

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. 1260

H. P. 1685

House of Representatives, April 3, 1951.

Reported by Mr. Barton from Committee on Sea and Shore Fisheries
and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to the Taking of Clams and Quahogs 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-G, additional. Chapter 34 of the revised statutes, as revised, is hereby amended by adding thereto 3 new sections to be numbered 88-E to 88-G, 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, quahogs, 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 and quahogs therefrom for food for himself and family without license. For the purposes of sections 88-E to 88-G, 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. Licenses; revocation; appeals. The municipal officers may revoke any license issued by them under the provisions of the preceding section, upon evidence satisfactory to them that the person digging or taking clams, quahogs, clam-worms, blood-worms or sand-worms has violated any of the laws of the state regulating the digging or taking of clams, quahogs, clam-worms, blood-worms or sand-worms. If the municipal officers refuse to issue the license provided for in said section or if a license has been revoked by the municipal officers, a person aggrieved may apply to any justice of the superior court, in term time or vacation, who may order the issuance or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-G. Penalty. Whoever violates any of the provisions of sections 88-E to 88-G, 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.'