

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1376

House of Representatives, May 15, 1959.
Reported by Mr. Lowery from Committee on Sea and Shore Fisheries.
HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

COMMITTEE AMENDMENT "A" to H. P. 176, L. D. 257, Bill, "An Act to Enact Private and Special Laws Related to the Revision of the General Laws Concerning Sea and Shore Fisheries."

Amend said Bill in section 3 of Chapter A by striking out all of the last paragraph and inserting in place thereof the following paragraph:

'If the municipal officers revoke any license under this section, or refuse to issue any license authorized under sections 1 or 2, the aggrieved person may appeal to the Superior Court within 30 days. The court may order the issuance or restoration of the license, provided it finds the municipal officers acted fraudulently or corruptly or erred in their conclusion of facts or failed to issue a license to an applicant who was entitled to one.'

Further amend said Bill in section 4 of Chapter A by striking out all of subsection V and inserting in place thereof the following subsection:

'V. Taking clams from Batson's River in the Town of Kennebunkport. From October 1, 1959 to October 1, 1961, no clams shall be dug or taken from the flats in Batson's River or in any of its branches or tributaries, in the Town of Kennebunkport, except that, during said 2-year period, any resident or property owner of said town may dig from said flats not to exceed 2 pecks of clams at one tide.' (P. L. 1959, c. 119)

Further amend said Bill by renumbering "Sec. 2" of Chapter C to read 'Sec. 3.'

Further amend said Bill by inserting after "Sec. 1" of Chapter C the following section:

'Sec. 2. Dragging for scallops in Bagaduce River and Bay. Dragging for scallops in Bagaduce River and Bagaduce Bay, Hancock County, shall be limited to the use of one 3-foot drag and only within a line drawn between Dice Head and Nautilus Island.

Whoever violates this section shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not more than 30 days.' (P. L. 1959, c. 90)

Further amend said Bill by inserting after "Chapter D" the following chapter:

'Chapter E.

Concurrent Court Jurisdiction.

Sec. 1. Violation of sea and shore fisheries laws in Isle au Haut. Notwithstanding the provisions of the Revised Statutes of 1954, chapter 37-A, section 88, and amendments thereto, and court charters and other state laws in conflict herewith, the municipal and trial justice courts within Hancock County are hereby granted concurrent original jurisdiction with like courts within Knox County for violations of said chapter 37-A which occur anywhere on land or water within the municipal limits of the Town of Isle au Haut, and for violations of any other sea and shore fisheries laws or regulations which occur on land or water within the municipal limits of said town.

I. Limitation. A respondent may not, however, be taken before any municipal or trial justice court in Hancock County which is further from the scene of the violation than the nearest municipal court in Knox County.

II. Superior Court appeal jurisdiction. The Superior Court within and for the County of Hancock is hereby granted jurisdiction of all appeals from the municipal and trial justice courts of Hancock County for all violations covered by this chapter as though the violations had occurred in Hancock County.'