

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 370

H. P. 288

House of Representatives, January 20, 1965

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

JEROME G. PLANTE, Clerk

Presented by Mr. Lowery of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Marine Worm Licenses, Marine Worm Research and
Establishment of the Marine Worm Fund.

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

Sec. 1. R. S., T. 12, §§ 4301-A to 4301-C, additional. Title 12 of the Revised Statutes is amended by adding 3 new sections 4301-A to 4301-C, to read as follows:

‘Sec. 4301-A. Marine worm diggers license required. It is unlawful for any person to dig or take any marine worms from the flats, shores or coastal waters of the State without having a current written license therefor as provided in this section.

1. **Exception.** Any person may dig or take marine worms without having a current license, provided he does not dig, take or have in his possession more than 125 marine worms in any one day.

2. **License, designation; general scope.** The license designated as a marine worm digger’s license, entitles the holder to dig or take from the shores, flats or waters of the State any amount of marine worms where it is otherwise lawful to do so. He may transport and sell at retail within the State any amount of the worms he has so dug or taken. He may not buy or take marine worms from any other person, unless he also holds a current marine worm dealer’s license provided in section 4301-B. He may sell at wholesale any amount of marine worms he has dug or taken from the shores, flats or waters of the State to the holder of a current marine worm dealer’s license, but to no other person.

3. **Prima facie evidence.** The sale of more than 125 marine worms to any one person in any one day is prima facie evidence of a wholesale sale.

4. Residence requirement; fee. A person who has been a resident of this State for 6 months or more next prior to the date of his application may make application to the commissioner for a marine worm digger's license.

A. The fee for the license is \$10 which the applicant shall submit with his application.

5. Possession unlawful. It is unlawful for any person, except the holder of a current marine worm digger's license or the holder of a current marine worm dealer's license provided in section 4301-B, to possess more than 125 marine worms in any one day.

6. General licensing provisions apply. The general licensing provisions of section 3751 apply to a marine worm digger's license.

7. Penalty. The penalties provided in section 4301-B apply to any violation of this section.

Sec. 4301-B. Marine worm dealer's license. It is unlawful for any person, firm or corporation to buy, sell, transport or ship marine worms without having a current written license from the commissioner as provided in this section.

1. Exception for marine worm digger's licensees. The holder of a current marine worm digger's license provided in Section 4301-A may transport within the State the worms he has dug or taken from the flats, shores and waters of the State. He may sell at retail any amount of the worms he has so taken or dug and he may sell at wholesale any amount of the worms he has so taken or dug to the holder of a current marine worm dealer's license.

2. License designation; scope. The license, designated as a marine worm dealer's license, entitles the holder to buy, sell, possess, transport and ship any amount of marine worm.

3. Residence requirement; supplemental licenses; fees. Any person who has been a resident of the State of Maine for at least 12 months next prior to the date of application may make application to the commissioner for a marine worm dealer's license. A partnership may also make application for such a license, provided all members of the partnership have been residents of the State of Maine for at least 12 months next prior to the date of application. A corporation created and existing under the laws of this State may likewise make application for such a license, provided all the corporate officers and its manager have been residents of this State for at least 12 months next prior to the date of application.

A. Partnership and corporate licenses are valid only for the one person therein named, but the holder or applicant for the license may apply for and be issued as many supplemental licenses as he desires, each one being valid for the one particular person therein named, provided that the person so named is an employee of the holder or applicant, or is a co-partner of the partnership holder or applicant, or is a corporate officer of a corporate holder or applicant.

(1) When any person so named on a supplemental license ceases to be an employee, co-partner or corporate officer of the holder, that particular sup-

plemental license becomes void and shall be surrendered on demand of the commissioner. The holder of the license shall immediately notify the commissioner in writing of any change in status of any person named in any of his supplemental licenses.

B. The fee for a marine worm dealer's license is \$25, which shall be submitted with the application. The fee for each supplemental license is \$1, which must also accompany the application.

4. General licensing provisions apply. Section 3751 applies to a marine worm dealer's license.

5. Penalty. Whoever violates any provision of this section or section 4301-A shall be punished by a fine of not less than \$20 nor more than \$300, or by imprisonment for not more than 90 days, or by both.

Sec. 4301-C. Marine worm fund. All license fees received from licenses issued under sections 4301-A and 4301-B are allocated to the Marine Worm Fund established by this section.

1. Purpose for which fund may be used. The commissioner may expend any and all of the money in the fund from time to time for research related to marine worms or the marine worm industry or for the restoration, development or conservation of marine worms and the marine worm industry, including but not limited to the construction and maintenance of permanent or temporary facilities for any such purposes. He may also seek and expend any federal matching funds which may be available for any such purposes.

2. Fund does not lapse. The fund does not lapse and fees collected or allocated in any year may be used in that year or any other year.'

Sec. 2. R. S., T. 12, § 4301, amended. Section 4301 of Title 12 of the Revised Statutes is amended to read as follows:

'Sec. 4301. Commercial license required. It is unlawful for any person to dig or take any clams, quahogs, oysters or mussels or ~~marine worms~~ from the flats, shores or coastal waters of the State without having a current written license from the commissioner as provided in this section.

1. Exception for home consumption. Any person may dig or take clams, quahogs, oysters or mussels for consumption by himself or by the members of his family without having a license as provided in this section, provided that the total amount of each species of shellfish dug, taken or possessed in any one day does not exceed $\frac{1}{2}$ bushel.

2. ~~Exception for marine worms. Any person may take marine worms without having a license as provided in this section, provided that he does not dig, take or possess more than 30 in any one day.~~

3. Exception for bait purposes. The holder of a commercial fishing license or a lobster and crab fishing license may take any species of shellfish for bait purposes only, without having the license provided in this section.

4. License designation; general scope. The license, designated as a commer-

cial shellfish ~~and marine worm~~ license, entitles the holder to dig or take any amount of clams, quahogs, mussels or oysters, when and where it is otherwise lawful to do so, to transport and sell the same within the State ~~and to dig, take, buy, transport and sell any number of marine worms.~~

5. Resident requirement; fee. A person who has been a resident of the State of Maine for 6 months or more, next prior to the date of his application, may make application to the commissioner for a commercial shellfish ~~and marine worm~~ license on forms provided by the commissioner.

A. The fee for the license is \$3 which the applicant shall submit with his application.

6. Unlawful possession. It is unlawful for any person, except the holder of a current commercial shellfish ~~and marine worm~~ license, to possess more than $\frac{1}{2}$ bushel of clam, quahogs, oysters or mussels in any one day ~~or to so possess more than 30 marine worms in any one day.~~

A. This subsection does not apply to the possession of shellfish for bait purposes as provided in subsection 3.

B. This subsection does not apply to the holder of a current retail seafood dealer's license authorized under section 4303, nor to the holder of a current wholesale seafood dealer's and processor's license, authorized under section 4302.

7. Licensee's authority to take shellfish. The holder of a current commercial shellfish ~~and marine worm~~ license may dig or take shellfish ~~marine worms, clamworms, bloodworms or sandworms~~ in any of the tidal waters or flats of the State, except in those areas which are closed to the digging or taking of the same by regulation passed under sections 3503 or 3504, and except in those areas under municipal shellfish cultivation authorized in section 4304. The holder may not dig or take any shellfish contrary to any ordinance in full force and effect which was passed pursuant to the authority provided in section 4252 and amendments thereto.

A. ~~The holder of a current commercial shellfish and marine worm license may buy or sell any of the above described worms.~~

8. General licensing provisions apply. Section 3751 applies to commercial shellfish ~~and marine worm~~ licenses.