

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 354,  
L.D. 955, Bill, "An Act Concerning Municipal Regulation of  
Shellfish Resources"

Amend the amendment by striking out all of section 2 and  
inserting in its place the following:

Sec. 2. 12 MRSA §6671, sub-§3, as amended by PL 1987, c. 867,  
is repealed and the following enacted in its place:

3. Shellfish conservation ordinance. Within any area of  
the municipality, a shellfish conservation ordinance may regulate  
or prohibit the possession of shellfish; may fix the amount of  
shellfish that may be taken; may provide for enforcement,  
protection and evaluation of a green crab fencing program; and  
may authorize the municipal officers to open and close flats  
under specified conditions. An ordinance shall limit the size of  
soft-shell clams in accordance with article 5. Except as  
provided in section 6621, subsection 3, paragraph C, a program or  
ordinance may not allow surveying, sampling or harvesting of  
shellfish in areas closed by regulation of the commissioner.

Sec. 3. 12 MRSA §6671, sub-§3-A is enacted to read:

3-A. Shellfish conservation license; qualifications, fees,  
procedures. A shellfish conservation ordinance may fix the  
qualifications for a license, including municipal residency,  
subject to the following provisions.

A. No municipal commercial license may be issued unless the  
applicant has a current shellfish license, as provided in  
section 6601. A municipality may issue licenses under this  
section regardless of whether or not the area has been  
closed by the commissioner.

- 1  
3     B. A shellfish conservation ordinance may fix license  
fees. The fee for a nonresident license shall be not more  
5     than 10 times the fee for a resident license, provided that  
in no case may the fee for a nonresident license exceed \$150.
- 7     C. Application methods and procedures for licenses may be  
determined by the shellfish conservation ordinance subject  
9     to the provisions of this section. Notice of the number and  
the procedure for application shall be published in a trade  
11    or industry publication or in a newspaper or combination of  
newspapers with general circulation which the municipal  
13    officers consider effective in reaching persons affected not  
less than 10 days prior to the period of issuance and shall  
15    be posted in the municipal offices until the period  
concludes. The period of issuance for resident and  
17    nonresident licenses shall be the same. Subsequent to that  
period, the municipality shall make any resident or  
19    nonresident licenses not granted during the period available  
to residents or nonresidents.
- 21    D. Except as otherwise provided in this section, a  
23    shellfish conservation ordinance shall not discriminate  
between resident license holders and nonresident license  
25    holders.
- 27    E. The municipality shall provide and reserve a minimum  
number of commercial licenses for nonresidents which shall  
29    be a number not less than 10% of the number provided for  
residents. When the number of resident licenses is fewer  
31    than 10 but more than 5, at least one nonresident license  
shall be provided. When the number of resident licenses is  
33    5 or fewer, nonresident licenses shall not be required.
- 35    F. When 2 or more municipalities have entered into an  
agreement with one another for joint or cooperative action  
37    under this subsection, the combined total number of  
commercial licenses for nonresidents provided by those  
39    municipalities shall be a number not less than 10% of the  
combined total number of licenses issued for residents.  
41    When the combined total number of resident licenses is fewer  
than 10 but more than 5, at least one nonresident license  
43    shall be provided. When the combined total number of  
resident licenses is 5 or fewer, nonresident licenses shall  
45    not be required.'

47  
49                   **STATEMENT OF FACT**

51           This amendment adds 2 provisions concerning nonresident  
licenses to the committee amendment. It requires the total  
number of commercial licenses for nonresidents provided by those

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 354, L.D.  
955

1 municipalities which have entered into an agreement with one  
2 another for joint or cooperative licensing action under their  
3 shellfish ordinances to be not less than 10% of the combined  
4 total number of licenses issued for residents. The amendment  
5 also prohibits shellfish conservation ordinances from  
6 discriminating between residents and nonresidents once they have  
7 obtained a shellfish license.

9 In addition, this amendment restructures the Maine Revised  
10 Statutes, Title 12, section 6671, subsection 3 into 2  
11 subsections, subsections 3 and 3-A in order to clarify the  
12 current law.

13

15

Filed by Rep. Mitchell of Freeport  
Reproduced and distributed under the direction of the Clerk of the  
House  
5/30/89 (Filing NO. H-323)