

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. 1050

H. P. 1453

House of Representatives, February 20, 1947.

Transmitted by revisor of statutes pursuant to joint order

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Emerson of North Haven.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Providing for Restoration and Development of Shellfish
Resources.**

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

R. S., c. 34, §§ 108-A-108-D, additional. Chapter 34 of the revised statutes is hereby amended by adding thereto 4 new sections to be numbered 108-A to 108-D, inclusive, to read as follows:

‘Sec. 108-A. Commercial shellfish license provided for. No person shall dig or take for commercial purposes, any clams, quahaugs or mussels until he has procured from the commissioner a license therefor.

A license, designated as a commercial shellfish license, shall be issued only to residents of the state who shall make written application for the same. The fee shall be \$3 and it shall entitle the holder to dig or take clams, quahaugs and mussels for commercial purposes and to transport and sell the same in the shell within this state.

Sec. 108-B. Shellfish shucking regulated; license provided for. No person, firm or corporation shall shuck or remove from the shell for sale any clams, quahaugs or mussels except as provided in this chapter.

No person, firm or corporation shall shuck or remove from the shell, for sale any clams, quahaugs or mussels without first having procured therefor a permit from the commissioner of agriculture and a license from the commissioner of sea and shore fisheries.

Application for a shellfish shucking permit shall be made on a form provided by the commissioner of agriculture, on which applicant shall be required to list the flats from which clams, quahaugs or mussels are to be taken for shucking and such information concerning the premises where shucking is to be done, as may be requested. Written application for a shellfish shucking license shall be accompanied by a shellfish shucking permit.

The fee for such license shall be \$3 and it shall entitle the holder to shuck for sale, clams, quahaugs and mussels at the established place of business named and described in said permit and license.

The suspension of a shucking permit by the department of agriculture shall require the commissioner of sea and shore fisheries to suspend the shellfish shucking license for a like period.

The foregoing shall not apply to clams, quahaugs and mussels shucked by persons conducting hotels and restaurants for serving on the premises, nor shall it prohibit individuals from shucking clams at home for consumption by themselves and families. Revocation of permit shall require revocation of license.

Sec. 108-C. Shellfish processing and canning regulated; license provided for. Whoever processes and cans for sale any clams, quahaugs or mussels shall procure a written license therefor.

The license designated as a shellfish processors license shall be issued by the commissioner upon payment of a fee of \$50 and shall entitle the holder to process in hermetically sealed containers, clams, quahaugs and mussels and all other species of fish and shellfish, at a specified place of business, provided that a duplicate license may be issued for additional places of business upon payment of a fee of \$25 for each such place.

Whoever violates any provision of this section shall be subject to the penalties provided in section 140, except that any person convicted of canning illegal lobsters, or parts thereof, shall be punished by a fine of \$300, and an additional fine of \$5 for each illegal lobster, or part thereof, involved.

Sec. 108-D. Disposition of funds from sale of licenses. The funds received from sale of certain licenses, namely, "commercial shellfish licenses," "shellfish shucking licenses," "shellfish processors licenses" and "interstate shellfish transportation licenses" shall constitute a shellfish fund, so called, to be expended under the direction of the commissioner of sea and shore fisheries for the sole purpose of restoration, development and conservation of clams, quahaugs and mussels in the coastal waters of the state and for establishment and maintenance of facilities therefor.

Said funds shall not lapse, but funds so collected in any one year may be used in that or any succeeding year for said purpose.'