

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

SENATE

NO. 87

In Senate, February 23, 1921.

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

L. ERNEST THORNTON, Secretary.

Presented by Senator Holt of Hancock.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Amend Chapter Forty-five of the Revised Statutes Relating to the Lobster Industry Together with Certain Added Acts Relating to the Lobster Industry.

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

Section 1. Section seventeen of chapter forty-five of the
2 revised statutes as amended by chapter one hundred and
3 eighty-four of the public laws of nineteen hundred and
4 nineteen is hereby amended by striking out the words "for
5 the balance of the license year," in the last line thereof and
6 inserting in place of the words so stricken out the words
7 'for the period of one year from such conviction,' so that
8 said section as amended shall read as follows: 'No person,
9 firm or corporation, either by themselves as principal or

10 by their servants or agents, shall, at any time, catch, take,
11 hold, buy, ship, transport, carry, give away, remove, sell
12 or expose for sale, or have in his or its possession, except
13 for the immediate consumption of himself and family, any
14 lobster from any of the waters within the jurisdiction of
15 this state, or place, set, keep, maintain, supervise, lift, raise
16 or draw in or from any of said waters, or cause to be placed,
17 set, kept, maintained, supervised, lifted, raised or drawn
18 in or from any of said waters any pot, trap, trawl, car boat,
19 smack, vessel or other contrivance designed or adapted for
20 the catching, taking, holding or for removal or transporta-
21 tion of lobsters unless licensed to do so as hereinafter pro-
22 vided; except that common carriers engaged in carrying
23 general freight on fixed schedules may without license, trans-
24 port within or without the state lobsters legally caught; pro-
25 vided that said lobsters are received by said common car-
26 riers at one of their regular established places of business
27 upon land for receiving freight; and provided the receptacle
28 containing said lobsters is plainly marked showing the con-
29 tents to be lobsters, together with the full and correct name
30 and address of both consignor and consignee. Every per-
31 son, firm or corporation who shall violate any of the provi-
32 sions of this section, or aid in doing so, upon conviction in
33 any court of competent jurisdiction, as defined in section
34 thirty-four, shall be fined twenty-five dollars for the first
35 offense; for the second offense, fifty dollars; and for any
36 subsequent offense, fifty dollars, and shall be sentenced to
37 imprisonment for thirty days, in addition to said fine. No

38 person, firm, or corporation convicted of any violation of
39 any law relating to lobsters shall either by themselves, their
40 servants or agents be entitled to a renewal of said license
41 for the period of one year.'

Sect. 2. Section eighteen of chapter forty-five of the re-
2 vised statutes as amended by chapter twenty-three and chap-
3 ter two hundred and thirty-three of the public laws of nine-
4 teen hundred and seventeen is hereby amended by striking
5 out all of said section and enacting in place thereof the
6 following section:

'The director of sea and shore fisheries shall grant and is-
2 sue licenses in the lobster industry. Such licenses shall be
3 divided into four classes, namely: first class, fishermen's
4 licenses; second class, selling licenses; third class, shipping
5 licenses; and fourth class, smackmen's licenses. Licenses
6 of the first class, fishermen's licenses, shall be issued only
7 to citizens of this state or to any person who has resided
8 within the state continuously for one year immediately pre-
9 ceding the date of the application for license and such li-
10 cense shall be issued to such citizens or residents as actual-
11 ly engage in the lobster business for a livelihood and shall
12 not be issued to anyone in the employ of the United States
13 or the State of Maine or summer residents. Licenses of
14 the second class, selling licenses, shall be issued only to per-
15 sons, firms or corporations conducting hotels, restaurants
16 or boarding houses or to persons, firms or corporations en-
17 gaged in the business of buying and selling lobsters. Li-
18 censes of the third class, shippers' licenses, shall be issued

19 only to persons, firms or corporations engaged in the lob-
20 ster business in this or other states to buy, sell and ship lob-
21 sters. Licenses of the fourth class, smackmen's licenses,
22 shall be issued only to smackmen to buy, sell, and trans-
23 port lobsters by smack or boat. All licenses now outstand-
24 ing shall become void on the passage of this act and new
25 licenses must be obtained under the conditions herein set
26 forth. Applications for licenses shall be made upon special
27 forms provided by the director of sea and shore fisheries.

Violation of the agreements of the application shall ren-
2 der the license issued thereon void. Dumping, destroying
3 or removing any bag, box or other receptacle after com-
4 mand of the director of sea and shore fisheries or his war-
5 dens, or when pursued by the director of sea and shore fish-
6 eries or his wardens shall be evidence of violation of the
7 agreement of his application and the license of such person
8 shall be revoked. The said director shall keep the clerks
9 of various cities, towns and plantations bordering on the
10 sea shore and other clerks who request them supplied with
11 blank applications; said clerk shall keep a supply of same
12 on hand and furnish them to all applicants. All applica-
13 tions when filled out shall be forwarded to the office of said
14 director together with fees for same. Such licenses shall
15 be granted to expire on the last day of June next succeed-
16 ing the granting of same, unless sooner revoked, as pro-
17 vided in section twenty and each person, firm or corpora-
18 tion to whom licenses shall be granted shall pay to said di-
19 rector the sum of one dollar (\$1.00) for the use of the state,

20 to be forwarded to the treasurer of state, which amounts
21 shall be credited to and be a part of the funds to be used
22 for the purchasing of seed lobsters by the department of
23 sea and shore fisheries. The director in his biennial report
24 shall state the number of licenses granted and the money
25 received therefor. He shall issue to each person, firm or
26 corporation licensed as aforesaid a certificate, stating the
27 name of the person, firm or corporation to whom such li-
28 cense shall be granted, the number of said license and the
29 date of expiration of said license.'

Sect. 3. Section nineteen of chapter forty-five of the re-
2 vised statutes as amended by chapter one hundred and
3 eighty-four of the public laws of nineteen hundred and nine-
4 teen is hereby amended by adding after the last word of
5 said section the following: 'No person whose license has
6 been revoked or suspended shall be employed by another
7 or assist in the lobster business in any way. Every person
8 who shall violate the provisions of this section shall upon
9 conviction be subject to the fines and penalties provided in
10 section seventeen,' so that said section shall read as fol-
11 lows:

'If any person, firm or corporation to whom such license
2 shall be granted shall be incapacitated for any reason, ex-
3 cept for the violation of the laws of the state relating to
4 the lobster industry from using said license, said person,
5 firm or corporation may permit his agent or employee, if a
6 citizen of this state, to perform such duties under the li-
7 cense as may be necessary during the period of its incapac-

8 ity; provided that said agent or employee shall, when per-
9 forming said duties so licensed, exhibit, upon demand of
10 any authorized person, the certificate issued to his superior,
11 as provided in the preceding section. No person whose li-
12 cense has been revoked or suspended shall be employed by
13 another or assist in the lobster business in any way. Every
14 person who shall violate the provisions of this section shall
15 upon conviction be subject to the fines and penalties pro-
16 vided in section seventeen.'

Sect. 4. Section twenty, chapter forty-five of the revised
2 statutes as amended by chapter one hundred eighty-four of
3 the public laws of nineteen hundred and nineteen is hereby
4 amended by striking out all of said section and enacting
5 in place thereof the following section:

'If any person, firm, or corporation, their servants or
2 agents, licensed as provided in this chapter shall be adjudged
3 guilty of violation of any law relating to lobsters the di-
4 rector of sea and shore fisheries may revoke the license of
5 such person, firm or corporation so adjudged guilty and
6 upon such revocation all rights under the license so revoked
7 shall cease, and no such person, firm or corporation so ad-
8 judged guilty shall be entitled of right to receive a license
9 for the period of one year, and the license shall be sus-
10 pended from the date of complaint or indictment until the
11 final determination by the court. The director of sea and
12 shore fisheries in his discretion may, before conviction, re-
13 voke or suspend the license of any person, firm or corpora-
14 tion whenever he has evidence that such person has vio-

15 lated any of the laws relating to lobsters. Upon the revoca-
16 tion or the suspension of license all traps, cars, gear and
17 all devices used in connection with catching lobsters shall
18 be taken from the water within five days after suspension
19 or revocation. Any person with traps, cars or any other
20 device remaining in the water after the expiration of the
21 five days shall be fined five dollars (\$5.00) per day for each
22 trap, car or other device remaining in the water, and any
23 car, smack, vehicle or other device used in the holding, car-
24 rying or transporting lobsters by any person whose license
25 has been revoked or suspended shall be forfeited and be-
26 come the property of the state.'

Sect. 5. Section thirty-five of chapter forty-five of the
2 revised statutes as amended by chapter one hundred and
3 eighty-four of the public laws of nineteen hundred and
4 nineteen is hereby further amended by striking out the
5 words, "to the nearest point of the rear end of the body
6 shell," in the fifth and sixth lines thereof and substituting
7 in place thereof the words, 'along a line parallel to the cen-
8 ter line of the body shell to the rear end of the body shell,'
9 and by striking out the word "one" in the eighth line there-
10 of and substituting the word 'five', and adding after the
11 words "not of the required length" in the fourteenth and
12 fifteenth lines the following: 'Measures for determining the
13 legal length of lobsters shall be provided by the state and
14 may be obtained from the director of sea and shore fisheries
15 at cost. No evidence shall be received in any of the courts
16 of the state in any matter in which the length of a lobster

17 is in question unless such length has been determined by
18 such a measure,' and striking out the word "one" in the
19 twenty-first line and substituting the word 'ten' therefor, so
20 that said section as amended shall read as follows:

'No person shall buy, or sell, give away or expose for sale
2 or possess for any purpose any lobsters less than three and
3 one-half inches in length, alive or dead, cooked or uncooked,
4 measured from the rear of the eye socket along a line paral-
5 lel to the center line of the body shell to the rear end of
6 the body shell; and any lobster shorter than the prescribed
7 length when caught shall be immediately liberated alive at
8 the risk and cost of the parties taking it, under a penalty of
9 five dollars (\$5.00) for each lobster so caught, bought, sold,
10 given away, exposed for sale or in possession. The posses-
11 sion of mutilated lobsters cooked or uncooked shall be prima
12 facie evidence that they are not of the required length.
13 Measures for determining the legal length of lobsters shall
14 be provided by the state and may be obtained from the di-
15 rector of sea and shore fisheries at cost. No evidence shall
16 be received in any of the courts of the state in any matter
17 in which the length of a lobster is in question unless such
18 length has been determined by such a measure. All lob-
19 sters or parts of lobsters sold for use in this state or for
20 export therefrom must be sold or delivered in the shell un-
21 der a penalty of twenty dollars (\$20.00) for each offense;
22 and whoever ships, transports, carries, buys, gives away,
23 sells or exposes for sale lobster meat after the same shall
24 have been taken from the shell, shall be liable to a penalty

25 of ten dollars (\$10.00) for each pound of meat so shipped,
26 transported, carried, bought, given away, sold or exposed
27 for sale. Any person or corporation in the business of com-
28 mon carrier of merchandise who shall knowingly carry or
29 transport from place to place lobster meat after the same
30 shall have been taken from the shell, shall be liable to a pen-
31 alty of fifty dollars (\$50.00) upon each conviction thereof.
32 All lobster meat so illegally shipped, carried, bought, given
33 away, sold or exposed for sale shall be liable to seizure and
34 may be confiscated, nothing contained herein shall be held
35 to prohibit the sale of lobsters that have been legally canned.'

Sect. 6. Chapter forty-five as amended by chapter one
2 hundred eighty-four of public laws of nineteen hundred and
3 nineteen is hereby amended by adding a new section thereto.

'Sect. 48. All automobiles boats, vehicles or other con-
2 trivances used for holding, carrying, transporting, conveying
3 or removing lobsters caught or possessed illegally shall be
4 forfeited to the state.'