

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 551

H. P. 1023 House of Representatives, Feb. 12, 1931.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Snow of Scarboro.

STATE OF MAINE

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

AN ACT Regulating the Buying, Selling and Transporting of
Clams.

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

Section 1. No person, firm or corporation, either by themselves as principal or by their servants or agents, shall buy or sell clams unless licensed as herein provided but nothing herein shall prohibit the sale of or require license for the sale of clams by the person digging the clams.

Sec. 2. The Director of Sea & Shore Fisheries is hereby authorized to grant and issue licenses for the sale of clams. Application for license shall be made on blanks furnished by the Director, who shall keep the Clerk of the various towns bordering on the seashore, and other clerks who request them, supplied with such blank forms. The fee shall be one dollar for each license or renewal thereof. All licenses shall expire on the first day of June annually. The Director in his bi-annual report shall state the number of licenses granted, showing the number issued in each town. Each certificate of license granted shall be numbered and shall state the name and the principal place of business of the person, firm or corporation to whom issued.

Sec. 3. There shall be two classes of licenses issued, as above provided,—one to the person, firm or corporation en-

gaged in buying or selling clams for delivery within the State of Maine; one to the person, firm or corporation buying and selling clams for delivery within the State of Maine and for delivery without the State of Maine. Applications for the second class of licenses shall be made upon special forms provided by the Director of Sea & Shore Fisheries and shall contain an agreement by the applicant to abide by all the laws of the State of Maine in regard to buying, selling or transporting clams. Before a license for selling clams for delivery outside the State of Maine is granted, the applicant shall file a bond, with surety approved by the Director of Sea & Shore Fisheries, in the penal sum of five hundred dollars, conditioned that such sum shall be forfeited to the State, upon breach of any of the conditions of application and license.

Sec. 4. All packages used in the shipment of clams from town to town and from a place within the state to a place without the state shall bear a label which, in plain and distinct letters, shall state the name of the consignor and the name of the consignee, the word "clams," the date of shipment and the name of the town in which the clams in the package were dug.

Sec. 5. No license shall be issued to a person, firm or corporation convicted of any violation of the law relating to clams until one year after date of conviction. If any person, firm or corporation, their servants or agents, licensed as provided herein in this chapter, shall be adjudged guilty of violation of any law relating to clams, the director of sea and shore fisheries shall revoke the license of such person, firm, or corporation so adjudged guilty and upon such revocation all rights under the license so revoked shall cease, and no such person, firm, or corporation so adjudged guilty shall be entitled of right to receive a license for the period of one year, and the license shall be suspended from the date of complaint or indictment until the final determination by the court. In event a bond has been given, conviction shall make the full penal sum of the bond due to the state.

Sec. 6. For the purpose of enforcing the provisions relating to the buying and selling of clams, the director of sea & shore fisheries and his wardens may search at any time in suspected places, including buildings of every description or and vessel or vehicle that they may believe is used in taking,

holding or transporting clams and may seize and remove all clams taken, held or offered for sale in violation of the provisions of any law relating to the buying, selling or transporting of clams but nothing herein shall be held to confer the right to search a dwelling house without a warrant therefor.

Sec. 7. Whoever engages in buying or selling clams, not having obtained the license provided for herein, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

Sec. 8. Whoever, being licensed as above provided, violates any of the laws of the State of Maine regarding buying, selling or transporting clams shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

Sec. 9. The director of sea & shore fisheries may in his discretion restore any license revoked by him and if he refuses so to do, the license may be restored by any justice of the superior court; provided said justice finds that said director acted corruptly or fraudulently or erred in his conclusion of facts, and further provided that application is made to said justice within ten days after the refusal of said director to restore said license.