

# 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

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**Legislative Document**

**No. 1440**

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House of Representatives, April 18, 1947

Comes from Senate read and adopted. Printed under provisions of House Rule 36.

HARVEY R. PEASE, Clerk.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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Senate Amendment "A" to H. P. 1453, L. D. 1050, Bill "An Act Providing for Restoration and Development of Shellfish Resources."

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Amend said Bill by striking out those sections designated "Sec. 108-A", "Sec. 108-B", and "Sec. 108-C" and inserting in place thereof the following underlined sections :

**Sec. 108-A. Commercial shellfish license provided for. No person shall dig or take for sale any clams, quahogs 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 to take clams, quahogs and mussels for sale 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, quahogs or mussels except as provided in this chapter.**

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

Application for a shellfish shucking certificate shall be made by applicants on blanks furnished by the commissioner of agriculture. Each application for a shellfish shucking certificate must be signed by the applicant and must show the exact locality of the flats from which clams, quahogs and mussels are to be dug or taken, and the location within the state of the shucking house described in the application. The application shall also bear the names of all persons digging clams, quahogs and mussels for the applicant.

If the commissioner of agriculture is satisfied that the shucking house and premises conform to the regulations and standards of purity and quality established by the U. S. Public Health Service and the laws and regulations of the state of Maine, he may issue the applicant a certificate, without fee. Such certificate shall bear a number and such certificate shall designate, by local name, the area from which clams, quahogs and mussels can be dug and sold.

Shellfish shucking certificates issued under the provisions of this section shall expire at midnight on December 31st of the calendar year in which they were issued, unless sooner revoked or suspended.

The commissioner of agriculture shall have the power to revoke or suspend any certificate thus issued by him, whenever it is determined by himself or any of his deputies that any of the provisions of law or any of the regulations governing the shipment of clams, quahogs or mussels, or the provisions or regulations governing such establishment where clams, quahogs or mussels are shucked, have been violated.

Written application for a shellfish shucking license shall be accompanied by a copy of a shellfish shucking certificate that has been issued by the commissioner of agriculture. The fee for such shellfish shucking license shall be \$3 and it shall entitle the holder to shuck for sale, clams, quahogs and mussels at the certified established place of business named and described in said certificate and said license.

The suspension of a shucking house certificate, by the commissioner of agriculture, shall require the commissioner of sea and shore fisheries to suspend the shellfish shucking license.

The foregoing shall not apply to clams, quahogs 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 for themselves and families.

Sec. 108-C. Shellfish processing and canning regulated; license pro-

vided for. Whoever processes and cans for sale any clams, quahogs 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, quahogs and mussels at a specified place of business. Provided that a supplemental license, authorizing such processing and canning of clams, quahogs and mussels at an additional place of business, may be procured upon payment of a fee of \$25.

Any person holding a license under the provision of this section, by virtue of such license, may process and can for sale in hermetically sealed containers all species of fish, shellfish, lobsters, crabs and shrimps.

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.'