

# MAINE STATE LEGISLATURE

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April 14, 1938

Mr. Orland H. Blake  
Chairman Board of Selectmen  
Yarmouth, Maine

Dear Mr. Blake:

I have your letter of April 12, about the taking of clams and worms in your town.

The original act in regard to these clams was passed by the Legislature of 1921, as Chapter 115 of the Private and Special Laws. It was enacted as a rule and regulation by the Commissioner of sea and shore fisheries and appears as Rule and Regulation Number 24, in his latest book of Rules. In 1927 the legislature passed Chapter 24 of the Resolves of that year, directing the commissioner to repeal Rule and Regulation Number 24, as authorized by Chapter 115 of the Private and Special Laws of 1921, and directed him to issue a new rule and regulation.

I assume you have a copy of the Laws of 1927 in your selectmen's office and can find this quoted on Page 585. If, however, the commissioner has not repealed the old regulation and issued a new one in accordance with Chapter 24, Resolves of 1927, any action you might take in regard to the taking of clam worms, bloodworms, mussels or quahaugs would not be authorized by the former legislation. Apparently under the new regulation, if it is in force, the towns may act separately.

I will say that the charge of \$1 which you have made for licenses would not be considered excessive.

If, for any reason, you do not have a copy of this new Rule and Regulation I will send you one.

I am sending a copy of this letter to Mr. Greenleaf, and it would be well for you to talk with him and see if the new Rule and Regulation has been properly issued by him.

Very truly yours,

Franz U. Burkett  
Attorney General