

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 843

H.P. 620

House of Representatives, March 21, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HIGGINS of Scarborough.

Cosponsored by Representative ALLEN of Washington, Senator HOBBS of York and Senator HOLLOWAY of Lincoln.

STATE OF MAINE

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

An Act to Amend the Nonresident Clam Digging Laws.



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

3 **12 MRSA §6671, sub-§3,** as amended by PL 1987, c. 867, is
5 further amended to read:

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

41 **STATEMENT OF FACT**

43 This bill requires municipalities to issue nonresident
45 licenses on a first come, first serve basis and to provide
47 written verification of the application procedure to previous
nonresident license holders.