

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

June 7, 1933

H. D. Crie, Director
Sea and Shore Fisheries
Rockland, Maine

Dear Mr. Crie:

With reference to your inquiry regarding the canners of clams engaged in shipping and transporting clams in interstate trade, and especially as to whether or not they must obtain a license, I have to inform you that Chapter 208 of the Public Laws of 1933 is not sufficiently clear to enable one to give a definite opinion. The Act provides that,--

"No person, firm or corporation who is engaged in shipping and transporting clams in interstate trade, either by themselves as principals, or by their servants or agents, shall buy or sell or transport or ship clams whether shucked or in the shell without first obtaining a license from the commissioner of sea and shore fisheries."

You will notice that the Act does not make any exemption in favor of packages of clams except in Section 7 which provides that,-

"All packages used in the shipment and transportation of clams from a place within the state to a place without the state shall bear a label which in plain and distinct letters and figures shall state the name and license number of the consignor and the name of the consignee, the word "clams", the date of shipment, and the name of the town in which the clams were dug. This provision shall not apply in any way to clams in hermetically sealed packages."

It might be claimed that if the legislature in the enactment of Section 1 of the Act, intended to exempt the canners from being licensed they would have made a similar exemption as is contained in Section 7. It seems to me that a technical construction of Section 1 would render it necessary for the canner to secure a license, although the matter is not free from doubt.

Very truly yours,

Deputy Attorney General

SLF H