

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 378

H. P. 1069

House of Representatives, February 9, 1937.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Philbrick of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

**RESOLVE, Regulating the Taking and Sale of Clams in the Town of
Cape Elizabeth.**

Taking and sale of clams, regulated. Resolved: That the commissioner of sea and shore fisheries be, and hereby is, directed to issue the following rule and regulation: No person shall, in the town of Cape Elizabeth, in the county of Cumberland, dig or take clams for sale unless license has been granted to him by the municipal officers of said town, who are hereby authorized to grant and issue such license and fix the fee therefor. No license shall be granted or issued except to an inhabitant of said town. Nothing herein shall prohibit any inhabitant or a riparian owner of shores or flats therein from digging and taking clams for food for himself and family without license. The term "inhabitant" shall mean a person who has resided in the said town at least 3 consecutive months.

No person shall be a dealer in clams in said town unless license has been granted to him by the municipal officers of said town, who are hereby authorized to issue such license and fix the fee therefor. The term "dealer" herein used shall mean any person, firm or corporation buying or selling clams not dug or taken by himself.

The municipal officers of said town may revoke any license issued hereunder by them, upon evidence satisfactory to them that the person taking

or selling clams has violated any of the laws of the state of Maine regulating the taking and sale of clams. In event the municipal officers refuse to issue the licenses provided for herein or in event license has been revoked by the municipal officers of said town, the person aggrieved may apply to any justice of the superior court, who may order the issuance or restoration thereof, provided said justice finds the municipal officers acted fraudulently or corruptly or erred in their conclusion of facts.

Whoever takes, to sell, clams within said town without having obtained the license provided for herein or after such license has been revoked, shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than 30 days.

All requirements, rights and powers hereinunder shall be additional to the requirements, rights, and powers conveyed by the general law.