

1       L.D. 955         3       (Filing No. H- 323)         5       (Filing No. H- 323)         5       (Filing No. H- 323)         7       STATE OF MAINE HOUSE OF REPRESENTATIVES 114TH LEGISLATURE FIRST REGULAR SESSION         11       HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 354, L.D. 955, Bill, "An Act Concerning Municipal Regulation of Shellfish Resources"         17       Amend the amendment by striking out all of section 2 and inserting in its place the following:         19       Sec. 2. 12 MRSA §6671, sub-§3, as amended by PL 1987, c. 867, is repealed and the following enacted in its place:         23       Shellfish conservation ordinance may regulate or prohibit the possession of shellfish; may fix the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.         25       Sec. 3. 12 MRSA §6671, sub-§3-A is enacted to read:         26       1-A. Shellfish conservation ordinance may fix the gualifications for a license, including municipal residency, subject to the following provisions.         26       A. No municipal commercial license may be issued unless the applicant has a current shellfish license, as provided in section 6001.		
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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 354, L.D. 955

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	B. A shellfish conservation ordinance may fix license
3	fees. The fee for a nonresident license shall be not more
	than 10 times the fee for a resident license, provided that
5	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
	<u>less than 10 days prior to the period of issuance and shall</u>
15	<u>be posted in the municipal offices until the period</u>
	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
25	between resident license holders and nonresident license
25	holders.
27	E. The municipality shall provide and reserve a minimum
21	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
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47	
47	STATEMENT OF FACT
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77	This amendment adds 2 provisions concerning nonresident
51	licenses to the committee amendment. It requires the total
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Page 2-LR2263(4)

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

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

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

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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)