

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 350

H. P. 242

House of Representatives, January 25, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Maddox of Vinalhaven.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

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

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

Sec. 1. R. S., T. 12, § 3403, amended. The first paragraph of section 3403 of Title 12 of the Revised Statutes is amended to read as follows:

All general laws of this State fixing or regulating minimum and maximum sizes of fish, shellfish or lobsters, or regulating or prohibiting the sale, transportation or possession of fish, shellfish or lobsters, respectively, apply whether the same are taken from the waters of the State of Maine, or the waters of any other state, country or territory or **international waters** and brought into the State, except as provided in this section.

Sec. 2. R. S., T. 12, § 3451, sub-§ 1, amended. Subsection 1 of section 3451 of Title 12 of the Revised Statutes is amended to read as follows:

1. Purposes of department. The department, as heretofore established, is for the purpose of conserving marine life, **for the purpose of scientific research, promotion and development of the Maine coastal fishery industry** and for the purpose of implementing, administering and enforcing the laws of this State relating to sea and shore fisheries.

Sec. 3. R. S., T. 12, § 4002, amended. The first paragraph of section 4002 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful for any person to fish for or take scallops from the coastal waters of the State ~~from between~~ the 15th day of April ~~until~~ **and** the 31st day of the following October, **inclusive**, of each year, except as provided in this section:

Sec. 4. R. S., T. 12, § 4204, sub-§ 1, ¶ A, sub-¶ (1), additional. Paragraph A of subsection 1 of section 4204 of Title 12 of the Revised Statutes is amended by adding a new subparagraph (1), to read as follows:

(1) When the foot rope is attached to a chain or cable the maximum permitted length is determined by measuring the foot rope from the wing tip to the point where it is attached to the chain or cable, by measuring the cable or chain from that point to the other side where the foot rope leaves the chain or cable, and by measuring the foot rope from the latter point to the other wing tip. The total distance of all such measurements may not exceed 70 feet.

Sec. 5. R. S., T. 12, § 4204, sub-§ 2, amended. The first paragraph of subsection 2 of section 4204 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful to fish with or use an otter trawl or any other trawl within the above area, unless the ~~operator of the boat has a current permit from the commissioner~~ boat operating or using said trawl is covered by a current valid permit from the commissioner as provided in this subsection.

Sec. 6. R. S., T. 12, § 4204, sub-§ 2, ¶¶ D and E amended. Paragraphs D and E of subsection 2 of section 4204 of Title 12 of the Revised Statutes are amended to read as follows:

D. The permit shall be valid concurrently with the resident or nonresident commercial fishing license. ~~The permit covers only the particular boat and trawl described in the permit.~~

E. Such permit shall be carried on the boat when the boat is used for trawl fishing in said area. Failure to produce the permit when requested by a coastal warden in uniform is prima facie evidence that the ~~operator of the boat does not hold a current permit as provided by this section~~ boat operating or using said trawl is not covered by a current valid permit from the commissioner as provided by this subsection.

Sec. 7. R. S., T. 12, § 4205, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 4205 of Title 12 of the Revised Statutes is amended to read as follows:

A. For the purposes of this section register length shall be as set forth on said vessel's operating document or marine license issued in conformity to ~~Title 12, "Regulation of Vessels in Domestic Commerce," of the Revised Statutes~~ Title 46, sections 251 to 336, inclusive, of the United States of America Code.

Sec. 8. R. S., T. 12, § 4301-B, sub-§ 1, amended. Subsection 1 of section 4301-B of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

1. Exception for marine worm digger's licensees and common carriers. 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.

The transportation provisions of this section do not apply to a common carrier engaged in carrying freight on a fixed schedule within or without the State.

Sec. 9. R. S., T. 12, § 4353, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 4353 of Title 12 of the Revised Statutes is amended to read as follows:

A. The name of the consignor, the number of the shellfish certificates under which they are being shipped, or the number of the ~~shellfish~~ interstate **shellfish** transportation licenses under which they are being transported, the number of the certificates under which they were packed, and, if the shellfish have been removed from the shell, the number of the shellfish certificates under which they were shucked;

Sec. 10. R. S., T. 12, § 4401, sub-§ 4, amended. The first paragraph of subsection 4 of section 4401 of Title 12 of the Revised Statutes is amended to read as follows:

The commissioner shall cause the female lobsters ~~bearing eggs~~ to be liberated in the coastal waters of the State, as the commissioner may deem for the best interests of the State.

Sec. 11. R. S., T. 12, § 4401, sub-§ 4, ¶ A, amended. Paragraph A of subsection 4 of section 4401 of Title 12 of the Revised Statutes is amended to read as follows:

A. The commissioner shall cause such ~~egg bearing~~ lobsters, before being liberated, to be marked by cutting a V-notch in the middle flipper of their tails.