

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. 261

H. P. 437

House of Representatives, January 30, 1951.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Bucknam of Whiting.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

**AN ACT Relating to Propagation and Cultivation of Clams, Quahogs and
Mussels in Deorganized Towns.**

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

Sec. 1. R. S., c. 34, § 54-A, additional. Chapter 34 of the revised statutes, as revised, is hereby amended by adding thereto a new section to be numbered 54-A, to read as follows:

'Sec. 54-A. Deorganized towns; commissioner may grant licenses for propagation and cultivation of clams, quahogs and mussels. Whenever the organization of any town or plantation has been terminated by act of the legislature, the commissioner of sea and shore fisheries shall thereupon be authorized to issue licenses for the propagation and cultivation of clams, quahogs and mussels in such deorganized town in the same manner and to the same extent as municipal officers may in organized towns under the provisions of sections 54 to 61, inclusive.'

Sec. 2. R. S., c. 34, § 56, amended. The 1st sentence of section 56 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Before granting any license, the ~~mayor and aldermen of a city or the~~

~~selectmen of a town municipal officers of a town or city, or in the case of deorganized towns, the commissioner of sea and shore fisheries shall cause a survey and plan to be made of the territory within which licenses are to be granted, and shall cause the territory covered by any license issued by them to be marked upon a copy of such plan, to be kept in the office of the city or town clerk or the department of sea and shore fisheries when a town has become deorganized.~~

Sec. 3. R. S., c. 34, § 58, amended. Section 58 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 58. License to describe territory covered; to be recorded. A license granted hereunder shall describe by metes and bounds the waters, flats and creeks to which the license is applicable and shall have no force until it is recorded with the clerk of the city or town, ~~or the commissioner of sea and shore fisheries in the case of deorganized towns,~~ granting the same ~~in a book to be kept for the purpose in the office of the clerk of the city or town, and such books shall be open to public inspection.~~

The licensee shall pay annually to the city or town a fee of not less than \$1 nor more than \$5 per acre for the license, as the ~~mayor and aldermen of the city or the selectmen of the town~~ municipal officers of the city or town may determine. The licensee in a deorganized town shall pay the department of sea and shore fisheries a fee of \$5 per acre for the license. ~~Forms for licenses and for assignment shall be provided by the mayor and the aldermen of a city or the selectmen of a town at the expense of the city or town.~~

Sec. 4. R. S., c. 34, § 61, amended. Section 61 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 61. Licensee to submit report; license subject to forfeiture. Any person licensed under the provisions of ~~section 54~~ sections 54 and 54-A shall submit on oath, on or before January 1st in each year, to the ~~aldermen, city council or selectmen~~ municipal officers of the city or town, ~~or to the commissioner of sea and shore fisheries in the case of deorganized towns,~~ wherein the territory covered by the license is situated, a report of the total number of bushels of each kind of shellfish planted, produced or marketed during the preceding year upon or from such territory, and an estimate of the total number of bushels of each kind of shellfish at the time of such report planted or growing thereon; and if the total amount thereon falls below the market value of \$25 per acre within the first 2 years of the term of said license, or below the market value of \$50 per acre for any 3 consecutive years thereafter, said value to be determined by the ~~aldermen, councilmen~~

or selectmen by such reasonable method as they deem best granting authority, they may declare the license to be forfeited. Thereupon the licensed premises, with all shellfish thereon, shall revert to the city or town wherein situated.'