

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 778

H. P. 551

House of Representatives, February 14, 1957

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

HARVEY R. PEASE, Clerk

Presented by Mr. Heald of Union.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to the Taking and Sale of Clams in the Town of Rockport.

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

R. S., c. 38, §§ 90-A - 90-D, additional. Chapter 38 of the Revised Statutes, as revised, is hereby amended by adding thereto 4 new sections to be numbered sections 90-A to 90-D, inclusive, to read as follows :

‘Sec. 90-A. License required to dig or take clams in Rockport. No person, firm or corporation shall, within the limits of the town of Rockport in the county of Knox, dig or take any clams without having first obtained a license from the municipal officers of said town of Rockport, 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 Rockport. Nothing herein shall prohibit a riparian owner of shores or flats in said town of Rockport from digging and taking clams therefrom for food for himself and family without license; provided the amount so taken shall not be in excess of one peck per day per person. For the purposes of sections 90-A to 90-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 Rockport for at least 3 consecutive months prior to making application for license.

Sec. 90-B. Dealers’ licenses. No person shall be a dealer in clams in the town of Rockport 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 90-A to 90-D, inclusive, the term “dealer” herein used shall mean any person, firm or corporation buying clams for resale.

Sec. 90-C. Licenses; revocation; appeals. The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams has violated any of the laws of the State regulating the taking and sale of clams. 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. 90-D. Penalty. Whoever violates any of the provisions of sections 90-A to 90-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.'