

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 842

H. P. 1799

House of Representatives, March 23, 1935.

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

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 1283, L. D. 504

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Licenses for Selling Clams.

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

Sec. 1. P. L., 1933, c. 208, § 1, amended. Section 1 of chapter 208 of the public laws of 1933, as amended, is hereby further amended to read as follows :

‘Sec. 1. Sellers, buyers and shippers of clams, quahaugs or mussels to be licensed. No person, firm or corporation who is engaged in shipping, or transporting clams, quahaugs, or mussels in interstate trade, either by themselves as principals or by their servants or agents shall buy, sell, transport or ship clams, quahaugs, or mussels either shucked or in the shell, without first obtaining a license from the commissioner of sea and shore fisheries; and a certificate from the commissioner of agriculture attesting to the character and condition of the flats and beds from which said clams, quahaugs or mussels are to be taken and so bought, sold, transported or shipped, and approving the conditions and surroundings of the shucking houses where such clams, quahaugs, or mussels are prepared for interstate shipment. But nothing in the provisions of this chapter shall be held to require that persons engaged in digging clams, quahaugs or

mussels for their own use or persons digging clams, quahaugs or mussels for sale in intrastate trade or for sale to neighbors or to peddlers engaged in intrastate trade shall be required to obtain a license from the commissioner of sea and shore fisheries.'

Sec. 2. P. L., 1933, c. 208, § 2, amended. Section 2 of chapter 208 of the public laws of 1933, as amended, is hereby further amended by adding to said section the following:

'Application for certificate shall be made by applicants on blanks furnished by the commissioner of agriculture. Each application for certificate must be signed by the applicant and must show the exact name of the locality from which clams, quahaugs or mussels are to be dug or taken, the location of the shucking house if one is maintained and the principal place of business within the state of the person, firm or corporation making the application, and the names of all persons digging clams, quahaugs and mussels for the applicant. If the commissioner of agriculture approves the application he may issue the applicant a certificate. Such certificate shall bear the same number as the license of the commissioner of sea and shore fisheries, and shall designate by local name the area from which the clams, quahaugs, or mussels can be dug and sold. Said certificate shall run for the current year until the 1st day of June following date of application, on which date it shall terminate, unless the license of said applicant has been revoked, and it shall be renewed annually thereafter.'

Sec. 3. P. L., 1933, c. 208, § 3, amended. Section 3 of chapter 208 of the public laws of 1933, as amended, is hereby further amended to read as follows:

'Sec. 3. Bond. Before a license for selling clams, quahaugs, or mussels for delivery outside the state is granted, **the applicant shall furnish to the commissioner of sea and shore fisheries a copy of the certificate issued to the applicant by the commissioner of agriculture,** the applicants shall also file a bond to run concurrent with the 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. 4. P. L., 1933, c. 208, § 4, amended. Section 4 of chapter 208 of the public laws of 1933, as amended, is hereby further amended so that the last sentence thereof shall read as follows:

'Whenever the commissioner of agriculture ~~informs~~ 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, quahaugs or mussels, the commissioner of sea and shore fisheries shall revoke the license of the licensee.'