

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 112

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*House of Representatives, Feb. 3, 1911.*

*Reported by Mr. Hastings from Committee on Shore Fisheries and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ELEVEN.

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AN ACT to provide for a close time on Scallops.

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Whereas, there is at the present time no general law providing a close time on scallops, and the beds are becoming seriously depleted to the point of absolute destruction; and as the next spawning season commences before a general law without an emergency clause can take effect; further, that about 300 families are dependent on this industry for their regular employment and livelihood, who will suffer deprivation and distress if this industry is destroyed; an emergency therefore exists, within the meaning of section 16, part 3rd, article 4, of the Constitution of Maine as amended, and the passage of a general close time law is immediately necessary for the preservation of the public peace, health, and safety; therefore,

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

Section 1. No person shall catch, buy or sell, expose for  
2 sale, give away or have in his possession for any purpose  
3 any scallops, shelled or in the shell, between the 15th day  
4 of April and the 1st day of November of each year.

Sect. 2. Any person violating the provisions of the fore-  
2 going section shall be liable to a penalty of fifty dollars and  
3 in addition shall pay a penalty of five dollars for each and  
4 every gallon or part thereof of shelled scallops, so bought,  
5 sold, exposed for sale, given away or in his possession; and  
6 shall pay a penalty of five dollars for each 100 scallops or  
7 any part thereof, in the shell, so bought, sold, exposed for  
8 sale, given away or in his possession; and any boat with its  
9 equipment, engaged and used in such unlawful catching or  
10 selling of scallops may be seized and detained by an officer  
11 or warden, not exceeding twenty-four hours, in order that  
12 it may be attached or taken by due process of law, to satisfy  
13 any judgment that may be recovered; but said boat and  
14 equipment shall be released at any time on payment of pen-  
15 alty and costs legally due.

Scallop gear found on board any boat in close time shall be  
17 prima facie evidence of a violation of this act.

Sect. 3. Any penalty imposed by this act may be recov-  
2 ered by complaint, indictment or action of debt. In all  
3 prosecutions under this chapter, municipal and police judges  
4 and trial justices within their counties have by complaint,

5 original and concurrent jurisdiction with the supreme judi-  
6 cial court and superior courts.

Sect. 4. All acts or parts of acts, either general or special,  
2 relating to a close time on scallops or scallop fishing in this  
3 state, are hereby repealed.

Sect. 5. This act, being an emergency act, within the mean-  
2 ing of the constitution, shall take effect when approved by  
3 the governor.