

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

SENATE

NO. 147

In Senate, March 21, 1921.

Reported by Mr. Holt from Committee on Sea and Shore Fisheries, and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

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 nine-
4 teen, is hereby amended by striking out the words "for the
5 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 convictions', so that
8 said section as amended shall read as follows:

‘No person, firm or corporation, either by themselves as
2 principal or by their servants or agents, shall, at any time,
3 catch, take, hold, buy, ship, transport, carry, give away,
4 remove, sell or expose for sale, or have in his or its pos-
5 session, except for immediate consumption of himself and
6 family, any lobster from any of the waters within the juris-
7 diction of this state, or place, set, keep, maintain, super-
8 vise, lift, raise or draw in or from any of said waters, or
9 cause to be placed, set, kept, maintained, supervised, lifted,
10 raised or drawn in or from any of said waters any pot,
11 trap, trawl, car, boat, smack, vessel or other contrivance
12 designed or adapted for the catching, taking, holding or
13 for removal or transportation of lobsters unless licensed
14 to do so as hereinafter provided; except that common car-
15 riers engaged in carrying general freight on fixed schedules
16 may without license, transport within or without the state
17 lobsters legally caught; provided that said lobsters are re-
18 ceived by said common carriers at one of their regular
19 established places of business upon land for receiving
20 freight, and provided the receptacle containing said lobsters
21 is plainly marked showing the contents to be lobsters to-
22 gether with full and correct name and address of both
23 consignor and consignee. Every person, firm or corpora-
24 tion who shall violate any of the provisions of this section,
25 or aid in doing so, upon conviction in any court of com-
26 petent jurisdiction, as defined in section thirty-four, shall
27 be fined twenty-five dollars for the first offense; for the

28 second offense, fifty dollars; and for any subsequent offense,
29 fifty dollars, and shall be sentenced to imprisonment for
30 thirty days, in addition to said fine. No person, firm, or
31 corporation convicted of any violation of any law relating
32 to lobsters shall either by themselves, their servants or
33 agents be entitled to a renewal of said license for the period
34 of one year.'

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

'The director of sea and shore fisheries shall grant and
2 issue licenses in the lobster industry. Such licenses shall
3 be 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 application for license and such license
10 shall be issued to such citizens or residents as actually en-
11 gage in the lobster business for a livelihood and shall not
12 be issued to any one 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

15 persons, firms or corporations conducting hotels, restaurants
16 or boarding houses or to persons, firms or corporations
17 engaged in the business of buying and selling lobsters.
18 Licenses 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 state or other states to buy, sell and
21 ship lobsters. Licenses of the fourth class, smackmen's
22 licenses, shall be issued only to smackmen to buy, sell, and
23 transport lobsters by smack or boat. All licenses now out-
24 standing shall become void on the passage of this act and
25 new licenses must be obtained under the conditions herein
26 set forth. Applications for licenses shall be made upon spe-
27 cial forms provided by the director of sea and shore fish-
28 eries. Violations of the agreements of the application shall
29 render the license thereon void. Dumping, destroying or
30 removing any bag, box or other receptacle after command of
31 the director of sea and shore fisheries or his wardens, or
32 when pursued by the director of sea and shore fisheries or
33 his wardens shall be evidence of violation of the agreement
34 of his application and the license of such person shall be
35 revoked. The said director shall keep the clerks of various
36 cities, towns and plantations bordering on the sea shore
37 and other clerks who request them supplied with blank
38 applications; said clerk shall keep a supply of them on
39 hand and furnish them to applicants. All applications when
40 filled out shall be forwarded to the office of said director
41 together with fees for same. Such licenses shall be granted

42 to expire on the last day of June next succeeding the grant-
43 ing of same, unless sooner revoked, as provided in section
44 twenty. The director in his biennial report shall state the
45 number of licenses granted. He shall issue to each person,
46 firm or corporation licensed as aforesaid a certificate, stat-
47 ing the name of the person, firm or corporation to whom
48 such license shall be granted, the number of said license
49 and the 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
4 nineteen, is hereby amended by adding after the last word
5 of 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
10 in said section seventeen', so that said section shall read as
11 follows:

'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
6 a citizen of this state, to perform such duties under the
7 license as may be necessary during the period of its inca-
8 pacity; provided that said agent or employee shall, when

9 performing said duties so licensed, exhibit upon demand
10 of any authorized person, the certificate issued his superior,
11 as provided in the preceding section. No person whose
12 license has been revoked or suspended shall be employed
13 by another or assist in the lobster business in any way.
14 Every person who shall violate the provisions of this sec-
15 tion shall upon conviction be subject to the fines and pen-
16 alties provided in section seventeen.'

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

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

15 lating to lobsters. Upon the suspension of license all traps,
16 cars, gear, and all devices used in connection with catching
17 lobsters shall be taken from the water within five days after
18 suspension. Any person with traps, cars or any other de-
19 vice remaining in the water, after the expiration of the
20 five days, shall be fined (\$5) five dollars per day for each
21 trap, car or other device remaining in the water, and any
22 car, smack, vehicle or other device used in the holding,
23 carrying or transporting lobsters by any person whose
24 license has been revoked or suspended shall be forfeited
25 and become 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 determin-
13 ing the legal length of lobsters shall be provided by the
14 state and may be obtained from the director of sea and
15 shore fisheries at cost. No evidence shall be received in
16 any of the courts of the state in any matter in which the

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

'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 par-
5 allel 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
9 of (\$5) five dollars for each lobster so caught, bought, sold,
10 given away, exposed for sale or in possession. The pos-
11 session of mutilated lobsters cooked or uncooked shall be
12 prima facie evidence that they are not of the required
13 length. Measures for determining the legal length of lob-
14 sters shall be provided by the state and may be obtained
15 from the director of sea and shore fisheries at cost. No
16 evidence shall be received in any of the courts of the state
17 in any matter in which the length of a lobster is in ques-
18 tion unless such length has been determined by such a meas-
19 ure. All lobsters or parts of lobsters sold for use in this
20 state or for export therefrom must be sold or delivered in
21 the shell under a penalty of (\$20) twenty dollars for each
22 offense; and whoever ships, transports, carries, buys, gives

23 away, sells or exposes for sale lobster meat after the same
24 shall have been taken from the shell, shall be liable to a
25 penalty of (\$10) ten dollars for each pound of meat so
26 shipped, transported, carried, bought, given away, sold or
27 exposed for sale. Any person or corporation in the busi-
28 ness of common carrier of merchandise who shall know-
29 ingly carry or transport from place to place lobster meat
30 after the same shall have been taken from the shell, shall
31 be liable to a penalty of (\$50) fifty dollars upon each con-
32 viction thereof. All lobster meat so illegally shipped, car-
33 ried, bought, given away, sold or exposed for sale shall be
34 liable to seizure and may be confiscated; nothing herein
35 contained shall be held to prohibit the sale of lobsters that
36 have been legally canned.'

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

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