

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 950**

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S. P. 490

In Senate, February 23, 1949.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Noyes of Hancock.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Relating to Interstate Transportation of Shellfish.**

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

**R. S., c. 34, § 89, repealed and replaced.** Section 89 of chapter 34 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

**‘Sec. 89. Certificate and license required for interstate transportation of shellfish; interstate transportation of soft shell clams, in the shell, prohibited; penalties. No person, firm or corporation, as principal or by an agent or servant, shall ship or transport or attempt to ship or transport, in any manner beyond the limits of this state any soft shell clams in the shell.**

**No person, firm or corporation, as principal or by an agent or servant, shall ship or transport in any manner, beyond the limits of this state, any quahogs or mussels in the shell, or any soft shell clams, quahogs or mussels that have been shucked or removed from the shell, without first having procured therefor a shellfish certificate from the commissioner of agriculture and a license from the commissioner of sea and shore fisheries.**

**Application for a shellfish certificate shall be made on a form provided by the commissioner of agriculture. Each application for a shellfish certificate**

must be signed by the applicant and must show the names of persons licensed to dig and sell clams, quahogs and mussels, from whom quahogs and mussels in the shell are to be procured and the names of persons holding shucking certificates from whom shucked soft shell clams, quahogs and mussels are to be procured. If the commissioner of agriculture is satisfied that all such persons named in the application are properly licensed or certified, he may issue the applicant a certificate. Such certificate shall bear a number and shall designate the persons from whom quahogs and mussels in the shell and soft shell clams, quahogs and mussels that have been shucked or removed from the shell may be procured for interstate transportation.

Shellfish 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, and shall be renewed annually thereafter.

The commissioner of agriculture shall have the power to revoke or suspend any certificate thus issued by him, whenever it has been determined that the holder of such a certificate has violated any provision of said certificate or any law or rule and regulation pertaining to shellfish.

Application for a license, designated as an interstate shellfish transportation license, shall be made to the commissioner of sea and shore fisheries on a form provided by him for such purpose and it shall contain a description, sufficient to identify it, of the boat, truck, automobile, airplane or other means of transportation to be used, and any other information that may be requested.

Such license may be procured by a legal resident of Maine upon payment of a fee of \$25, provided that an extra fee of \$15 shall be required for each additional boat, truck, automobile or other means of transportation to be used.

Such license may be procured by a non-resident of Maine upon payment of a fee of \$100, provided that an extra fee of \$25 shall be required for each additional boat, truck, automobile or other means of transportation to be used.

An applicant for an interstate shellfish transportation license must present a shellfish certificate issued by the commissioner of agriculture before such license shall be issued.

No person shall ship or transport beyond the limits of this state any clams, quahogs or mussels, except those procured from the persons named in said shellfish certificate.

The foregoing provisions shall not apply to a common carrier transporting clams, quahogs or mussels in accordance with the provisions of section 97, nor by any person who lawfully possesses the same for immediate consumption by himself and his family, nor shall it apply to clams, quahogs or mussels that are being transported through the state under the authority of the laws of the United States.

Whoever violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.'