

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1500

H.P. 1078

House of Representatives, May 5, 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 ALLEN of Washington.
Cosponsored by Representative BEGLEY of Waldoboro.

STATE OF MAINE

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

An Act to Amend the Nonresident Clamming License Laws.



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

3 **Sec. 1. 12 MRSA §6601, sub-§3,** as enacted by PL 1977, c. 661,
5 §5, is amended to read:

7 **3. Eligibility.** A shellfish license shall only be issued
9 to an individual and ~~shall be a resident license.~~ Any Maine
11 resident, nonresident or alien is eligible to apply for a
13 shellfish license.

15 **Sec. 2. 12 MRSA §6671, sub-§3,** as amended by PL 1987, c. 867,
17 is further amended to read:

19 **3. Shellfish conservation ordinance.** Within any area of
21 the municipality, a shellfish conservation ordinance may regulate
23 or prohibit the possession of shellfish; may fix the amount of
25 shellfish that may be taken; shall limit the size of soft-shell
27 clams in accordance with article 5; may fix the qualifications
29 for a license, ~~including municipal residency;~~ may ~~fix license~~
31 fees; and may authorize the municipal officers to open and close
33 flats under specified conditions. A program or ordinance shall
35 not regulate areas closed by regulation of the commissioner. An
37 ordinance may also provide for enforcement, protection and
39 evaluation of a green crab fencing program. No municipal
41 commercial license may be issued unless the applicant has a
43 current shellfish license, as provided in section 6601. The
45 municipality licenses shall provide and reserve a minimum number
47 of commercial licenses for nonresidents which shall be a number
51 not less than 10% of the number provided for residents offered to
 applicants on a first-come, first-served 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 **\$10.**
 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.

Sec. 3. Reimbursement for lost license fee revenues. The
 Department of Marine Resources shall make a one-time payment to
 municipalities to reimburse them for any license fee revenues
 foregone as a result of this law. This payment shall consist of
 the difference between the license fee revenues collected by a

1 municipality in the year prior to the effective date of this Act
2 and the amount of license fee revenues collected by that
3 municipality under the license fee provisions of this law.

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STATEMENT OF FACT

9 This bill revises the guidelines for issuance of municipal
10 commercial shellfish licenses. Under current law, a municipality
11 must provide a minimum number of nonresident shellfish licenses,
12 for which it may charge up to 10 times more than the charge for a
13 resident shellfish license. This bill would eliminate the
14 distinction between resident and nonresident licenses and would
15 limit the fee for these licenses to \$10. The Department of
16 Marine Resources will reimburse municipalities for the revenue
17 foregone as a result of the reduction in fees.