

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. 1123

H. P. 1899

House of Representatives, April 5, 1941.

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

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT Relating to the Taking and Sale of Clams in certain Cumberland
County Towns.**

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

Sec. 1. License required, definition. No person shall, in the town of Cape Elizabeth, in the county of Cumberland, dig or take clams, clam worms or bloodworms 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 licenses 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 "a resident" shall mean a person who has resided in this state for the term of at least 6 consecutive months and in the town of Cape Elizabeth for at least 3 consecutive months prior to receiving a license.

Sec. 2. Dealers licenses required, definition. No person shall be a dealer in clams, clam worms, or bloodworms in the town of Cape Elizabeth 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 clams, clam worms, or bloodworms for resale.

Sec. 3. Licenses, revocation, appeal. The municipal officers may revoke any license issued hereunder by them, upon evidence satisfactory to them that the person taking or selling clams, clam worms, or bloodworms has violated any of the laws of the state of Maine regulating the taking and sale of clams, clam worms, or bloodworms. If the municipal officers refuse to issue the licenses provided for in this act or if a license has been revoked by the municipal officers, a person aggrieved may apply to any justice of the superior court in term time, or vacation, who may order the issuance or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.

Sec. 4. Taking of shell-fish and worms in certain territory, regulated. No clams, clam worms, bloodworms, mussels or quahaugs shall be taken from any flats within the limits of either of the towns of Yarmouth, North Yarmouth, Falmouth or Cumberland, in Cumberland county, except by such written permit as the municipal officers of said town may issue, provided, that without such permit, any inhabitant within said town, or any person temporarily resident therein, or the riparian owner of any such flats, may take therefrom for the immediate use of himself or his family not exceeding 1 bushel of clams at 1 tide. This section shall not apply to any person duly licensed under the provisions of sections 56 to 70 of chapter 50 of the revised statutes, and amendments thereof.

Sec. 5. Penalty. Whoever violates any of the provisions of this act shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than 30 days.

Sec. 6. Special regulation repealed. Chapter 2 of resolves of 1939 are hereby repealed.