

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 257

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In Senate, March 26, 1919.

Majority report from Committee on Sea and Shore Fisheries  
and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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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 Per-  
sons 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 all of section seventeen after the words  
3 "in addition to said fine" and inserting in place of the  
4 clause stricken out the following: 'No person, firm or cor-  
5 poration convicted of any violation of any law relating to  
6 lobsters shall either by themselves, their servants or agents  
7 be entitled to a renewal of said license for the balance of

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

'Sect. 17. No person, firm or corporation, either by them-  
2 selves as principal or by their servants or agents, shall,  
3 at any time, catch, take, hold, buy, ship, transport, carry,  
4 give away, remove, sell or expose for sale, or have in his  
5 or its possession, except for the immediate consumption  
6 of 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 cause 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;  
15 except 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 defined  
27 in section thirty-four, shall be fined twenty-five dollars for  
28 the first offense; for the second offense, fifty dollars, and  
29 for any subsequent offense, fifty dollars, and shall be sen-  
30 tenced to imprisonment for thirty days, in addition to said  
31 fine. No person, firm, or corporation convicted of any vio-  
32 lation of any law relating to lobsters shall either by them-  
33 selves, their servants or agents be entitled to a renewal of  
34 said license for the balance of license year.'

Section twenty of chapter forty-five is hereby repealed  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

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

15 such person has violated any of the laws relating to lob-  
16 sters.'

Section twenty-two of chapter forty-five is hereby amend-  
2 ed by striking out, in the seventh and eighth lines thereof  
3 the following words: "or within one year from the date a  
4 license was revoked or forfeited", so that said section twen-  
5 ty-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 officer  
6 shall forthwith forward said license to the commissioner  
7 of sea and shore fisheries, who shall cancel the same. Any  
8 license issued to any party through error or fraud, shall  
9 be void and shall be surrendered on demand of any officer  
10 authorized to enforce any law governing the lobster in-  
11 dustry in 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 and  
2 the following enacted and inserted in place thereof as sec-  
3 tion 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 ap-  
11 plication 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  
15 enrollment and registry. The application shall further  
16 contain agreements by the applicant therein; to load the  
17 smack, vessel, or other means of transportation in the  
18 waters over which this state has jurisdiction, and there  
19 only between sunrise and sunset, to allow without let or  
20 hindrance, 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 breach

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

57 right to license during the remainder of license year. The  
58 director of sea and shore fisheries may revoke said license  
59 when he has evidence that such owner or owners have vio-  
60 lated any 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  
8 licenses to such captain or master to purchase and trans-  
9 port lobsters within and beyond the limits of this state.  
10 The application shall state the name of the smack, vessel  
11 or other means of transportation together with a descrip-  
12 tion sufficient to identify it, the name and address of the  
13 owner or owners, the name and the address of the master  
14 or captain, the port of enrollment or registry. The ap-  
15 plication shall further contain agreements by the applicant  
16 therein: to load the smack, vessel or other means of trans-  
17 portation in the waters under which this state has juris-  
18 diction, and there only between sunrise and sunset, to allow  
19 without let or hindrance, inspection and search of such  
20 smack, vessel or other means of transportation by the di-  
21 rector of sea and shore fisheries or his wardens, to stop  
22 when underway and return to harbor on command of the  
23 director of sea and shore fisheries or his wardens, to re-



24 turn to the waters of the state when so ordered by the  
25 director of sea and shore fisheries or his wardens, to abide  
26 by all the laws of this state relating to lobsters. The ap-  
27 plication shall further contain an agreement that the full  
28 penal sum of the bond herein provided for shall be for-  
29 feited to the state on breach of any term in said applica-  
30 tion. The license issued on said application shall state the  
31 terms on which the license is issued and that it is issued  
32 on consideration of the agreements of the application. Be-  
33 fore said license is issued, the applicant shall file with the  
34 director of sea and shore fisheries a bond with surety ap-  
35 proved by the director of sea and shore fisheries in the  
36 penal sum of five hundred dollars (\$500) conditioned that  
37 said sum shall be forfeited to the state upon breach of any  
38 agreement in the application and license. The fee for is-  
39 suing said license shall be five dollars (\$5.00) and a record  
40 shall be kept of the same, similar to that provided for other  
41 licenses in section eighteen. In addition to the statement  
42 of the terms on which the license is issued, the license shall  
43 bear the date of taking effect and the termination thereof,  
44 which last named date shall be the last day of November  
45 next after it becomes effective. The license shall give no  
46 authority to purchase or transport in any smack, vessel  
47 or other means of transportation except that named in the  
48 license but the name of the smack, vessel or other means  
49 of transportation may be changed by the licensee upon

50 application to said director within the license period with-  
51 out further charge. Conviction of the licensee of viola-  
52 tion of any statute of Maine relating to lobsters or breach  
53 of any agreement of application and license shall render  
54 the license void and make the full penal sum of the bond  
55 due to the state of Maine. And no licensee so convicted  
56 shall be entitled of right to license during the remainder  
57 of license year. The director of sea and shore fisheries  
58 may revoke said license when he has evidence that such  
59 master or captain has violated any of the provisions of  
60 the law relating to lobsters and no new license shall be  
61 issued for a period of one year to any party whose license  
62 has become void because of conviction or has been revoked  
63 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 in place 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 (\$5000), which sum shall be a lien upon said smack,  
8 vessel or other contrivance, the lien to be enforced in the  
9 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  
2 lobsters without the state as provided in section thirty of  
3 this act, who shall either load said smack, vessel or other  
4 contrivance between sunset and sunrise or hinder or ob-  
5 struct the director of sea and shore fisheries or his war-  
6 dens either directly or by refusal to stop and commit search,  
7 or violate any of the state laws relating to lobsters, shall  
8 be 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 and also by inserting after the words “any adjoining coun-  
7 ty” the following: ‘but no party shall be tried in an ad-

8 poining county unless the court in such adjoining county  
9 is nearer the place where the crime was committed than  
10 the court of the county where the offense is alleged to have  
11 been committed,' so that said section as amended shall read  
12 as follows :

'Sect. 34. The several municipal and police courts shall  
2 have concurrent jurisdiction with the supreme judicial court  
3 and superior courts over all offenses against the laws of  
4 the state relating to lobsters and to the full extent of the  
5 penalties therein specified. In case any warrant is issued  
6 or indictment found against any licensee under section  
7 thirty, and any officer qualified to serve said warrant or  
8 indictment shall certify to the court from which it is issued  
9 that he has made diligent search and has been unable to  
10 locate the respondent, the court shall cause a written notice  
11 to be sent to the respondent at the address given in the  
12 application for license setting forth the fact that said war-  
13 rant or indictment has been issued against him and nam-  
14 ing a time and place for hearing on the same, which shall  
15 not be less than fourteen nor more than thirty days from  
16 the date of mailing said notice; and the notice shall state  
17 that, in the event of his failure to appear, his bond given  
18 to the state shall be forfeited. If he appears, the court  
19 will proceed under the warrant or indictment as though  
20 he had been apprehended. In the event that he does not  
21 appear, the court shall order his bond forfeited; but the  
22 order of the court forfeiting said bond shall not otherwise

23 affect the warrant or indictment. Any warrant issued by  
24 any such court shall cover offenses occurring in the county  
25 where said court is established or in any adjoining county,  
26 but no party shall be tried in an adjoining county, unless  
27 the court in such adjoining county is nearer the place where  
28 the crime was committed than the court of the county  
29 where the offense is alleged to have been committed. Par-  
30 ties defendant have the same right of appeal from the sen-  
31 tences of said inferior courts as is now provided by law  
32 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 there-  
4 of the words 'three and one-half' and by striking out the  
5 words "the end of the bone of the nose to the center" in  
6 the fourth and fifth lines thereof and inserting in place  
7 thereof 'from the eye socket to the nearest point,' so that  
8 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  
9 at the risk and cost of the parties taking them, under a

10 penalty of one dollar for each lobster so caught, bought,  
11 sold, given away or exposed for sale or in possession. The  
12 possession of mutilated lobsters, cooked or uncooked, shall  
13 be 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 or delivered  
16 in the shell, under a penalty of twenty dollars for each  
17 offense; and whoever ships, transports, carries away, buys,  
18 gives away, sells or exposes for sale, lobster meat after  
19 the same shall have been taken from the shell shall be liable  
20 to a penalty of one dollar for each pound of meat so shipped,  
21 transported, carried, bought, given away, sold or exposed  
22 for sale. Any person or corporation in the business of  
23 the common carrier of merchandise who shall knowingly  
24 carry or transport from place to place lobster meat after  
25 the same shall have been taken from the shell shall be  
26 liable to a penalty of fifty dollars upon each conviction  
27 thereof. All lobsters so illegally shipped, transported, car-  
28 ried, bought, given away, sold or exposed for sale shall be  
29 liable to seizure and may be confiscated. Nothing con-  
30 tained herein shall be held to prohibit the sale of lobster  
31 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 court  
5 shall cover offenses in the county where said court is es-  
6 tablished or any adjoining county, but no party shall be  
7 tried in an adjoining county, unless the court in such ad-  
8 joining county is nearer the place where the crime was  
9 committed than the court of the county where the offense  
10 is alleged to have been committed,' so that said section as  
11 amended shall read as follows:

'Sect. 92. In all prosecutions under this chapter municipi-  
2 pal and police judges and trial justices have by complaint  
3 original and concurrent jurisdiction with the supreme ju-  
4 dicial and superior courts. Any warrant issued by such  
5 court shall cover offenses in the county where said court  
6 is established or any adjoining county, but no party shall  
7 be tried in an adjoining county, unless the court in such  
8 adjoining county is nearer the place where the crime was  
9 committed than the court of the county where the offense  
10 is alleged to have been committed.'