

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

Chapter 69.**CHAP. 69**

An Act to provide for the Propagation and Cultivation of Clams.

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

Section 1. Upon an application in writing, the mayor and aldermen of a city or the selectmen of a town shall grant a written license subject to such rules and regulations as are approved by the city council of the city, or by the voters of the town an annual or special town meeting, for the purposes of planting and cultivating clams upon and in not exceeding one-fourth of the flats and creeks of their respective cities and towns and within the limits to be specified in the license, for a term of not more than ten or less than five years, to any person who has resided in the state or who has been a taxpayer in the city or town for not less than one year preceding the date of his application; and all such licenses may be assigned by the licensee to any person who has been a resident of the state or a taxpayer in the city or town for not less than one year preceding the date of the assignment, but shall not be assigned or transferred without the written consent of the mayor and aldermen of such city or the selectmen of such town.

Towns may grant licenses for propagation and cultivation of clams.

—term of license.

—license may be assigned.

Section 2. The licenses herein provided for shall not be granted if their exercises would materially obstruct navigable water. No license shall be granted under this act until after a public hearing, stating the name and residence of the applicant, the date of the filing of the application, the location, area, and description of the grounds applied for, due notice of which has been posted in three or more public places, and published in a newspaper, if there be any, published in the city or town in which the premises are situated, at least ten days before the time fixed for the hearing. Said licenses shall be granted in all cases to the riparian proprietors of the adjacent property, when there are two or more applicants for the same territory and the adjacent riparian proprietor is one of them.

Shall not obstruct navigation.

—proceedings before licenses shall be granted.

—preference shall be given riparian proprietor.

Section 3. It shall be unlawful, for any person, except the licensee or his agents or assignees, to dig or take clams or clam seed within the territory covered by a license granted hereunder, or to remove the same from the said territory.

Unlawful to take clams on licensed territory except by license.

Section 4. A license granted hereunder shall describe by metes and bounds the waters, flats and creeks, to which the license is applicable, and it shall have no force until it is recorded with the clerk of the city or town granting the same, and the licensee shall pay annually to the city or town a fee

License shall describe territory covered, and shall be recorded.

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—recording fee.

—records shall be open to public inspection.

—forms for licenses furnished by municipal officers.

Survey and plan of territory covered by license shall be made.

—territory shall be marked by stakes, etc.

Proceedings if licensee falls to occupy and use territory covered by license.

Licensee shall have exclusive use of territory covered by license.

of not less than one dollar nor more than five dollars per acre for the license, as the mayor and aldermen of the city and the selectmen of the town may determine. A recording fee of fifty cents shall be paid to the clerk of the city or town for recording the said license or an assignment thereof. The said license and any assignments thereof shall be recorded in a book to be kept for the purpose in the office of the clerk of the city or town, and such books shall be open to inspection by the public. Forms for licenses and for assignments shall be provided by the mayor and aldermen of a city or the selectmen of a town at the expense of the city or town.

Section 5. Before granting any license hereunder, the mayor and aldermen of a city or the selectmen of a town shall cause to be made a survey and plan of the territory within which licenses are to be granted, and shall cause to be marked upon a copy of such plan to be kept in the office of the city or town clerk the territory covered by any license issued by them. It shall be the duty of the licensee upon receiving his license to cause the territory covered thereby to be plainly marked out by stakes, buoys, ranges or monuments which shall be maintained by him during the term of the license. Failure to place or maintain the same shall be sufficient cause for revocation of the license by the authority granting the same.

Section 6. If it appears to the mayor and aldermen of a city or selectmen of a town granting a license hereunder that the licensee or his assignee does not actually occupy and use in good faith for the purposes specified in sections one and two of the territories covered by the license, they shall petition the superior court of the county wherein the territory is situated to appoint a commission of one or more persons to investigate and report to the court as to the use and occupancy of such territory, and the court shall appoint a commission of one or more persons who, after twelve days' notice to the petitioners and the respondent, shall hear the petitioners and respondent and shall transmit their findings to the court. If it shall appear to the said court that the said territory is not used and occupied in good faith for the purpose stated in the license, the court may order that use of the territory shall revert to the city or town and that all stakes or buoys and other appliances marking the same shall be removed. The costs upon said petition shall be assessed as the court may direct.

Section 7. The licensee, his heirs or assignees shall for the purposes described in the license have the exclusive use of the territory described therein during the term of the license

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and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes clams or other shellfish in the territory covered by the license or removes the same therefrom. Whoever so digs, takes or removes clams or other shellfish shall, in addition, be subject to a penalty of twenty dollars for each offence.

—penalty.

Section 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Inconsistent acts repealed.

Approved March 22, 1911.

Chapter 70.

An Act to regulate the number of Ruffed Grouse (commonly called Partridge) and Woodcock which may be taken or had in possession by one person in any one day during open season.

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

Section 1. No person shall, in any one day, take, catch, kill or have in possession more than five ruffed grouse (commonly called partridge) nor more than ten woodcock during open season on said birds.

Number of ruffed grouse and woodcock that may be taken in one day.

Section 2. Whoever violates any provision of this act shall be subject to a penalty of not less than five dollars nor more than ten dollars and costs for each bird killed or had in possession in violation of any provision of this act.

Penalty for violation of this act.

Section 3. All acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

Approved March 22, 1911.

Chapter 71.

An Act to amend Section twenty-seven of Chapter six of the Revised Statutes, relating to Distinguishing Marks on Ballots.

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

Section twenty-seven of chapter six of the revised statutes is hereby amended by adding to said section the following: 'No marks, other than those authorized by law, shall be placed upon the ballot by the voter but no ballot, after having been received by the election officers, shall be rejected as defective because of marks, other than those authorized by law, having been placed upon it by the voter, unless such marks are deemed to have been made with fraudulent intent, and no ballot shall be rejected as defective because of any irregularity in the form of the cross in the square at the head of the party column

Section 27, chapter 6, R. S., amended.