

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. 1377

House of Representatives, May 15, 1959.
Reported by Mr. Young 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. 174, L. D. 255, Bill, "An Act to Revise the General Laws Relating to Sea and Shore Fisheries."

Amend said Bill in that part designated "Sec. 34" of section 1 by striking out all of paragraph A of subsection I and inserting in place thereof the following underlined paragraph:

'A. The tolerance of 25% is determined by volume of $\frac{1}{2}$ bushel of herring for each 30 hogsheads of herring, or fraction thereof, taken at random from various parts of the lot.'

Further amend said Bill in that part designated "Sec. 37" of section 1 by striking out all of the first paragraph and inserting in place thereof the following underlined paragraph:

'It is unlawful for any person to set or assist in setting any net or seine within 2,000 feet of the mouth of any weir which is licensed under the provisions of sections 43 or 44 and under the licensing provisions of chapter 98, except as otherwise provided in this section.' (1959, c. 280)

Further amend said Bill by striking out all of that part designated "Sec. 40" of section 1 and inserting in place thereof the following underlined section:

'Sec. 40. Closed season on fishing for smelts. From March 15th to June 15th of each year it is unlawful to fish for or take any smelts from the tidal waters of the State by any means other than by the use of a hand dip-net operated by one man, or by the ordinary mode of angling with hook and line.

I. Limit on smelts, exceptions for possession. From March 15th to June 15th of each year it is unlawful to take, catch, kill or have in possession more than 4 quarts of smelts of any description in any one day, regardless of where the smelts were taken, except as otherwise provided in this section.

A. A dealer in fish who is licensed under section 110 or 111, or a bait dealer licensed under chapter 37, section 63, is excused from the possession of more than 4 quarts of smelts if the possession occurs in his vehicle or place of business, but no dealer may catch more than 4 quarts of smelts in any one day.

B. This subsection does not apply to the possession of more than 4 quarts of smelts in any grocery store or fish market if the same were legally taken.

II. Certain commercial fishing licensees excused; prima facie evidence. The holder of a current resident commercial fishing license or a current non-resident commercial fishing license is excused from the provisions of this section to the extent of any smelts which he catches in any licensed weir or trap maintained and operated in tidal waters for catching herring.

A. If any such licensee is found with smelts in his possession by a coastal warden or game warden, he shall immediately on request show his resident or nonresident commercial fishing license, and his neglect to do so is prima facie evidence that he is not excused as provided in this subsection.

III. Exception for localities covered by special legislation; prima facie evidence. Any provision of this section that is in conflict with any provision of any special legislation which regulates the taking or possession of smelts in any given locality is superseded by that special legislation.

A. If any person, other than as provided in subsection I, paragraphs A and B or in subsection II, is found in possession of more than 4 quarts of smelts in a municipality when and where special legislation does not authorize the possession of more smelts anywhere within that municipality at the time of the possession, it is prima facie evidence that the smelts are possessed in violation of subsection I.

IV. No right inconsistent with regulations granted. Nothing in this section grants to any person any right to take smelts from any area in any manner which is contrary to the provisions of any regulation of the Commissioner of Sea and Shore Fisheries.' (1959, c. 255)

Further amend said Bill in that part designated "Sec. 49" of section 1 by adding after the underlined word "quahogs" in the 3rd line of subsection I the underlined words 'or seed clams.'

Further amend said Bill in that part designated "Sec. 49" of section 1 by adding after the underlined word "quahogs" in the 3rd line of paragraph C of subsection II the underlined words 'or seed clams.'

Further amend said Bill in that part designated as "Sec. 49" of section 1 by adding after the underlined word "quahogs" in the 3rd line of subsection V the underlined words 'or seed clams.'

Further amend said Bill in that part designated "Sec. 55" of section 1 by striking out all of subsection II and inserting in place thereof the following underlined subsection:

II. Issuance of certificate. The Commissioner of Agriculture may issue this certificate if he is satisfied that the shucking house and premises conform to the sanitary standards recommended by the United States Public Health Service and conform to the laws and regulations of the State of Maine, and if he is also satisfied that the shucked product from the shucking house conforms to the standards of purity and quality recommended by the United States Public Health Service and conforms to the laws and regulations of the State of Maine.'

Further amend said Bill in that part designated "Sec. 56" of section 1 by striking out all of paragraph A of subsection I and inserting in place thereof the following underlined paragraph :

'A. The name of the consignor, and, if the shellfish have been removed from the shell, the number of the shellfish certificate under which they were shucked.'

Further amend said Bill in that part designated "Sec. 59" of section 1 by striking out all of subsection I and inserting in place thereof the following underlined subsection :

'I. Exception for home consumption. Any person may operate a boat engaged in taking scallops for his own or his family's consumption without having a license as provided in this section, provided he does not take or possess more than 2 bushels of scallops in the shell in any one day, nor more than 4 quarts of shucked scallops.'

Further amend said Bill in that part designated "Sec. 67" of section 1 by striking out all of paragraph B of subsection II and inserting in place thereof the following underlined paragraph :

'B. The name and address of the owner of each boat, truck, automobile, airplane or other vehicle to be used in the transportation.'

Further amend said Bill in that part designated "Sec. 73" of section 1 by striking out the underlined word "**set**" in the 10th line and inserting in place thereof the underlined words '**normally used.**'

Further amend said Bill in that part designated "Sec. 75" of section 1 by striking out the underlined word "**female**" in the 3rd line.

Further amend said Bill in that part designated "Sec. 96" of section 1 by striking out the underlined words and punctuation "**as revised,**" in the 4th line.

Further amend said Bill in that part designated "Sec. 98" of section 1 by striking out the underlined words "**as revised**" in the 6th line.

Further amend said Bill in that part designated "Sec. 98" of section 1 by striking out the underlined words and punctuation "**as revised,**" in the 2nd line of subsection I.

Further amend said Bill by adding at the end thereof the following sections :

Sec. 4. P. L., 1959, c. 90, repealed; limitation. Chapter 90 of the public laws of 1959 heretofore passed by this Legislature amending chapter 38 of the revised statutes by adding a new section 105-A is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 5. P. L., 1959, c. 119, repealed; limitation. Chapter 119 of the public laws of 1959 heretofore passed by this Legislature amending the 4th sentence of section 57 of chapter 38 of the revised statutes is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 6. P. L., 1959, c. 255, repealed; limitation. Chapter 255 of the public laws of 1959 heretofore passed by this Legislature repealing and replacing section 32 of chapter 38 of the revised statutes is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 7. P. L., 1959, c. 280, repealed; limitation. Chapter 280 of the public laws of 1959 heretofore passed by this Legislature amending section 28 of chapter 38 of the revised statutes is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 8. P. & S. L., 1949, c. 55, repealed. Chapter 55 of the private and special laws of 1949 is repealed.

Sec. 9. P. & S. L., 1959, c. 27, repealed; limitation. Chapter 27 of the private and special laws of 1959 heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 10. P. & S. L., 1959, c. 28, repealed; limitation. Chapter 28 of the private and special laws of 1959 heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 11. P. & S. L., 1959, c. 32, repealed; limitation. Chapter 32 of the private and special laws of 1959 heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 12. P. & S. L., 1959, c. 46, repealed; limitation. Chapter 46 of the private and special laws of 1959 heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 13. P. & S. L., 1959, c. 86, repealed; limitation. Chapter 86 of the private and special laws of 1959 heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 14. Resolves, 1959, c. 72, repealed; limitation. Chapter 72 of the resolves of 1959 heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 15. Resolves, 1959, c. 73, repealed; limitation. Chapter 73 of the resolves of 1959 heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the session laws of 1959.