

MAINE STATE LEGISLATURE

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February 4, 1966

Ronald W. Green, Commissioner

Sea and Shore Fisheries

Leon V. Walker, Jr., Assistant

Attorney General

R. S. 1964, T. 12, § 4301-A to 4301-C

You have asked the following questions concerning the above laws, which became effective January 1, 1966.

1. May a supplemental marine worm dealer's license be issued to a non-resident?

ANSWER:

No. Section 4301-B requires that an applicant for a marine worm dealer's license must have been a resident for at least 12 months. Partnership and corporate licenses are valid for only one person therein named. The reason for the supplemental license is so that more than one partner or corporate member may also hold a license. The law provides that each partner or corporate member must have been a resident for 12 months.

2. May the holder of a marine worm digger's license sell more than 125 worms to a person at retail in any one day?

ANSWER:

No. Section 4301-A, subsection 3, provides that the sale of more than 125 worms to any one person in any one day is prima facie evidence of a wholesale sale. Subsection 2 provides that a digger may sell at wholesale any amount of worms he has dug to the holder of a dealer's license, but to no other person.

3. Would a person who rents smelt houses and furnishes marine worms for bait have to hold a marine worm dealer's license, assuming that the bait furnished in the smelt houses was a part of the rent?

ANSWER:

Yes. The furnishing of worms as a part of the rent should be considered a sale of such worms as are used.

4. May a smelt fisherman buy and possess more than 125 worms in any one day?

ANSWER:

Re. Section 4301-A, subsection 5, provides that it is unlawful for any person, except the holder of a digger's or dealer's license, to possess more than 125 worms in any one day.

In your supplemental memo of January 20, you ask the following question:

If the holder of a dealer's license distributes more than 125 worms to a person to sell on a commission basis, must the latter be the holder of a \$25 dealer's license, or would he be eligible for a supplemental dealer's license? You assume that the latter is not an employee of the dealer.

ANSWER:

Section 4301-B, subsection 3-A, contemplates the issuance of supplemental licenses only to employees of the holder of a dealer's license, or to a co-partner of a holder, or to a corporate officer of a corporate holder. Since in your question you state that the person is none of these, he would be violating the provisions of section 4301-A, subsection 5, unless he held a regular dealer's license.

Leon V. Walker, Jr.
Assistant Attorney General

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