

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 520

S. P. 432

In Senate, Feb. 12, 1935.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Schnurle of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to the Department of Sea and Shore Fisheries.

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

Sec. 1. R. S., c. 50, § 1, amended. Section 1 of chapter 50 of the revised statutes is hereby amended by adding thereto the following paragraph:

‘The commissioner shall appoint a deputy commissioner who, under the direction of the commissioner, shall assist him in the performance of his duties. The deputy shall have all of the powers and duties of the commissioner while acting under the direction of the commissioner. He shall receive such salary as the governor and council shall decide, and serve at the pleasure of the commissioner.’

Sec. 2. R. S., c. 50, § 57, amended. Section 57 of chapter 50 of the revised statutes is hereby amended to read as follows:

‘**Sec. 57. Bond.** Before a license for selling clams for delivery outside the state is granted, the applicant shall file a bond, **to run concurrent with license** with surety approved by the commissioner of sea and shore fisheries, in the penal sum of \$500, conditioned that such sum shall be forfeited to the state, upon breach of any of the conditions of application and license.’

Sec. 3. R. S., c. 50, § 58, amended. Section 58 of chapter 50 of the revised statutes is hereby amended to read as follows :

‘Sec. 58. Revocation of license. No license shall be issued to a person, firm, or corporation convicted of any violation of the law relating to clams until 1 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 commissioner 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 1 year, and the license shall be suspended from the date of complaint or indictment until a 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~~ **submits evidence to the** commissioner 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 commissioner of sea and shore fisheries shall revoke the license of the licensee.’

Sec. 4. R. S., c. 50, § 72, amended. Section 72 of chapter 50 of the revised statutes is hereby amended to read as follows :

‘Sec. 72. Lobster fishing, transportation, and sale without license prohibited; exceptions; penalty. No person, firm, or corporation, either by themselves as principal or by their servants or agents, shall, at any time, catch, take, hold, buy, ship, transport, carry, give away, remove, sell, or expose for sale, or have in his or its possession, except for immediate consumption by himself and family, any lobster ; or place, set, keep, maintain, supervise, lift, raise, or draw in or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in any pot, trap, trawl, car, automobile, boat, smack, vessel or other contrivance designed or adapted for the catching, taking, holding, or for removal or transportation of lobsters unless licensed to do so as hereinafter provided ; except that common carriers engaged in carrying general freight on fixed schedules may without license, transport within or without the state lobsters legally caught ; provided that said lobsters are received by said common carriers at 1 of their regular established places of business upon land for receiving freight, **common carriers as defined in this section shall apply only to railroads and steamboats carrying, freight or passengers,** and provided the receptacle contain-

ing said lobsters is plainly marked showing the contents to be lobsters, together with full and correct name and address of both consignor and consignee. Any person who makes the catching of lobsters his occupation shall have the right to market such lobsters caught by him without taking out additional license for that purpose. Every person, firm, or corporation who shall violate any of the preceding provisions of this section, or aid in doing so, upon conviction, shall be punished by a fine of \$25 for the 1st offense; for the 2nd offense, \$50; and for any subsequent offense, \$50, and shall be sentenced to imprisonment for 30 days, in addition to said fine. All lobster fishermen shall make a return within 1 week after the 1st of July of each year, to the commissioner of the estimated total number of pounds of lobsters caught by them during the year preceding such July 1st, together with a statement of their receipts during such year from the sale of such lobsters, and a statement of their estimated expenditures incurred during such period in their business, on blanks to be furnished by the said commissioner.'

Sec. 5. R. S., c. 50, § 73, amended. The first paragraph of section 73 of chapter 50 of the revised statutes is hereby amended to read as follows:

'The commissioner shall grant and issue licenses in the lobster industry to such persons, except as is herein otherwise provided, who may make written application therefor on blanks furnished by said commissioner, but no such license shall be issued to any class of applicants unless all questions asked or information sought or called for in said application shall have been completed to the satisfaction of said commissioner. Such licenses shall be divided into 4 classes, **and shall be known as domestic licenses**, namely: 1st class, fishermen's licenses; 2nd class, selling licenses; 3rd class, shipping licenses; 4th class, smackmen's licenses. Licenses of the 1st class, fishermen's licenses, shall be issued only to such persons as have been, for 10 years prior to the date of application, a resident of the state of Maine, except that any person who has heretofore been a resident of this state, but for a time resident elsewhere, and returns to the state of Maine for the purpose of establishing and maintaining a bona fide residence therein may, if otherwise entitled, receive such license in which case such non-residence may be taken as a part of said 10 years. Licenses of the 2nd class, selling licenses, shall be issued only to persons, firms, or corporations conducting hotels, restaurants, or boarding-houses, or to persons, firms, or corporations engaged in the business of buying and selling lobsters. Licenses of the 3rd class, shippers' licenses, shall be issued only to persons, firms or corporations engaged in the lobster business in this state or other states to buy, sell and ship lobsters. Licenses of the 4th class, smackmen's

licenses, shall be issued only to smackmen to buy, sell and transport lobsters by smack **or boat or other modes of transportation in the intrastate trade.** Applications for licenses shall be made upon special forms provided by the commissioner as above set forth. Violations of the agreements of the application shall render the license thereon void.'