

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 426

H. P. 1208

House of Representatives, February 4, 1941.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Sayward of Kennebunk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**RESOLVE, Relating to the Taking and Sale of Clams in the Town of
Kennebunk.**

Taking and sale of clams in Kennebunk, regulated. Resolved: That the commissioner of sea and shore fisheries be, and hereby is, directed to repeal rule and regulation numbered 44 as set forth in the official rules and regulations of the department, and chapter 119 of the public laws of 1931, and to issue the following in place thereof:

'No person shall, in the town of Kennebunk, in the county of York, 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 a resident of said town. Nothing herein shall prohibit any resident 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 this state for the term of at least 6 consecutive months and in the town of Kennebunk for 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 In event the municipal officers refuse to issue the licenses provided for herein or in event license has been revoked by the municipal officers of said town, the person aggrieved may apply to any justice of the superior court, who may order the issuance or restoration thereof,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 hereunder shall be additional to the requirements, rights, and powers conveyed by the general law.'