

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. 892

H. P. 1329

House of Representatives, February 22, 1951.

Referred to the Committee on Sea and Shore Fisheries. Sent up for concurrence and 1,000 copies 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 the Conservation of Clams in Washington County,

Emergency preamble. Whereas, the digging, processing and merchandising of clams is one of the most important industries of the state and a benefit to the public generally; and

Whereas, it is vitally necessary to furnish employment and enhance the livelihood of the coastal and other people of Maine; and

Whereas, during the late spring and summer months the clams are spawning in their natural state, and to dig and market the same during the said spawning season is fast depleting the same, to such a degree that there will soon be no clams worthwhile available for commercial purposes in Washington county; and

Whereas, legislation is necessary to protect the public health and welfare and to promote and conserve the prosperity and welfare of the people of the state by fostering and promoting the conservation of clams; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine, and require the

following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 34, §§ 88-A - 88-C, additional. Chapter 34 of the revised statutes, as revised, is hereby amended by adding thereto 3 new sections to be numbered 88-A to 88-C, inclusive, to read as follows:

Sec. 88-A. Conservation of clams regulated; closed season. No person, firm or corporation shall, between the 15th day of May and the 1st day of October following, dig for, ship, transport, offer for shipment or transportation, or offer or expose for sale, either directly or indirectly, or have in their possession, either in the shell or shucked any clams taken from the clam flats of Washington county. Except, however, any person may be permitted to dig clams for fish bait or home consumption during the period aforesaid within the limits of said county; provided, however, that no such person shall dig for purposes mentioned in this section, during any 1 day more than 1 bushel of clams.

Sec. 88-B. Penalty. Any person, firm or corporation who digs for, sells, offers or exposes for sale, ships, transports, offers for shipment or transportation, or who attempts to ship or transport clams, either in the shell or shucked, from place to place within said county or beyond the limits thereof in violation of any of the provisions herein shall be punished by a fine of not less than \$50, nor more than \$100, and costs of prosecution, or by imprisonment for not less than 60 days nor more than 90 days, or by both such fine, costs and imprisonment, which said fine, costs or imprisonment shall not be suspended. Possession of clams as aforesaid in excess of 1 bushel in any 1 day shall be prima facie evidence of a violation of this provision. All automobiles, trucks, boats, airplanes, vessels and vehicles of every kind, not common carriers, containing clams shipped or transported contrary to the provisions hereof shall be seized by any officer seizing the clams so shipped or transported and shall be libeled and sold in accordance with the provisions of section 139, and the proceeds therefrom after the payment of all costs of such seizure and sale shall be paid forthwith to the commissioner of sea and shore fisheries and by him the same shall be paid to the treasurer of state for deposit in the general fund.

Sec. 88-C. How enforced; jurisdiction. The provisions of sections 88-A to 88-C, inclusive, shall be enforced by the commissioner of sea and shore fisheries and by any of his wardens or deputy wardens, by the sheriff of the county of Washington and his deputies, and by the state police. Muni-

cipal courts and trial justices shall have original and concurrent jurisdiction with the superior court in prosecutions for violation hereof.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.