

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 961

H. P. 1379 House of Representatives, March 24, 1931.

Reported by Mr. Smith 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. 1025, L. D. 553.

STATE OF MAINE

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

AN ACT to Close Certain Clam Flats to Digging.

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

Section I. The director of sea and shore fisheries and the commissioner of agriculture, or either of them, are hereby authorized and directed to use all lawful methods for the investigation and inspection of clam flats on the coast of Maine. The director of sea and shore fisheries and the commissioner of agriculture, or either of them, are hereby empowered to prohibit the digging of clams for any purpose in certain flats and on certain shores whenever they find by examination that such flats and shores are contaminated or polluted; and when clams dug from such contaminated areas are not in conformity with regulations promulgated by the director of sea and shore fisheries and the commissioner of agriculture, or either of them, and the regulations and standards of purity established by the U. S. public health service, and not acceptable for shipment in interstate commerce. When the digging of clams in any area is forbidden by the director of sea and shore fisheries and the commissioner of agriculture, or either of them, they shall cause plain and distinct signs to be posted on the area within which the digging of clams is forbidden.

Sec. 2. Any person, firm, or corporation who digs clams for any purpose, or sells or buys clams from an area that has been closed and posted by the director of sea and shore fisheries and the commissioner of agriculture, or either of them; shall be punished by a fine of not less than ten dollars or more than one hundred dollars. Whenever a person violates any of the provisions of this chapter his license shall be revoked. In any prosecution for a violation of the provision of this section prohibiting the digging or taking of clams from areas determined to be contaminated, possession, except by common carrier, of clams apparently so dug shall be prima facie evidence of a violation of this provision.

Sec. 3. The provisions of this act shall be enforced by the director of sea and shore fisheries and by all wardens and deputy wardens authorized by said director and by the commissioner of agriculture and all deputies authorized by said commissioner; and by all officers authorized to make arrests.

Sec. 4. 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 act and of prosecutions for violation hereof.