

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FIFTH LEGISLATURE

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Legislative Document

No. 959

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H. P. 1377 House of Representatives, March 24, 1931.

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

CLYDE R. CHAPMAN, Clerk.

New Draft of H. P. 1023, L. D. 551.

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STATE OF MAINE

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

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

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

Section 1. No person, firm, or corporation either by themselves as principals, or by their servants or agents, shall buy or sell clams, either shucked or in the shell, for resale or distribution in intrastate or interstate trade without first obtaining a license from the director of sea and shore fisheries.

Sec. 2. The director of sea and shore fisheries is hereby authorized to issue licenses to all persons engaged in the business of buying and selling clams. Application for license shall be made by applicants on blanks furnished by the director of sea and shore fisheries who shall keep the clerks of the various towns bordering on the seacoast, and other clerks who request them, supplied with blank forms. Each application for license must be signed by the applicant and must show the exact name of the locality from which clams are to be dug or taken, the location of the shucking house or principal place of business of the person, firm, or corporation making the application. The license fee shall be one dollar for each license or renewal thereof. Upon receipt of the application for license, properly made out and accompanied by the license fee, the director of

sea and shore fisheries shall forward such application to the commissioner of agriculture and if approved by him, the director of sea and shore fisheries may issue to the applicant a certificate of license; such certificate of license shall be numbered, and shall state the name, the address, the principal place of business of the person, firm, or corporation to whom the certificate of license is issued, and also the area, designated by local name, and number, from which clams can be dug and sold as covered by the certificate of license granted. Said license for persons engaged in buying, or selling clams for delivery within the state of Maine shall run for the current year until the first day of June following date of application on which date it shall terminate, unless sooner revoked as herein provided; and it shall be renewed annually thereafter. Licenses for persons, firms, corporations buying and selling clams for delivery within the state of Maine, and for delivery without the state of Maine shall run from September fifteenth to June first of each year, unless sooner revoked, or suspended, as herein provided and shall be renewed annually thereafter. The director in his biennial report shall state the number of licenses granted, showing the number issued in each town.

Sec. 3. There shall be two classes of licenses issued, as above provided, one to the person, firm, or corporation engaged 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 and 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 and 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. 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. Whenever the commissioner of agriculture informs the director of sea and shore fisheries that a licensee is not complying with the laws and the regulations governing the sale and shipment of clams, the director of sea and shore fisheries shall revoke the license of the licensee.

Sec. 5. The director of sea and 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.

Sec. 6. When requested by the commissioner of agriculture, the director of sea and shore fisheries shall furnish the commissioner of agriculture, or his deputies with a list of names of all persons granted licenses to buy and sell clams, giving the license numbers, the location of the shucking house, and the exact locality of the source of clams that the licensees are offering for sale and shipment. The director of sea and shore fisheries and the commissioner of agriculture shall diligently enforce all the provisions of this act and they shall make uniform rules and regulations prescribing the conditions under which clams intended for sale shall be handled in order to prevent their contamination, spoilage, or adulteration. They may also fix standards of quality and purity for clams and such regulations shall apply with equal force both to clams intended for consumption within the state of Maine and to

meet the requirements of the United States public health service governing clams shipped in interstate commerce.

Sec. 7. All packages used in the shipment and transportation 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 and figures shall state the name and license number 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 were dug.

Sec. 8. For the purpose of enforcing the provisions relating to the buying and selling of clams, the director of sea and shore fisheries and his wardens may search at any time in suspected places, including buildings of every description, 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. 9. Any person, firm, or corporation, either by themselves as principals, or by their servants or agents, who buys or sells clams not having obtained the license provided for herein, or who buys clams taken from areas, declared by the commissioner of agriculture, to be contaminated shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and have his license revoked.

Sec. 10. Any person, firm, or corporation who being licensed as above provided violates any of the laws or regulations 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. 11. Municipal and police courts and trial justices shall have original jurisdiction concurrent with the superior court of actions brought for the recovery of penalties imposed by this chapter and of prosecutions for violations hereof.