

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 951

H. P. 670

House of Representatives, February 21, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Miller of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Authorizing Towns to Control Shellfish Resources.

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

Sec. 1. R. S., c. 38, § 48-A, additional. Chapter 38 of the Revised Statutes, as revised, is hereby amended by adding thereto a new section to be numbered 48-A, to read as follows:

‘Sec. 48-A. Shellfish, taking. It shall be lawful for any person who legally possesses a commercial shellfish and marine worm license, to dig or take clams, quahogs and mussels in any tidewater area of the State, except those areas which are closed to all digging for the conservation of shellfish by the Department.

No area shall be closed for the purpose of conservation to the digging or taking of clams, quahogs and mussels except as provided in section 5.’

Sec. 2. R. S., c. 38, § 49, amended. The 1st paragraph of section 49 of chapter 38 of the Revised Statutes, as revised, is hereby amended by adding at the end thereof the following sentences:

‘Subject to the provisions of this section, any town may, by vote at an annual town meeting, grant to the inhabitants of adjacent towns such privileges in the clam, quahog and mussel resources of said town as it shall deem appropriate, subject to such limitations and upon such conditions as the town may lawfully impose. Any town engaged in or carrying on the active management of shellfish resources in said town shall have authority to raise and appropriate such sums as are necessary to finance such management activities.’

Sec. 3. R. S., c. 38, § 49, amended. The 1st sentence of the 3rd paragraph of section 49 of chapter 38 of the Revised Statutes, as revised, is hereby repealed, as follows:

~~'This section shall not be construed to effect the repeal of any special privileges enjoyed by the inhabitants of certain towns by virtue of any public or private and special law in force on August 6, 1949; but any town to which any such law applies may in addition have all the advantages of this section if such town shall so vote.'~~

Sec. 4. R. S., c. 38, §§ 50, 53, 57, 61, 65, 66, 69, 70-A, 71, 75, 79, 83, 87, repealed. Sections 50, 53, 57, 61, 65, 66, 69, 70-A, 71, 75, 79, 83 and 87 of chapter 38 of the Revised Statutes, as revised, are hereby repealed.

Sec. 5. Amendatory clause. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed or amended to conform thereto.

Sec. 6. Effective date. The provisions of section 1 shall become effective July 1, 1958.