

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. 987

H. P. 1395

House of Representatives, February 28, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Knapp of Yarmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

**AN ACT Relating to the Digging of Shellfish and Marine Worms in the
Town of Yarmouth.**

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

Sec. 1. License required to dig or take clams, etc., in Yarmouth; definition. No person, firm or corporation shall, within the town of Yarmouth, in Cumberland county, dig or take any clams, clam-worms, blood-worms, quahogs or mussels for sale without first having obtained a license from the municipal officers of said town of Yarmouth, who are hereby authorized to grant and issue such licenses and fix the fees therefor. No license shall be granted or issued to any person, firm or corporation unless said person, firm or corporation is a resident of said town of Yarmouth. Nothing herein shall prohibit any inhabitant, or temporary resident, or any riparian owner of shores or flats within said town, from digging or taking clams for food for himself and family without license; provided the amount so taken shall not be in excess of $\frac{1}{2}$ bushel per tide per person. Licenses issued under authority hereof shall expire at midnight of December 31st of the calendar year in which they are issued.

Sec. 2. Resident; definition of. For the purposes of sections 1 to 4, in-

clusive, 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 Yarmouth for at least 3 months prior to making application for license.

Sec. 3. Dealers' licenses required; definition. No person shall be a dealer in clams, quahogs and mussels, clam-worms or blood-worms in the town of Yarmouth, 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 1 to 4, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, quahogs and mussels, clam-worms or blood-worms for resale.

Sec. 4. Licenses; revocation; appeals. The municipal officers may revoke any license issued by them under the provisions of the 3 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, quahogs and mussels, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, quahogs and mussels, 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. 5. Penalty. Whoever violates any of the provisions of sections 1 to 4, 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.