

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FOURTH LEGISLATURE**

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**Senate Document**

**No. 373**

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S. P. 722

In Senate, March 22, 1929.

Reported by Senator Slocum of Cumberland from Committee on Sea and Shore Fisheries and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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**STATE OF MAINE**

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

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**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.**

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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 county  
5 in which the seizure was made when seized by an officer  
6 on an appropriate warrant therefor for violation of the  
7 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 inter-  
14 ested, citing them to appear at the time and place appointed  
15 and show cause why said articles named in said monition  
16 should not be forfeited to the county in which seizure was  
17 made, by causing a true and attested copy of said libel and  
18 monition to be posted in two public and conspicuous places  
19 in such town where such articles were seized, ten days at  
20 least before the day to which said libel is returnable. The  
21 magistrate may also cause notice to be given to any other  
22 party he may think entitled thereto at least seven days  
23 before the time to which said libel is returnable.

Sect. 3. If no claimant appears, such magistrate shall, on  
2 proof of notice as aforesaid, declare same forfeited to the  
3 county in which seizure was made. If any person appears  
4 and claims said articles or any part thereof, as having right

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

If the magistrate is, upon the hearing, satisfied that said  
2 articles, or any part thereof so seized by virtue of said  
3 warrant were not used or kept in violation of said lobster  
4 law as alleged in the complaint on which said warrant was  
5 issued and that said claimant is entitled to or any part  
6 thereof, he shall give him an order in writing directed to  
7 the officer having the same in custody, commanding him to  
8 deliver to said claimant the articles in said libel to which  
9 he is so entitled, within forty-eight hours after demand.  
10 If the magistrate finds the claimant entitled to none of said  
11 articles 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 issure execution thereon, and shall declare said  
14 articles forfeited to the county in which seizure was made.

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