

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 193

S. P. 71

In Senate, January 16, 1969

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

JERROLD B. SPEERS, Secretary

Presented by Senator Hanson of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

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

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

Sec. 1. R. S., T. 12, § 4301-B, amended. The first paragraph of section 4301-B of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 59 of the public laws of 1965, is amended to read as follows:

It is unlawful for any person, firm or corporation, to buy, sell, **take**, transport or ship marine worms without having a current written license from the commissioner as provided in this section.

Sec. 2. R. S., T. 12, § 4301-B, sub-§§ 1 and 2, amended. Subsections 1 and 2 of section 4301-B of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 59 of the public laws of 1965 and as amended by section 8 of chapter 337 of the public laws of 1967, are further amended to read as follows:

1. Exception for marine worm digger's licensees, certain consumers 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.

Any person may buy or take marine worms without having a current license as provided in this section, provided he does not take or buy, more than 125 marine worms in any one day, and takes or buys them for his own personal use.

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

Sec. 3. R. S., T. 12, § 4353, sub-§ 3, additional. Section 4353 of Title 12 of the Revised Statutes, as amended, is further amended by adding a new subsection 3, to read as follows:

3. **Unlawful to mislabel containers.** It is unlawful for any person, firm or corporation to label any container required to be labeled under this section with any false or incorrect information, or to cause the same to be done.

Sec. 4. R. S., T. 12, § 4451, sub-§§ 1 and 2, amended. Subsections 1 and 2 of section 4451 of Title 12 of the Revised Statutes, as amended, are further amended to read as follows:

1. **Short lobsters illegal; method of measurement; penalty.** It is unlawful for any person to buy, sell, expose for sale, give away, transport, **ship** or have in possession any lobster, alive or dead, cooked or uncooked, which is less than 3 3/16 inches in length as determined by the state double gauge lobster measure by measuring from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell.

A. And whoever does so shall be punished by a fine of \$10 and in addition by a fine of \$5 for each such lobster involved, up to and including the first 5, and by a fine of \$25 for each such lobster in excess of 5, or by imprisonment for not more than 90 days, or by both.

2. **Long lobsters illegal; method of measurement; penalty.** It is unlawful for any person to buy, sell, expose for sale, give away, transport, **ship** or possess any lobster, alive or dead, cooked or uncooked, which is more than 5 inches in length as determined by the state double gauge lobster measure by measuring from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell.

A. And whoever does so shall be punished by a fine of \$10 and in addition by a fine of \$25 for each such lobster involved, or by imprisonment for not more than 90 days, or by both.

Sec. 5. R. S., T. 12, § 4456, repealed. Section 4456 of Title 12 of the Revised Statutes is repealed.

Sec. 6. R. S., T. 12, § 4551, sub-§ 2, ¶¶ A and C, amended. Paragraphs A and C of subsection 2 of section 4551 of Title 12 of the Revised Statutes, as repealed and replaced by section 8 of chapter 431 of the public laws of 1965, are amended to read as follows:

A. To fail or refuse to stop **immediately** upon request or signal of any coastal warden **in uniform**;

C. To fail or refuse to stand by **immediately** for inspection on request of coastal warden in uniform;

Sec. 7. R. S., T. 12, § 4307, sub-§ 3, amended. Subsection 3 of section 4307 of Title 12 of the Revised Statutes is amended to read as follows:

3. **Contents of permit.** The permit must bear a number and designate by local name the areas from which clams, quahogs, **oysters** and mussels may be taken under the permit. It must bear the names of all persons who will dig the shellfish that are to be shucked.

Sec. 8. R. S., T. 12, § 4204, sub-§ 1, ¶ A, sub-¶ (1), amended. Subparagraph (1) of paragraph A of subsection 1 of section 4204 of Title 12 of the Revised Statutes, as enacted by section 4 of chapter 337 of the public laws of 1967, is amended to read as follows:

(1) When the foot rope is attached to a ~~chain~~ **roller wire** 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~~ **roller wire** or cable, by measuring the cable or ~~chain~~ **roller wire** from that point to the other side where the foot rope leaves the ~~chain~~ **roller wire** 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. 9. R. S., T. 12, § 3503, sub-§ 7, additional. Section 3503 of Title 12 of the Revised Statutes is amended by adding a new subsection 7, to read as follows:

7. **Unlawful to wash or keep shellfish in waters of closed areas.** It is unlawful to wash, hold or keep any shellfish in any coastal waters which are closed under this section, or in any water taken in whole or in part from coastal waters which are closed under this section.