

MAINE STATE LEGISLATURE

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

Legislative Document

No. 709

S. P. 240

In Senate, February 12, 1947.

On motion by Senator Morrill of Cumberland referred to Committee on Sea and Shore Fisheries. Sent down for concurrence and ordered printed. Presented by Senator Morin of Cumberland.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Encourage Marine Farming in the Tidal Waters of the State.

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

Sec. 1. R. S., c. 34, §§ 11-A - 11-E, additional. Chapter 34 of the revised statutes is hereby amended by adding thereto 5 new sections to be numbered 11-A to 11-E, inclusive, to read as follows:

‘Sec. 11-A. Right to take flats for marine farming. Any person holding a deed to clam flats and who has been a bona fide resident of the state for the preceding 5 years shall be granted the right to take such flats for marine farming.

Sec. 11-B. Acreage. Without license fee or survey by the town or state, the marine farmer shall have the right to take any portion of the flats covered by his deed up to $\frac{1}{2}$ the total area owned by him and shall be clearly defined at all times by piles of stones, stakes, marks or monuments.

Sec. 11-C. Survey; expenses and costs. In case of dispute as to the amount of flats taken by the marine farmer, the complainant can demand a survey, but the burden of proof shall be upon the complainant, and if the marine farmer has exceeded his lawful allotment, the costs of the survey and of court action, if any, shall be borne by the marine farmer. If however, the complainant is found in error, then he shall pay all expenses and costs.

Sec. 11-D. Laws of sanitation to be complied with. Any marine farmer operating in conformity with the provisions of this act shall have the right to sell or give away clams, quahaugs, or shellfish of any kind at any time and of any size when taken from such flats as he is permitted to hold by this act. He will be subject only to the laws of sanitation with which he must comply.

Sec. 11-E. Penalty. Any person other than the owner or one having the owner's permission, who knowingly and wilfully enters upon any flats used for marine farming and well marked with monuments, posts, stakes, or stones, and digs or takes any clams, quahaugs, worms, or any kind of shellfish, or walks upon such flats in a needless manner, shall be guilty of a misdemeanor and shall be punished for the first offense by a fine of \$20 and in addition shall pay double the amount of damage done by such trespass. For the second and any following offenses, he shall in each case, pay a fine of \$25 and double the amount of damages done by him, and in addition, may be punished by imprisonment in the county jail for not more than 10 days.'

Sec. 2. Repealing clause. All acts or parts of acts inconsistent herewith are hereby repealed or amended to conform herewith.