

# MAINE STATE LEGISLATURE

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December 20, 1947

To Richard E. Reed, Commissioner of Sea and Shore Fisheries  
Re: Transportation of Lobsters under Sections 115-116, Ch. 34, R. S. 194

The question, as I understand it, is whether a person licensed under Section 115 is required to have a transportation license as provided for in Section 116 before he may lawfully transport lobsters into another State.

It is my opinion that Sections 115 and 116 create two separate and distinct classes of licenses, the former with respect to catching lobsters, etc., and the latter with respect to transporting the same in interstate commerce.

This distinction even existed under the old law. For example, former Section 116 required a person to have a license to catch, transport, etc., or to possess lobsters, except for immediate consumption by himself and family, with the further exception that common carriers could, without license, transport lobsters in interstate commerce in the regular course of business, and also with the further exception that any person regularly engaged in lobstering could market said lobsters without additional license.

Now this section, as it formerly existed, did not permit interstate transportation by any person, though it did give a lobsterman the right to market such lobsters without any additional license, but, as I see it, within the State of Maine only. I take this position because Section 119 of the same law clearly provided for another and different type of license, to wit: to transport lobsters beyond the limits of the State.

In view of the distinction existing under the old law and the fact that it has been carried over into the new law, it would appear to me that a licensee under Section 115 would be required to obtain an additional license in order to transport lobsters over the State line.

If the legislature intended to except such a license, it would have expressed it in clear and unambiguous language.

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Assistant Attorney General

Approved: A. Breitbard  
Deputy Attorney General