

MAINE STATE LEGISLATURE

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

Legislative Document

No. 228

H. P. 392

House of Representatives, January 26, 1951

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

HARVEY R. PEASE, Clerk

Presented by Mr. Lacharite of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to the Taking and Sale of Clams in the Town of Brunswick.

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

R. S., c. 34, §§ 88-E - 88-H, additional. Chapter 34 of the revised statutes, as revised, is hereby amended by adding thereto 4 new sections to be numbered 88-E to 88-H, inclusive, to read as follows:

'Sec. 88-E. License required to dig or take clams, etc., in town of Brunswick; definition. No person, firm or corporation shall, within the limits of the town of Brunswick in the county of Cumberland, dig or take any clams, clam-worms, sand-worms or blood-worms without having first obtained a license from the municipal officers of said town of Brunswick, who are authorized to grant and issue such licenses and fix the fee therefor. No license shall be granted or issued to any person, firm or corporation unless such person, firm or corporation is a resident of said town of Brunswick. Nothing herein shall prohibit a riparian owner of shores or flats in said town of Brunswick from digging and taking clams therefrom for food for himself and family without license. For the purposes of sections 88-E to 88-H, inclusive, the term "a resident" shall mean a person, firm or corporation who has resided in this state for a term of at least 6 consecutive months and

in the town of Brunswick for at least 3 consecutive months prior to making application for license.

Sec. 88-F. Dealers' licenses required; definition. No person shall be a dealer in clams, clam-worms or blood-worms in the town of Brunswick without having first obtained a license from the municipal officers of said town, who are authorized to issue such license and fix the fee therefor. For the purpose of sections 88-E to 88-H, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, clam-worms or blood-worms for resale.

Sec. 88-G. Licenses; revocation; appeals. The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, clam-worms or blood-worms. If the municipal officers refuse to issue the license provided for in said sections or if a license has been revoked by the municipal officers, a person aggrieved may apply to any justice of the superior court, in term time or vacation, who may order the issuance or restoration thereof, provided said justice finds the municipal officers acted fraudulently or corruptly or erred in their conclusion of facts.

Sec. 88-H. Penalty. Whoever violates any of the provisions of sections 88-E to 88-H, inclusive, shall be punished by a fine of not less than \$10, nor more than \$100, or by imprisonment for not more than 30 days. Trial justices within their county shall have jurisdiction concurrent with municipal courts and the superior court of prosecutions for violations hereof.