

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 267

S. P. 100

In Senate, January 19, 1965

Referred to Committee on Sea and Shore Fisheries. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Jutras of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Correct Errors and Inconsistencies in the Sea and Shore Fisheries Laws.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 12, § 3452, sub-§ 2, ¶ A, additional. Subsection 2 of section 3452 of Title 12 of the Revised Statutes is amended by adding a new paragraph A to read as follows:

'A. The commissioner may set forth detailed conditions in writing, governing the taking of such shellfish, which he may change from time to time.'

Sec. 2. R. S., T. 12, § 3751, sub-§ 2, amended. Subsection 2 of section 3751 of Title 12 of the Revised Statutes is amended to read as follows:

2. Licenses and permits issued through error are void; unlawful to make misrepresentation on application. Any license or permit issued through error, misrepresentation or misstatement is void, and the holder shall surrender it on demand of the commissioner.

A. If the commissioner doubts the truth of any fact alleged on any application for any license or permit at any time after the particular license or permit has been issued, he may summons the holder to appear at a time and place set forth in the summons and give evidence concerning the particular fact or facts questioned. The time for the hearing may not be sooner than 10 days after the summons is mailed. The commissioner shall send the summons by certified or registered mail to the address set forth in the particular license or permit application.

(1) The commissioner may continue the hearing from time to time.

(2) If the applicant fails to appear at the hearing or fails to produce satisfactory evidence of the particular fact involved, the commissioner shall revoke his license or permit forthwith.

A. B. It is unlawful for any person to willfully make a misstatement or misrepresentation on any application for any license or permit.'

Sec. 3. R. S., T. 12, § 4204, sub-§ 1, ¶ B, amended. Paragraph B of subsection 1 of section 4204 of Title 12 of the Revised Statutes is amended to read as follows:

'B. The length of the head rope may not be greater than 50 feet measured from wing tip to wing tip along the ~~bottom~~ top of the wings and bosom;'

Sec. 4. R. S., T. 12, § 4252, amended. The first sentence of section 4252 of Title 12 of the Revised Statutes is amended to read as follows:

'Any municipality which has raised or appropriated money within 2 years next prior to acting under this section for a shellfish conservation program approved by the commissioner as authorized under section 4251 may enact a municipal ordinance fixing the time when clams, quahogs and mussels may be taken from any or all of the coastal waters and flats within the municipality, **except for those areas closed by regulation of the commissioner under section 3503 or section 3504.**'

Sec. 5. R. S., T. 12, § 4252, amended. Section 4252 of Title 12 of the Revised Statutes is amended by adding after the first sentence a new sentence to read as follows:

'The ordinance must have the written approval of the commissioner before adoption and that approval must be filed with the municipal clerk prior to adoption.'

Sec. 6. R. S., T. 12, § 4252, sub-§ 4, additional. Section 4252 of Title 12 of the Revised Statutes is amended by adding a new subsection 4 to read as follows:

'4. Municipality defined. For the purposes of this section and section 4251, municipality includes a village corporation.'