

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 280

S. P. 636

In Senate, March 1, 1929.

Referred to Committee on Sea and Shore Fisheries and 500
copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Slocum of Cumberland.

STATE OF MAINE

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

AN ACT to Provide for the Forfeiture of Lobster Traps and
Other Gear and Vehicles and Other Contrivances Used
in the Several Branches of the Lobster Industry.

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

Section 1. Any trap, car, gear, or any other device used
2 in connection with the catching of lobsters, and any car,
3 smack, vehicle or other device used in the holding, carrying
4 or transporting of lobsters shall be forfeited to the state
5 when seized by an officer on an appropriate warrant there-
6 for for violation of the lobster law.

Sect. 2. Upon such seizure said officer shall immediately
2 file with the magistrate before whom such warrant is re-
3 turnable a libel against such traps, cars, gear or other device

4 used in connection with the catching of lobsters and against
5 any car, smack, vehicle or other device used in the holding,
6 carrying or transportation of lobsters, setting forth the seiz-
7 ure by him, describing such articles so seized, the place of
8 seizure, and that same were then used by persons in the
9 catching, holding or transporting of lobsters whose license
10 therefor had been suspended or revoked, and pray for a
11 decree of forfeiture thereof. Such magistrate shall there-
12 upon fix a time for a hearing upon said libel and shall issue
13 his monition and notice of the same to all persons interested,
14 citing them to appear at the time and place appointed and
15 show cause why said articles named in said monition should
16 not be forfeited to the state, by causing a true and attested
17 copy of said libel and monition to be posted in two public
18 and conspicuous places in such town where such articles
19 were seized, ten days at least before the day to which said
20 libel is returnable. The magistrate may also cause notice
21 to be given to any other party he may think entitled thereto
22 at least seven days before the time to which said libel is
23 returnable.

Sect. 3. If no claimant appears, such magistrate shall, on
2 proof of notice as aforesaid, declare same forfeited to the
3 state. If any person appears and claims said articles or
4 any part thereof, as having right to possession thereof at
5 the time same were seized, he shall file with the magistrate
6 such claim in writing, stating specifically the right so claimed
7 and the foundation thereof, the articles so claimed, the

8 time and place of seizure, the name of the officer by whom
9 the same were seized and in it shall declare that said articles
10 were not kept or used for violation of any lobster law on
11 account of which they were seized as alleged in said libel
12 and monition; such claimant shall also state his residence
13 and place of business and shall sign and make oath to same
14 before said magistrate. If any person so makes claim, he
15 shall be admitted as a party to the process and the magis-
16 trate shall proceed to determine the truth of the allegations
17 in said claim and libel, and may hear any pertinent evidence
18 offered by the libellant or claimant.

If the magistrate is, upon the hearing, satisfied that said
2 articles or any part thereof so seized by virtue of said war-
3 rant were not used or kept in violation of said lobster law
4 as alleged in the complaint on which said warrant was issued
5 and that said claimant is entitled to or any part thereof, he
6 shall give him an order in writing directed to the officer
7 having the same in custody, commanding him to deliver
8 to said claimant the articles in said libel to which he is so
9 entitled, within forty-eight hours after demand. If the
10 magistrate finds the claimant entitled to none of said arti-
11 cles he shall render judgment against him for the libellant
12 for costs, to be taxed as in civil cases before such magis-
13 trate, and issue execution thereon, and shall declare said
14 articles forfeited to the state.

The claimant may appeal and shall recognize with sureties
2 as on appeals in civil cases from a magistrate.