

# MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D      L E G I S L A T U R E

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Legislative Document

No. 439

H. P. 863

House of Representatives, February 7, 1945.

Referred to Committee on Sea and Shore Fisheries. Sent up for concurrence and 1,500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gay of Damariscotta.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT Relating to Regulation of the Lobster Industry.**

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

**Sec. 1. R. S., c. 34, § 116, amended.** Section 116 of chapter 34 of the revised statutes is hereby amended to read as follows:

**‘Sec. 116. Lobster fishing, transportation, and sale without license prohibited; penalty.** No person, firm, or corporation, either by themselves as principal or by their servants or agents, shall, at any time, catch, take, hold, buy, ship, transport, carry, give away, remove, sell, or expose for sale, or have in his or its possession, except for immediate consumption by himself and family, any lobster; or place, set, keep, maintain, supervise, lift, raise, or draw in or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in any pot, trap, trawl, car, automobile, boat, smack, vessel, or other contrivance designed or adapted for the catching, taking, holding, or for removal or transportation of lobsters unless licensed to do so as hereinafter provided; except that common carriers engaged in carrying general freight on fixed schedules may without license transport within or without the state lobsters legally caught; provided that said lobsters are received by said common carriers at one of their regular established places of business upon land for receiving freight, and provided the receptacle containing said lobsters is plainly

marked showing the contents to be lobsters, together with full and correct name and address of both consignor and consignee. Any person who makes the catching of lobsters his occupation shall have the right to market such lobsters caught by him without taking out additional license for that purpose. Every person, firm, or corporation who shall violate any of the preceding provisions of this section, or aid in doing so, upon conviction, shall be punished by a fine of ~~\$25~~ \$100 for the 1st offense; for the 2nd offense, ~~\$50~~ \$200; and for any subsequent offense, ~~\$50~~ \$300, and shall be sentenced to imprisonment for ~~30~~ 90 days, in addition to said fine. All lobster fishermen shall make a return within 1 week after the 1st of July of each year, to the commissioner of the estimated total number of pounds of lobsters caught by them during the year preceding such July 1st, together with a statement of their receipts during such year from the sale of such lobsters, and a statement of their estimated expenditures incurred during such period in their business, on blanks to be furnished by the said commissioner.'

**Sec. 2. R. S., c. 34, § 118, amended.** Section 118 of chapter 34 of the revised statutes is hereby amended to read as follows:

**'Sec. 118. Licenses; fees; report by commissioner.** The commissioner shall grant and issue licenses in the lobster industry to such persons, except as is herein otherwise provided, who may make written application therefor on blanks furnished by said commissioner, but no such license shall be issued to any class of applicants unless all questions asked or information sought or called for in said application shall have been completed to the satisfaction of said commissioner. Such licenses shall be divided into 4 classes, namely: 1st class, fishermen's licenses; 2nd class, selling licenses; 3rd class, shipping licenses; 4th class, smackmen's licenses. Licenses of the 1st class, fishermen's licenses, shall be issued only to such persons as have been, for 10 years prior to the date of application, a resident of this state, and provided further, that no such license issued shall entitle the holder thereof to use any pots, traps, boats, trawls, or other contrivances used for the catching or taking of lobsters within the waters adjacent to the county of York, unless the commissioner is satisfied that the applicant therefor has the bona fide intention of becoming a legal resident of said county of York, except that any person who has heretofore been a resident of this state, but for a time resident elsewhere, and returns to this state for the purpose of establishing and maintaining a bona fide residence therein may, if otherwise entitled, receive such license in which case such non-residence may be taken as a part of said 10 years, provided, however, that such person who satisfies the commissioner of his residence in good

faith in the state for the period of 3 years next preceding his application, may receive such license. **The fee for licenses of the 1st class, or any renewal thereof, shall be \$15.** Licenses of the 2nd class, selling licenses, shall be issued only to persons, firms, or corporations conducting hotels, restaurants, or boarding-houses, or to persons, firms, or corporations engaged in the business of buying and selling lobsters. **The fee for licenses of the 2nd class, or any renewal thereof, shall be \$5.** Licenses of the 3rd class, shippers' licenses, shall be issued only to persons, firms, or corporations engaged in the lobster business in this state or other states to buy, sell, and ship lobsters. **The fee for licenses of the 3rd class, or any renewal thereof, shall be \$10.** Licenses of the 4th class, smackmen's or truckmen's licenses, shall be issued only to smackmen, or truckmen, to buy, sell, and transport lobsters by smack, boat, automobile, or truck. **The fee for licenses of the 4th class, or any renewal thereof, shall be \$5.** Applications for licenses shall be made upon special forms provided by the commissioner as above set forth. Violations of the agreements of the application shall render the license thereon void.

**Applications for licenses under the provisions of this section may be made by non-residents of the state and such licenses, or any renewal thereof, shall be issued on payment of a fee of \$50.**

Dumping, destroying, or removing any bag, box, or other receptacle, or failing to stop after command of the commissioner or his wardens, or when pursued by the commissioner, or his wardens, shall be evidence of violation of the agreement of his application and the license of such person shall be revoked, after public hearing before the commissioner. The said commissioner shall keep the clerks of various cities, towns, and plantations bordering on the seashore and other clerks who request them supplied with blank applications; said clerks shall keep a supply of them on hand and furnish them to applicants. All applications ~~when filled out~~ shall be forwarded to the office of said commissioner together with fees for same, ~~which fee shall be \$1 for any license or for any renewal thereof.~~ All licenses shall expire annually on the last day of June unless sooner revoked as provided in section 124. The commissioner, in his biennial report, shall state the number of licenses granted. He shall issue to each person, firm, or corporation licensed as aforesaid a certificate, stating the name of the person, firm, or corporation to whom such license shall ~~be~~ granted, the number of said license, and the date of the expiration thereof.

**All residents of Maine who have reached the age of 60 shall on application receive licenses under the provisions of this section without the pay-**

ment of any fee. All residents of Maine who have been honorably discharged from the military services of the United States in world war II shall, if application is made within 90 days after the date of such discharge, receive for a period of 1 year licenses under the provisions of this section without the payment of any fee.

Holders of such licenses shall be subject to all the laws of the state and the rules and regulations of the commissioner relating to sea and shore fisheries; and for violation of such laws of the state or the rules and regulations of the commissioner, such license shall be revoked as provided in this chapter.'

**Sec. 3. R. S., c. 34, § 119, amended.** Section 119 of chapter 34 of the revised statutes is hereby amended to read as follows :

**'Sec. 119. Transportation of lobsters; licenses of smacks and vessels; regulations; forfeitures.** No person, firm, or corporation by itself, its servants, or agents, save common carriers as provided in section 116, 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 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, and the port of enrolment 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, 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 for a master, captain or driver shall be \$5 and the fee for issuing said license for an owner or owners shall be \$75 and a record shall be kept of the same, similar to that provided for other licenses in section 118. 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. 4. R. S., c. 34, § 120, amended.** Section 120 of chapter 34 of the revised statutes is hereby amended to read as follows:

**'Sec. 120. Penalty for violation of § 119 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~~ **\$100**, nor more than \$500, and the owner, the master, and driver, **upon conviction**, 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. 5. R. S., c. 34, § 121, amended.** Section 121 of chapter 34 of the revised statutes is hereby amended to read as follows:

**'Sec. 121. Penalty for violation of § 119 by one having license.** Any owner, master, or driver, licensed to transport lobsters without the state

as provided in section 119 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~~ \$100, nor more than \$500. 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 119 and~~ evidence of violation of the laws of the state relating to lobsters.'

**Sec. 6. R. S., c. 34, § 151, amended.** Section 151 of chapter 34 of the revised statutes is hereby amended to read as follows:

**'Sec. Fines and penalties, how recovered; settlement of offenses; commissioner to report to treasurer of state.** All fines and penalties under the provisions of this chapter may be recovered by complaint, indictment, or action of debt made or brought in the county where the offense was committed. The action of debt shall be brought in the name of the state. All **fees**, fines, penalties, and collections under the provisions of this chapter, except when otherwise expressly provided, shall accrue to the commissioner and by him the same shall be paid to the treasurer of state to be added to and made a part of the appropriation for sea and shore fisheries. The commissioner shall report to the treasurer of state the amount of each fine, penalty, and collection itemized, and the name of the party paying the same, which shall be kept on record in the office of the treasurer.'