

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)

W
R.S.

L.D. 757

DATE: May 3, 1999

(Filing No. S-164)

MARINE RESOURCES

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE SENATE 119TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 262, L.D. 757, Bill, "An Act Concerning Recreational Clam Harvesting Licenses"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

'Sec. 2. 12 MRSA §6671, sub-§3-A, ¶G is enacted to read:

G. A municipality that issues recreational licenses to residents shall also make available to nonresidents recreational licenses in a number that is not less than 10% of the number of recreational licenses issued to residents. When 2 or more municipalities have entered into a regional shellfish management agreement and those municipalities issue recreational licenses to residents pursuant to the agreement, the combined total number of recreational licenses made available to nonresidents must be a number not less than 10% of the combined total number of recreational licenses issued to residents.

COMMITTEE AMENDMENT

2 For the purposes of this paragraph, the term "recreational
4 license" means a license that authorizes a person to take or
 possess shellfish only for personal use.'

6 Further amend the bill in section 7 in paragraph C in the
8 3rd line (page 2, line 27 in L.D.) by striking out the
 following: "~~and may arrest all violators~~" and inserting in its
10 place the following: 'and, if the warden is authorized by the
 municipality and meets the training requirements of Title 25,
 chapter 341, may arrest all violators'

12 Further amend the bill by inserting after section 7 the
14 following:

16 '**Sec. 8. 12 MRSA §6671, sub-§11** is enacted to read:

18 **11. Certificate as evidence.** A certificate of the clerk of
20 the municipality or any other custodian of the records of a
 municipal shellfish conservation ordinance adopted under this
22 section stating what the records of the municipality show is
 admissible as evidence in all courts as proof of the municipal
24 records. A certificate stating that the records do not show that
 a person held a license is prima facie evidence that the person
26 did not hold the license on the date specified in the
 certificate. A certificate stating that the records show that a
28 shellfish conservation ordinance or portions of an ordinance were
 in effect on a particular date is prima facie evidence that the
30 ordinance was in effect on the date specified in the
 certificate. The certified copy is admissible in evidence on the
32 testimony of a municipal shellfish conservation warden that the
 warden received the certificate after requesting it from the
34 municipality. Further foundation is not necessary for the
 admission of the certificate.'

36 Further amend the bill by relettering or renumbering any
38 nonconsecutive Part letter or section number to read
 consecutively.

40 Further amend the bill by inserting at the end before the
 summary the following:

44 '**FISCAL NOTE**

46 This bill requires certain municipalities with municipal
48 shellfish ordinances to issue at least 10% of the recreational
 licenses to nonresidents. The additional costs of this state
50 mandate are likely to be minor. Pursuant to the Mandate
 Preamble, the two-thirds vote of all members elected to each

COMMITTEE AMENDMENT " A " to S.P. 262, L.D. 757

2 House exempts the State from the constitutional requirement to
fund 90% of the additional local costs.'

4

SUMMARY

6

8 This amendment adds a mandate preamble to the bill. The
amendment requires municipalities that implement shellfish
10 conservation programs and that issue recreational shellfish
licenses to residents to make available to nonresidents a number
of recreational licenses equal to 10% of the number of licenses
12 issued to residents.

14

The amendment specifies that a certified municipal shellfish
16 conservation warden may arrest violators of the municipality's
shellfish ordinances if the warden is authorized by the
municipality to make arrests and trained at the Maine Criminal
18 Justice Academy.

20

The amendment also specifies that a certificate of the clerk
of a municipality is admissible as evidence in all courts as
22 proof of the municipal records relating to a shellfish
conservation ordinance.

24

The amendment adds a fiscal note to the bill.