum number of commercial licenses for
18 nonresidents which shall be a number not less than 10%
19 of the number provided for residents and be offered
20 by the municipality to nonresidents on a first come,
21 first serve basis. When the number of resident
22 licenses is less than 10 but more than 5, at least one
23 nonresident license shall be provided. When the number
24 of resident licenses is 5 or less, nonresident
25 licenses shall not be required. The fee for a
26 nonresident license shall be not more than 10 times
27 the fee for a resident license, provided that in no
28 case may the fee for a nonresident license exceed
29 \$150. Notice of the number and the procedure for
30 application shall be published in a trade or industry
31 publication, or in a newspaper or combination of
32 newspapers with general circulation, which the
33 municipal officers consider effective in reaching
34 persons affected, and sent by mail to the last known
35 address of each nonresident license holder for the
36 previous year not less than 10 days prior to the
37 period of issuance and shall be posted in the
38 municipal offices until the period concludes. The
39 period of issuance for resident and nonresident
40 licenses shall be the same. Subsequent to that period,
41 the municipality shall make any resident or
42 nonresident licenses not granted during the period
43 available to residents or nonresidents.

