

MAINE STATE LEGISLATURE

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

Legislative Document

No. 158

H. P. 167

House of Representatives, January 25, 1955.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Skolfield of Harpswell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to the Taking of Clams, etc., in Town of Harpswell.

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

R. S., c. 38, §§ 70-A, - 70-D, additional. Chapter 38 of the revised statutes is hereby amended by adding thereto 4 new sections to be numbered 70-A to 70-D, inclusive, to read as follows:

‘Sec. 70-A. License required to dig or take clams, etc., in town of Harpswell. No person, firm or corporation shall, within the limits of the town of Harpswell, in the county of Cumberland, dig or take any clams, quahogs, clamworms, sandworms or bloodworms without having first obtained a license from the municipal officers of said town of Harpswell, 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 Harpswell. Nothing herein shall prohibit a resident or riparian owner of shores or flats in said town of Harpswell from digging and taking clams and quahogs therefrom for food for himself and family without license. For the purposes of sections 70-A to 70-D, 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 Harpswell for at least 3 consecutive months prior to making application for license.

Sec. 70-B. Dealers’ licenses. No person shall be a dealer in clams, quahogs, clamworms or bloodworms in the town of Harpswell 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 purposes of sections 70-A to 70-D, inclusive, the term “dealer” herein used shall mean any person, firm or corporation buying clams, quahogs, clamworms or bloodworms for resale.

Sec. 70-C. 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, clamworms, bloodworms or sandworms has violated any of the laws of the State regulating the digging or taking of clams, quahogs, clamworms, bloodworms or sandworms. 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. 70-D. Penalty. Whoever violates any of the provisions of sections 70-A to 70-D, 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.'