

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 163

H.P. 118

House of Representatives, January 28, 1991

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 RYDELL of Brunswick.

Cosponsored by Senator CLARK of Cumberland, Representative HOLT of Bath and Representative COLES of Harpswell.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Shellfish Licensing Laws.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, without emergency enactment, this legislation will
6 not take effect before the next shellfish fishing season; and

8 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
10 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
12 safety; now, therefore,

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

16 **Sec. 1. 12 MRSA §6671, sub-§3-A, ¶B,** as enacted by PL 1989, c.
257, §§4 and 5, is amended to read:

18 B. A shellfish conservation ordinance may fix license
20 fees. The fee for a nonresident license shall be may not be
more than 10 times the fee for a resident license, provided
22 that and in no case may the fee for a nonresident license
exceed \$150 \$300.

24 **Sec. 2. 12 MRSA §6671, sub-§9,** as amended by PL 1985, c. 737,
26 Pt. A, §29, is further amended to read:

28 **9. Penalty.** Notwithstanding the provisions of Title 17-A,
section 4-B, whoever takes or possesses shellfish contrary to a
30 municipal ordinance authorized by this section is guilty of a
crime punishable by a fine of not less than \$100-~~ne~~ \$500 and not
32 more than \$1,000 \$1,500, except that fines for violation of
subchapter 1, article 5, shall must be as provided in section
34 6681.

36 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

40 **STATEMENT OF FACT**

42 This bill raises the limit on the fee for shellfish licenses
for nonresidents from \$150 to \$300 and raises the \$100 to \$1,000
44 range of the fine for taking or possessing shellfish contrary to
a municipal ordinance to a \$500 to \$1,500 range.