

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

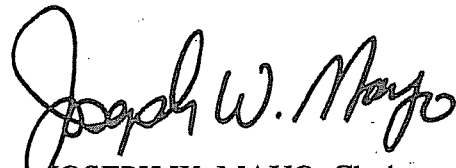
No. 1219

H.P. 904

House of Representatives, April 8, 1993

An Act to Provide Fair and Equitable Access to Marine Shellfish.

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


JOSEPH W. MAYO, Clerk

Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Representatives: CHASE of China, MITCHELL of Vassalboro.

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

2
4 **Sec. 1. 12 MRSA §6671, sub-§3-A**, as amended by PL 1991, c.
831, §1, is further amended to read:

6 **3-A. Shellfish conservation license; qualifications, fees,**
7 **procedures.** A shellfish conservation ordinance may fix the
8 qualifications for a license, ~~including--municipal--residency,~~
9 subject to the following provisions.

10 A. No A municipal commercial license may not be issued
11 unless the applicant has a current shellfish license, as
12 provided in section 6601. A municipality may issue licenses
13 under this section regardless of whether or not the area has
14 been closed by the commissioner. A person taking shellfish
15 from a closed area for depuration under a depuration
16 certificate issued by the commissioner is not required to
17 hold a municipal shellfish license.

18 B. A shellfish conservation ordinance may fix license
19 fees. ~~The-fee-for-a-resident-license-may-not-exceed-\$200~~
20 ~~and-the-fee-for-a-nonresident-license-may-be-not-more-than~~
21 ~~twice-the-resident-fee.~~

22 C. Application methods and procedures for licenses may be
23 determined by the shellfish conservation ordinance subject
24 to the provisions of this section. Notice of the number and
25 the procedure for application shall must be published in a
26 trade or industry publication or in a newspaper or
27 combination of newspapers with general circulation which
28 that the municipal officers consider effective in reaching
29 persons affected not less than 10 days prior to the period
30 of issuance and shall must be posted in the municipal
31 offices until the period concludes. ~~The-period-of-issuance~~
32 ~~for-resident-and-nonresident-licenses-shall-be-the-same.~~
33 ~~Subsequent-to-that-period,-the-municipality-shall-make-any~~
34 ~~resident-or-nonresident-licenses-not-granted-during-the~~
35 ~~period-available-to-residents-or-nonresidents.~~

36 D. ~~Except-as-otherwise-provided-in-this-section,-~~ a A
37 shellfish conservation ordinance shall may not discriminate
38 between resident license holders and nonresident license
39 holders.

40 E. ~~The-municipality-shall-provide-and-reserve-a-minimum~~
41 ~~number-of-commercial-licenses-for-nonresidents-which-shall~~
42 ~~be-a-number-not-less-than-10%-of-the-number-of-commercial~~
43 ~~licenses-provided-for-residents,-~~ ~~When-the-number-of~~
44 ~~resident-commercial-licenses-is-fewer-than-10-but-more-than~~
45 ~~5,-at-least-one-nonresident-commercial-license-shall-be~~

2 provided. ~~When the number of resident commercial licenses~~
3 ~~is 5 or fewer, nonresident commercial licenses shall not be~~
4 ~~required.~~

5 F. ~~When Two or more municipalities have entered may enter~~
6 ~~into an agreement with one another for joint or cooperative~~
7 ~~action under this subsection, the combined total number of~~
8 ~~commercial licenses for nonresidents provided by these~~
9 ~~municipalities shall be a number not less than 10% of the~~
10 ~~combined total number of commercial licenses issued for~~
11 ~~residents. When the combined total number of resident~~
12 ~~commercial licenses is fewer than 10 but more than 5, at~~
13 ~~least one nonresident commercial license shall be provided.~~
14 ~~When the combined total number of resident commercial~~
15 ~~licenses is 5 or fewer, nonresident commercial licenses~~
16 ~~shall not be required.~~

17 G. The municipality may determine the total number of
18 commercial licenses to be issued annually.

19 H. A municipality may not impose any restrictions,
20 including a license requirement on recreational shellfish
21 harvesting.

22 STATEMENT OF FACT

23 This bill allows a municipality to establish the total
24 number of shellfish licenses to be issued annually but disallows
25 a distinction between resident and nonresident licenses and
26 prohibits municipal restrictions on recreational shellfish
27 harvesting.
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