

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 132

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In Senate, February 27, 1919.

Referred to Committee on Sea and Shore Fisheries and 500 ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Peacock of Washington.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT to Amend Certain Sections of Chapter Forty-five of the Revised Statutes Relating to the Licensing of Persons Engaged in the Lobster Fisheries.

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

Section seventeen of chapter forty-five is hereby amended  
2 by striking out the last clause thereof, being all of section  
3 seventeen after the words "in addition to said fine" and  
4 inserting in place of the clause stricken out the following:  
5 'and no person, firm or corporation, convicted of any vio-  
6 lation of any law, relating to lobsters, shall, either by them-  
7 selves, their servant or agents, be entitled of right, to

8 license thereafter,' so that said section as amended shall  
9 read as follows:

'Sect. 17. No person, firm or corporation, either by them-  
2 selves as principal or by their servants or agents, shall, at  
3 any time, catch, take, hold, buy, ship, transport, carry, give  
4 away, remove, sell or expose for sale, or have in his or  
5 its possession, except for the immediate consumption of  
6 himself and family, any lobster from any of the waters  
7 within the jurisdiction of this state, or place, set, keep,  
8 maintain, supervise, lift, raise or draw in or from any of  
9 said waters, or caused to be placed, set, kept, maintained,  
10 supervised, lifted, raised or drawn in or from any of said  
11 waters any pot, trap, trawl, car, boat, smack, vessel or  
12 other contrivance designed or adapted for the catching,  
13 taking, holding or for removal or transportation of lob-  
14 sters, unless licensed to do so as hereinafter provided; ex-  
15 cept that common carriers engaged in carrying general  
16 freight on fixed schedules may, without license, transport,  
17 within or without the state, lobsters legally caught; pro-  
18 vided that said lobsters are received by said common car-  
19 riers at one of their regular established places of business  
20 upon land for receiving freight; and provided the recep-  
21 tacle containing said lobsters is plainly marked showing  
22 the contents to be lobsters, together with the full and cor-  
23 rect name and address of both consignor and consignee.  
24 Every person, firm or corporation who shall violate any  
25 of the provisions of this section, or aid in doing so, upon

26 conviction in any court of competent jurisdiction, as de-  
27 fined in section thirty-four, shall be fined twenty-five dol-  
28 lars for the first offense; for the second offense, fifty dol-  
29 lars, and for any subsequent offense, fifty dollars, and  
30 shall be sentenced to imprisonment for thirty days, in addi-  
31 tion to said fine, and no person, firm or corporation, con-  
32 victed of any violation of any law, relating to lobsters,  
33 shall, either by themselves, their servant or agents, be en-  
34 titled of right to license thereafter.'

Section twenty of chapter forty-five is hereby repealed  
2 and the following enacted and inserted in place thereof as  
3 section twenty of chapter forty-five.

'Sect. 20. If any person, firm or corporation, their servants  
2 or agents, licensed as provided in this chapter, shall be  
3 adjudged guilty of any violation of any law relating to  
4 lobsters, the director of sea and shore fisheries shall re-  
5 voke the license of such person, firm or corporation so  
6 adjudged guilty and upon such revocation all rights under  
7 the license so revoked shall cease, and no such person, firm  
8 or corporation so adjudged guilty shall be entitled of right  
9 to receive a license thereafter, and the license shall be  
10 suspended from the date of complaint or indictment until  
11 final determination by the court. The director of sea and  
12 shore fisheries in his discretion may, before conviction,  
13 revoke or suspend the license of any person, firm or cor-  
14 poration, whenever he has evidence that such person has  
15 violated any of the laws relating to lobsters. The fact of

16 settlement of penalty shall be evidence of the violation of  
17 laws relating to lobsters.'

Section twenty-two of chapter forty-five is hereby amended  
2 by striking out, in the seventh and eighth lines thereof  
3 the following words: "or within one year from the date  
4 a license was revoked or forfeited," so that said section  
5 twenty-two as amended shall read as follows:

'Sect. 22. Any license which has been revoked for the  
2 violation of any law of this state relating to the lobster  
3 industry, shall be void, and shall immediately be surren-  
4 dered to the officer who serves the warrant or indictment,  
5 or who secures the conviction of the offender. Said offi-  
6 cer shall forthwith forward said license to the commis-  
7 sioner of sea and shore fisheries, who shall cancel the same.  
8 Any license issued to any party through error or fraud,  
9 shall be void and shall be surrendered on demand of any  
10 officer authorized to enforce any law governing the lobster  
11 industry of this state, and any party who fraudulently ob-  
12 tains a license under sections seventeen to thirty-four, both  
13 inclusive, shall be fined one hundred dollars and imprison-  
14 ment sixty days in addition, for each offense.'

Section thirty of chapter forty-five is hereby repealed  
2 and the following enacted and inserted in place thereof as  
3 section thirty of chapter forty-five:

'Sect. 30. No person, firm or corporation by itself, its  
2 servants or agents, save common carriers as provided in  
3 section seventeen of this chapter, shall transport or cause

4 to be transported lobsters beyond the limits of this state,  
5 unless licensed and having given bond as herein provided.  
6 The owner or owners of any smack vessel or other means  
7 of transportation shall make written application for license  
8 to the director of sea and shore fisheries who is hereby  
9 authorized to grant licenses to purchase and transport lob-  
10 sters within and beyond the limits of this state. The appli-  
11 cation shall state the name of the smack, vessel or other  
12 means of transportation together with a description suffi-  
13 cient to identify it, the name and address of the owner or  
14 owners, the name and address of the master, the port of en-  
15 rollment and registry. The application shall further con-  
16 tain agreements by the applicant therein: to load the  
17 smack, vessel, or other means of transportation in the wat-  
18 ers over which this state has jurisdiction, and there only  
19 between sunrise and sunset, to allow without let or hin-  
20 drance, inspection and search of such smack, vessel or  
21 other means of transportation by the director of sea and  
22 shore fisheries or his wardens, to stop when underway and  
23 return to harbor on command of the director of sea and  
24 shore fisheries or his wardens, to return to the waters of  
25 the state when so ordered by the director of sea and shore  
26 fisheries or his wardens, to abide by all the laws of this  
27 state relating to lobsters. The application shall further  
28 contain an agreement that the full penal sum of the bond  
29 herein provided for shall be forfeited to the state on  
30 breach of any term in said application. The license issued

31 on said application shall state the terms on which the li-  
32 cense is issued and that it is issued in consideration of  
33 the agreements of the application. Before said license is  
34 issued, the applicant shall file with the director of sea and  
35 shore fisheries a bond with surety approved by the director  
36 of sea and shore fisheries in the penal sum of five thou-  
37 sand dollars (\$5000) condition that said sum shall be for-  
38 feited to the state upon breach of any agreement in the  
39 application and license. The fee for issuing said license  
40 shall be five dollars (\$5.00) and a record shall be kept of  
41 the same, similar to that provided for other licenses in sec-  
42 tion eighteen. In addition to the statement of the terms on  
43 which the license is issued, the license shall bear the date  
44 of taking effect and the termination thereof, which last  
45 named date shall be the last day of November next after  
46 it becomes effective. The license shall give no authority  
47 to purchase or transport in any smack, vessel or other  
48 means of transportation except that named in the license  
49 but the name of the smack, vessel or other means of trans-  
50 portation may be changed by the licensee upon application  
51 to said director within the license period without further  
52 charge. Conviction of the licensee of violation of any  
53 statute of Maine relating to lobsters or breach of any  
54 agreement of application and license shall render the li-  
55 cense void and make the full penal sum of the bond due  
56 to the State of Maine, and no licensee so convicted shall  
57 be entitled of right to license thereafter. The director of

58 sea and shore fisheries may revoke said license when he  
59 has evidence that such owner or owners have violated any  
60 of the provisions of the law relating to lobsters.

No person shall act as master or captain of any smack,  
2 vessel or other means of transportation engaged in trans-  
3 porting lobsters without the state unless licensed and hav-  
4 ing given bond as herein provided. The master or captain  
5 of any smack, vessel or other means of transportation shall  
6 make written application for license to the director of sea  
7 and shore fisheries, who is hereby authorized to grant li-  
8 censes to such captain or master to purchase and transport  
9 lobsters within and beyond the limits of this state. The  
10 application shall state the name of the smack, vessel or  
11 other means of transportation together with a description  
12 sufficient to identify it, the name and address of the owner  
13 or owners, the name and the address of the master or cap-  
14 tain, the port of enrollment or registry. The application  
15 shall further contain agreements by the applicant therein:  
16 to load the smack, vessel or other means of transportation  
17 in the waters under which this state has jurisdiction, and  
18 there only between sunrise and sunset, to allow without let  
19 or hindrance, inspection and search of such smack, vessel  
20 or other means of transportation by the director of sea and  
21 shore fisheries or his wardens, to stop when underway and  
22 return to harbor on command of the director of sea and  
23 shore fisheries or his wardens, to return to the waters of  
24 the state when so ordered by the director of sea and shore



25 fisheries or his wardens, to abide by all the laws of this  
26 state relating to lobsters. The application shall further  
27 contain an agreement that the full penal sum of the bond  
28 herein provided for shall be forfeited to the state on breach  
29 of any term in said application. The license issued on  
30 said application shall state the terms on which the license  
31 is issued and that it is issued on consideration of the agree-  
32 ments of the application. Before said license is issued, the  
33 applicant shall file with the director of sea and shore fish-  
34 eries a bond with surety approved by the director of sea  
35 and shore fisheries in the penal sum of five hundred dol-  
36 lars (\$500) conditioned that said sum shall be forfeited  
37 to the state upon breach of any agreement in the applica-  
38 tion and license. The fee for issuing said license shall be  
39 five dollars (\$5.00) and a record shall be kept of the same,  
40 similar to that provided for other licenses in section  
41 eighteen. In addition to the statement of the terms on  
42 which the license is issued, the license shall bear the date  
43 of taking effect and the termination thereof, which last  
44 named date shall be the last day of November next after it  
45 becomes effective. The license shall give no authority to  
46 purchase or transport in any smack, vessel or other means  
47 of transportation except that named in the license but the  
48 name of the smack, vessel or other means of transportation  
49 may be changed by the licensee upon application to said  
50 director within the license period without further charge.  
51 Conviction of the licensee of violation of any statute of

52 Maine relating to lobsters or breach of any agreement of  
53 application and license shall render the license void and  
54 make the full penal sum of the bond due to the State of  
55 Maine. And no licensee so convicted shall be entitled of  
56 right to license thereafter. The director of sea and shore  
57 fisheries may revoke said license when he has evidence  
58 that such master or captain have violated any of the pro-  
59 visions of the law relating to lobsters and no new license  
60 shall be issued for a period of one year to any party whose  
61 license has become void because of conviction or has been  
62 revoked by the director of sea and shore fisheries.

Section thirty-one of chapter forty-five is hereby amended  
2 by striking out the whole of said section and enacting and  
3 inserting therefor, the following:

'Sect. 31. Whoever, as master or owner, transports lob-  
2 sters without the state, not having obtained the license  
3 provided in the preceding section shall be punished by a  
4 fine of not less than fifty nor more than five hundred dol-  
5 lars, and both the owner and the master shall become in-  
6 debted to and pay to the state the sum of five thousand  
7 dollars (\$5,000), which sum shall be a lien upon said  
8 smack, vessel or other contrivance, the lien to be enforced  
9 in the name of the state by appropriate process.'

Section thirty-two of chapter forty-five is hereby amended  
2 by striking out the whole of said section and enacting and  
3 inserting therefor the following:

'Sect. 32. Any owner or master, licensed to transport lob-

2 sters without the state as provided in section thirty of this  
3 act, who shall either load said smack, vessel or other con-  
4 trivance between sunset and sunrise or hinder or obstruct  
5 the director of sea and shore fisheries or his wardens either  
6 directly or by refusal to stop and commit search, or vio-  
7 late any of the state laws relating to lobsters, shall be  
8 punished by a fine of not less than fifty nor more than  
9 five hundred dollars. And loading said smack, vessel or  
10 other contrivance outside the waters over which the state  
11 has jurisdiction or refusal to return to the jurisdictional  
12 waters of the state on the order of the director of sea and  
13 shore fisheries or his warden shall be deemed a violation  
14 of the terms of the bond provided in section thirty and  
15 evidence of violation of the laws of the state relating to  
16 lobsters.'

Section thirty-four of said chapter is hereby amended by  
2 striking out the following words in the third line thereof:  
3 "over all the offenses under the seventeen preceding sec-  
4 tions" and enacting and inserting in lieu thereof the fol-  
5 lowing: 'against the laws of the state relating to lobsters,'  
6 so that said section as amended shall read as follows:

'Sect. 34. The several municipal and police courts shall  
2 have concurrent jurisdiction with the Supreme Judicial  
3 Court and Superior Courts over all offenses against the  
4 laws of the state relating to lobsters and to the full extent  
5 of the penalties therein specified. In case any warrant is  
6 issued or indictment found against any licensee under sec-

7 tion thirty, and any officer qualified to serve said warrant  
8 or indictment shall certify to the court from which it is is-  
9 sued that he has made diligent search and has been unable  
10 to locate the respondent, the court shall cause a written  
11 notice to be sent to the respondent at the address given  
12 in the application for license setting forth the fact that  
13 said warrant or indictment has been issued against him  
14 and naming a time and place for hearing on the same, which  
15 shall not be less than fourteen nor more than thirty days  
16 from the date of mailing said notice; and the notice shall  
17 state that, in the event of his failure to appear, his bond  
18 given to the state shall be forfeited. If he appears, the  
19 court will proceed under the warrant or indictment as  
20 though he had been apprehended. In the event that he  
21 does not appear, the court shall order his bond forfeited;  
22 but the order of the court forfeiting said bond shall not  
23 otherwise affect the warrant or indictment. Any warrant  
24 issued by any such court shall cover offenses occurring  
25 in the county where said court is established or in any ad-  
26 joining county. Parties defendant, have the same right of  
27 appeal from the sentences of said inferior courts as is now  
28 provided by law in other criminal cases.'

Section thirty-five of chapter forty-five is hereby amended  
2 by striking out the words "than four and three-quarters  
3 inches" in the third line thereof and inserting in place  
4 thereof the words 'three and one-half' and by striking  
5 out the words "the end of the bone of the nose to the cen-

6 ter” in the fourth and fifth lines thereof and inserting in  
7 place thereof ‘from the eye socket to the nearest point,’ so  
8 that said section as amended shall read as follows:

‘Sect. 35. No person shall buy or sell, give away or ex-  
2 pose for sale or possess for any purpose any lobsters less  
3 than three and one-half inches in length alive or dead,  
4 cooked or uncooked, measured in manner as follows: Tak-  
5 ing the length of the back of the lobster measured from  
6 the eye socket to the nearest point of the rear end of the  
7 body shell; and any lobster shorter than the prescribed  
8 length when caught shall be immediately liberated alive at  
9 the risk and cost of the parties taking them, under a pen-  
10 alty of one dollar for each lobster so caught, bought, sold,  
11 given away or exposed for sale or in possession. The pos-  
12 session of mutilated lobsters, cooked or uncooked, shall be  
13 prima facie evidence that they are not of the required  
14 length. All lobsters, or parts of lobsters sold for use in  
15 this state or for export therefrom must be sold and deliv-  
16 ered in the shell, under a penalty of twenty dollars for  
17 each offense; and whoever ships, transports, carries away,  
18 buys, gives away, sells or exposes for sale, lobster meat  
19 after the same shall have been taken from the shell shall  
20 be liable to a penalty of one dollar for each pound of  
21 meat so shipped, transported, carried, bought, given away,  
22 sold or exposed for sale. Any person or corporation in  
23 the business of the common carrier of merchandise who  
24 shall knowingly carry or transport from place to place

25 lobster meat after the same shall have been taken from  
26 the shell shall be liable to a penalty of fifty dollars upon  
27 each conviction thereof. All lobsters so illegally shipped,  
28 transported, carried, bought, given away, sold or exposed  
29 for sale, shall be liable to seizure and may be confiscated.  
30 Nothing contained herein shall be held to prohibit the sale  
31 of lobster that has been legally canned.'

Section forty-four of chapter forty-five is hereby repealed.

Section ninety-two of chapter forty-five is hereby amend-  
2 ed by striking out the words "within their counties" in  
3 the second and third lines thereof and adding to said sec-  
4 tion the following: 'Any warrant issued by any such  
5 court shall cover offenses in the county where said court  
6 is established or any adjoining county,' so that said section  
7 as amended shall read as follows:

'Sect. 92. In all prosecutions under this chapter municipal  
2 and police judges and trial justices have by complaint orig-  
3 inal and concurrent jurisdiction with the supreme judicial  
4 and superior courts. Any warrant issued by such court  
5 shall cover offenses in the county where said court is estab-  
6 lished or any adjoining county.'