

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 161.

An Act to amend Section thirty-four of Chapter forty-one of the Revised Statutes, relating to the Taking of Clams.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Section thirty-four of chapter forty-one of the revised statutes is hereby amended by striking out all of said section before the word "in" in the eleventh line, and inserting in place thereof the following: "Towns at their annual meetings may fix the times in which clams may be taken within their limits, and the prices for which its municipal officers shall grant licenses or permits therefor, and the number to be granted; and when not so regulated by vote, the municipal officers may fix the times and prices for which permits shall be granted and the number to be granted. No person shall take clams within the limits of any towns having so regulated the taking of clams without first obtaining a written license or permit from the municipal officers of such town, unless the clams are for the consumption of himself and family, or for the consumption or use of inhabitants of the town or any person temporarily resident therein. Whoever takes clams contrary to the provisions of this section, shall for each offense, be fined not more than ten dollars or imprisoned not more than thirty days,' so that said section, as amended, shall read as follows:

Section 34,
chapter 41, R.
S., amended.

'Section 34. Towns at their annual meetings may fix the times in which clams may be taken within their limits, and the prices for which its municipal officers shall grant licenses or permits therefor, and the number to be granted; and when not so regulated by vote the municipal officers may fix the times and prices for which permits shall be granted, and the number to be granted. No person shall take clams within the limits of any towns having so regulated the taking of clams, without first obtaining a written license or permit from the municipal officers of such town, unless the clams are for the consumption of himself and family, or for the consumption or use of inhabitants of the town or any person temporarily resident therein. Whoever takes clams contrary to the provisions of this section, shall for each offense, be fined not more than ten dollars, or imprisoned not more than thirty days. In all contracts relating to the sale of clam bait by the barrel, and clam bait barrels, unless otherwise specified in the contract, a barrel shall be twenty-seven and one-half inches long, sixteen inches head diameter, outside measure, holding not less than twenty-one gallons and not more than twenty-three gallons.'

Towns may
regulate
taking
of clams.

--clams may
be taken for
family use
without
permit.

CHAP. 162

Further provisions concerning construction of this act.

Section 2. This act shall take effect when approved, but shall not be construed to effect the repeal of chapter three hundred and seventeen of the private and special laws of Maine, approved March twenty-six, nineteen hundred and three, nor of any law applicable to a particular locality passed by the legislature in the year nineteen hundred and five, but any town to which any special law applied may in addition have all the advantages of this act if such town shall so vote.

Approved March 24, 1905.

Chapter 162.

An Act enlarging the Duties and fixing the Compensation of the Attorney General.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Duties of the attorney general.

Section 1. The attorney general shall appear for the state, the secretary of state, the treasurer of state, the bank examiner, the insurance commissioner and the state boards and commissions, in all suits and other civil proceedings in which the state is a party or interested, or in which the official acts and doings of said officers are called in question, in all the courts of the state; and in such suits and proceedings before any other tribunal when requested by the governor or by the legislature or either branch thereof. All such suits and proceedings shall be prosecuted or defended by him or under his direction. Writs, summonses or other processes served upon such officers shall forthwith be transmitted by them to him. All legal services required by such officers, boards and commissions in matters relating to their official duties shall be rendered by the attorney general or under his direction. Said officers, boards and commissions shall not act at the expense of the state as counsel in any suit or proceedings in which the state is interested.

Shall prosecute all claims for the state.

Section 2. All civil actions to recover money for the state shall be brought by the attorney general or by the county attorney in the name of the state, and the attorney general shall appear before the departments and tribunals of the United States and the committees of Congress to prosecute all claims of the state against the United States.

Shall consult with and assist county attorneys.

Section 3. He shall consult with and advise the county attorneys in matters relating to their duties; and if in his judgment the public interest so requires, he shall assist them by attending the grand jury in the examination of a case in which the accused