

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. 847

(Transmitted from the Revisor of Statutes under Joint Order)

H. P. 1556

House of Representatives, February 14, 1941.

Referred to Committee on Sea and Shore Fisheries. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Race of Boothbay.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Transportation of Lobsters.

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

Sec. 1. P. L., 1933, c. 2, § 74, amended. Section 74 of chapter 2 of the public laws of 1933 is hereby amended to read as follows:

‘Sec. 74. Transportation of lobsters; licenses of smacks and vessels; bonds; regulations; forfeitures. No person, firm or corporation by itself, its servants, or agents, save common carriers as provided in section 72, shall transport or cause to be transported lobsters beyond the limits of this state, and no person shall act as master or captain of any smack, vessel, **boat, or as a driver of any automobile or truck,** or other means of transportation engaged in transporting lobsters without the state, unless licensed and having given bond as herein provided. The owner or owners and master or captain of any smack, vessel, **boat or as a driver of any automobile or truck,** or other means of transportation shall make written application for license to the commissioner who is hereby authorized to grant licenses to purchase and transport lobsters within and beyond the limits of this state. The applications shall state the name of the smack, vessel, **boat, automobile or truck** or other means of transportation together with a description sufficient

to identify it, the name and address of the owner or owners, the name and address of the master or captain, **or driver**, the port of enrollment or registry. The application shall further contain agreements by the applicant therein: to load the smack, vessel, **boat, automobile or truck**, or other means of transportation in the waters over which this state has jurisdiction, **or territory over which this state has jurisdiction**, and there only between sunrise and sunset, to allow without let or hindrance, inspection and search of such smack, vessel, **boat, automobile, or truck**, or other means of transportation by the commissioner or his wardens, to stop when underway and return to harbor, **or state territories**, on command of the commissioner or his wardens, to return to the waters, **or territories**, of the state when so ordered by the commissioner or his wardens, to abide by all the laws of this state relating to lobsters. The application shall further contain an agreement that the full penal sum of the bond herein provided for shall be forfeited to the state on breach of any term in said application. The license issued on said application shall state the terms on which the license is issued and that it is issued in consideration of the agreements of the application. Before said license is issued, the applicant shall file with the commissioner a bond with surety approved by the commissioner in the penal sum of \$5,000 in the case of an owner or owners, and of \$500 in the case of a master, ~~or~~ **captain, or driver**, conditioned that said sum shall be forfeited to the state upon breach of any agreement in the application and license. The fee for issuing said license shall be \$5 and a record shall be kept of the same, similar to that provided for other licenses in section 73. In addition to the statement of the terms on which the license is issued, the license shall bear the date of the taking effect and the termination thereof, which last named date shall be the last day of November next after it becomes effective. The license shall give no authority to purchase or transport in any smack, vessel, or other means of transportation except that named in the license but the name of the smack, vessel, **boat, automobile or truck**, or other means of transportation may be changed by the licensee upon application to said commissioner within the license period without further charge. Conviction of the licensee of violation of any statute relating to lobsters or breach of any agreement of application and license shall render the license void and make the full penal sum of the bond due to the state.'

Sec. 2. P. L., 1933, c. 2, § 75, amended. Section 75 of chapter 2 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 75. Penalty for violation of section 74 by one not licensed. Whoever, as master, **driver**, or owner, transports lobsters without the state, not

having obtained the license provided in the preceding section shall be punished by a fine of not less than \$50, nor more than \$500, and ~~both~~ the owner ~~and~~, the master, **and driver** shall become indebted to and pay to the state the sum of \$5,000, which sum shall be a lien upon said smack, vessel, **boat, automobile, or truck**, or other contrivance, the lien to be enforced in the name of the state by appropriate process.'

Sec. 3. P. L., 1933, c. 2, § 76, amended. Section 76 of chapter 2 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 76. Penalty for violation of section 74 by one having license. Any owner ~~or~~, master, **or driver**, licensed to transport lobsters without the state as provided in section 74 who shall either load said smack, vessel, **boat, automobile, or truck**, or other contrivance between sunset and sunrise or hinder or obstruct the commissioner or his wardens either directly or by refusal to stop and commit search, or violate any of the state laws relating to lobsters, shall be punished by a fine of not less than \$50, nor more than \$500. And loading said smack, vessel, **boat, automobile, or truck**, or other contrivance outside the waters over which the state has jurisdiction or refusal to return to the jurisdictional waters, **or territories**, of the state on the order of the commissioner or his wardens shall be deemed a violation of the terms of the bond provided in section 74 and evidence of violation of the laws of the state relating to lobsters.'