

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Ninth Legislature

OF THE

# STATE OF MAINE

1919

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Published by the Secretary of State, in accordance with the Resolves of the Legislature  
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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Ninth Legislature

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work on the lines of a policy that shall strongly urge upon the United States bureaus of agriculture, commerce, and fisheries, and the Senate and House Fisheries Committees, the urgent necessity of utilizing the dogfish and other shark species to assist American agriculture, under federal auspices, with an annual appropriation for the establishment and maintenance of an adequate number of reduction works, to be located at different points on the Atlantic coast.

**Sec. 5. Expenses of commission to be approved by governor and council.** That to defray the expenses of said commission and to carry out the provisions of this act the governor and council be and hereby are authorized to expend such sums as they may deem necessary and expedient out of any money in the treasury not otherwise expended or appropriated.

Approved April 4, 1919.

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## Chapter 184.

An Act to Amend Certain Sections of Chapter Forty-five of the Revised Statutes, Relating to the Licensing of Persons Engaged in the Lobster Fisheries.

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

**Sec. 1. R. S., c. 45, § 17; relating to lobster licenses, amended.** Section seventeen of chapter forty-five of the revised statutes is hereby amended by striking out all of section seventeen after the words "in addition to said fine" and inserting in place of the clause stricken out the following: 'No person, firm or corporation convicted of any violation of any law relating to lobsters shall either by themselves, their servants or agents be entitled to a renewal of said license for the balance of license year', so that said section, as amended, shall read as follows:

**'Sec. 17. License not to be renewed for balance of license year, in case of violation.** No person, firm or corporation, either by themselves as principal or by their servants or agents, shall, at any time, catch, take, hold, buy, ship, transport, carry, give away, remove, sell or expose for sale, or have in his or its possession, except for the immediate consumption of himself and family, any lobster from any of the waters within the jurisdiction of this state, or place, set, keep, maintain, supervise, lift, raise or draw in or from any of said waters, or cause to be placed, set, kept, maintained, supervised, lifted, raised or drawn in or from any of said waters any pot, trap, trawl, car, boat, smack, vessel or other contrivance designed or adapted for the catching, taking, holding or for removal or transportation of lobsters, unless licensed to do so as hereinafter provided; except that common carriers engaged in carrying general freight on fixed schedules may, without license, transport, within or without the state, lobsters legally caught; provided that said lobsters are received by said com-

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mon carriers at one of their regular established places of business upon land for receiving freight; and provided the receptacle containing said lobsters is plainly marked showing the contents to be lobsters, together with the full and correct name and address of both consignor and consignee. Every person, firm or corporation who shall violate any of the provisions of this section, or aid in doing so, upon conviction in any court of competent jurisdiction, as defined in section thirty-four, shall be fined twenty-five dollars for the first offense; for the second offense, fifty dollars; and for any subsequent offense, fifty dollars, and shall be sentenced to imprisonment for thirty days, in addition to said fine. No person, firm or corporation convicted of any violation of any law relating to lobsters shall either by themselves, their servants or agents be entitled to a renewal of said license for the balance of license year.'

**Sec. 2. R. S., c. 45, § 20; relating to revocation of license upon violation, amended.** Section twenty of chapter forty-five of the revised statutes is hereby repealed and the following enacted and inserted in place thereof as section twenty of chapter forty-five:

**'Sec. 20. License may be suspended for first violation; not to be renewed during license year.** If any person, firm or corporation, their servants or agents, licensed as provided in this chapter, shall be adjudged guilty of any violation of any law relating to lobsters, the director of sea and shore fisheries may revoke the license of such person, firm or corporation so adjudged guilty and upon such revocation all rights under the license so revoked shall cease, and no such person, firm or corporation so adjudged guilty shall be entitled of right to receive a license during the remainder of license year, and the license shall be suspended from the date of complaint or indictment until final determination by the court. The director of sea and shore fisheries in his discretion may, before conviction, revoke or suspend the license of any person, firm or corporation, whenever he has evidence that such person has violated any of the laws relating to lobsters.'

**Sec. 3. R. S., c. 45, § 22; relating to the surrender of licenses issued through fraud or error and the penalty for fraud, amended.** Section twenty-two of chapter forty-five of the revised statutes is hereby amended by striking out, in the seventh and eighth lines thereof the following words: "or within one year from the date a license was revoked or forfeited", so that said section twenty-two, as amended, shall read as follows:

**'Sec. 22. Provision as to forfeiture of license issued within one year from revocation stricken out.** Any license which has been revoked for the violation of any law of this state relating to the lobster industry, shall be void, and shall immediately be surrendered to the officer who serves

the warrant or indictment, or who secures the conviction of the offender; said officer shall forthwith forward said license to the commissioner of sea and shore fisheries, who shall cancel the same. Any license issued to any party through error or fraud, shall be void, and shall be surrendered on demand of any officer authorized to enforce any law governing the lobster industry in this state, and any party who fraudulently obtains a license under sections seventeen to thirty-four, both inclusive, shall be fined one hundred dollars and imprisonment sixty days in addition, for each offense.'

**Sec. 4. R. S., c. 45, § 30; relating to the licensing of lobster smacks, amended.** Section thirty of chapter forty-five of the revised statutes is hereby repealed and the following enacted and inserted in place thereof as section thirty of chapter forty-five:

**'Sec. 30. Owners of vessels to give bond in sum of \$5000; vessel to be loaded in day time; masters or captains to be licensed and to give bond in sum of \$500.** No person, firm or corporation by itself, its servants or agents, save common carriers as provided in section seventeen of this chapter, shall transport or cause to be transported lobsters beyond the limits of this state, unless licensed and having given bond as herein provided. The owner or owners of any smack, vessel or other means of transportation shall make written application for license to the director of sea and shore fisheries who is hereby authorized to grant licenses to purchase and transport lobsters within and beyond the limits of this state. The application shall state the name of the smack, vessel or other means of transportation together with a description sufficient to identify it, the name and address of the owner or owners, the name and address of the master, the port of enrollment and registry. The application shall further contain agreements by the applicant therein: to load the smack, vessel, or other means of transportation in the waters over which this state has jurisdiction, and there only between sunrise and sunset, to allow without let or hindrance, inspection and search of such smack, vessel or other means of transportation by the director of sea and shore fisheries or his wardens, to stop when underway and return to harbor on command of the director of sea and shore fisheries or his wardens, to return to the waters of the state when so ordered by the director of sea and shore fisheries or his wardens, to abide by all the laws of this state relating to lobsters. The application shall further contain an agreement that the full penal sum of the bond herein provided for shall be forfeited to the state on breach of any term in said application. The license issued on said application shall state the terms on which the license is issued and that it is issued in consideration of the agreements of the application. Before said license is issued, the applicant shall file with the director of sea and shore fisheries a bond with surety approved by the director of sea and shore fisheries

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in the penal sum of five thousand dollars conditioned that said sum shall be forfeited to the state upon breach of any agreement in the application and license. The fee for issuing said license shall be five dollars and a record shall be kept of the same, similar to that provided for other licenses in section eighteen. In addition to the statement of the terms on which the license is issued, the license shall bear the date of the taking effect and the termination thereof, which last named date shall be the last day of November next after it becomes effective. The license shall give no authority to purchase or transport in any smack, vessel or other means of transportation except that named in the license but the name of the smack, vessel or other means of transportation may be changed by the licensee upon application to said director within the license period without further charge. Conviction of the licensee of violation of any statute of Maine relating to lobsters or breach of any agreement of application and license shall render the license void and make the full penal sum of the bond due to the State of Maine, and no licensee so convicted shall be entitled of right to license during the remainder of license year. The director of sea and shore fisheries may revoke said license when he has evidence that such owner or owners have violated any of the provisions of the law relating to lobsters.

No person shall act as master or captain of any smack, vessel or other means of transportation engaged in transporting lobsters without the state unless licensed and having given bond as herein provided. The master or captain of any smack, vessel or other means of transportation shall make written application for license to the director of sea and shore fisheries, who is hereby authorized to grant licenses to such captain or master to purchase and transport lobsters within and beyond the limits of this state. The application shall state the name of the smack, vessel or other means of transportation together with a description sufficient to identify it, the name and address of the owner or owners, the name and the address of the master or captain, the port of enrollment or registry. The application shall further contain agreements by the applicant therein: to load the smack, vessel or other means of transportation in the waters under which this state has jurisdiction, and there only between sunrise and sunset, to allow without let or hindrance, inspection and search of such smack, vessel or other means of transportation by the director of sea and shore fisheries or his wardens, to stop when under way and return to harbor on command of the director of sea and shore fisheries or his wardens, to return to the waters of the state when so ordered by the director of sea and shore fisheries or his wardens, to abide by all the laws of this state relating to lobsters. The application shall further contain an agreement that the full penal sum of the bond herein provided for shall be forfeited to the state on breach of any term in said application. The license issued

on said application shall state the terms on which the license is issued and that it is issued on consideration of the agreements of the application. Before said license is issued, the applicant shall file with the director of sea and shore fisheries a bond with surety approved by the director of sea and shore fisheries in the penal sum of five hundred dollars conditioned that said sum shall be forfeited to the state upon breach of any agreement in the application and license. The fee for issuing said license shall be five dollars and a record shall be kept of the same, similar to that provided for other licenses in section eighteen. In addition to the statement of the terms on which the license is issued, the license shall bear the date of taking effect and the termination thereof, which last named date shall be the last day of November next after it becomes effective. The license shall give no authority to purchase or transport in any smack, vessel or other means of transportation except that named in the license but the name of the smack, vessel or other means of transportation may be changed by the licensee upon application to said director within the license period without further charge. Conviction of the licensee of violation of any statute of Maine relating to lobsters or breach of any agreement of application and license shall render the license void and make the full penal sum of the bond due to the State of Maine. And no licensee so convicted shall be entitled of right to license during the remainder of license year. The director of sea and shore fisheries may revoke said license when he has evidence that such master or captain has violated any of the provisions of the law relating to lobsters and no new license shall be issued for a period of one year to any party whose license has become void because of conviction or has been revoked by the director of sea and shore fisheries.'

**Sec. 5. R. S., c. 45, § 31; relating to punishment for transporting lobsters without license, amended.** Section thirty-one of chapter forty-five of the revised statutes is hereby amended by striking out the whole of said section and enacting and inserting in place thereof, the following:

'**Sec. 31. Penalty increased; both owners and masters liable.** Whoever, as master or owner, transports lobsters without the state, not having obtained the license provided in the preceding section shall be punished by a fine of not less than fifty nor more than five hundred dollars, and both the owner and the master shall become indebted to and pay to the state the sum of five thousand dollars, which sum shall be a lien upon said smack, vessel or other contrivance, the lien to be enforced in the name of the state by appropriate process.'

**Sec. 6. R. S., c. 45, § 32; relating to punishment of persons licensed to transport lobsters, for any breach of law.** Section thirty-two of chap-



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ter forty-five of the revised statutes is hereby amended by striking out the whole of said section and enacting and inserting therefor the following:

**'Sec. 32. Penalty increased; loading in night time or refusing to return to Maine waters violation of terms of bond.** Any owner or master, licensed to transport lobsters without the state as provided in section thirty of this act, who shall either load said smack, vessel or other contrivance between sunset and sunrise or hinder or obstruct the director of sea and shore fisheries or his wardens either directly or by refusal to stop and commit search, or violate any of the state laws relating to lobsters, shall be punished by a fine of not less than fifty nor more than five hundred dollars. And loading said smack, vessel or other contrivance outside the waters over which the state has jurisdiction or refusal to return to the jurisdictional waters of the state on the order of the director of sea and shore fisheries or his warden shall be deemed a violation of the terms of the bond provided in section thirty and evidence of violation of the laws of the state relating to lobsters.'

**Sec. 7. R. S., c. 45, § 34; relating to court proceedings and proceedings against person not found, amended.** Section thirty-four of chapter forty-five of the revised statutes is hereby amended by striking out the following words in the third line thereof: "over all the offenses under the seventeen preceding sections" and enacting and inserting in lieu thereof the following: 'over all offenses against the laws of the state relating to lobsters,' and also by inserting after the words "any adjoining county" the following: 'but no party shall be tried in an adjoining county unless the court in such adjoining county is nearer the place where the crime was committed than the court of the county where the offense is alleged to have been committed', so that said section, as amended, shall read as follows:

**'Sec. 34. Municipal and police courts to have jurisdiction in all lobster law cases; trial to be in nearest court.** The several municipal and police courts shall have concurrent jurisdiction with the supreme judicial court and superior courts over all offenses against the laws of the state relating to lobsters and to the full extent of the penalties therein specified. In case any warrant is issued or indictment found against any licensee under section thirty, and any officer qualified to serve said warrant or indictment shall certify to the court from which it is issued that he has made diligent search and has been unable to locate the respondent, the court shall cause a written notice to be sent to the respondent at the address given in the application for license setting forth the fact that said warrant or indictment has been issued against him and naming a time and place for hearing on the same, which shall not be less than fourteen nor more than thirty days from the date of mailing said notice; and the notice shall state that,

in the event of his failure to appear, his bond given to the state shall be forfeited. If he appears, the court will proceed under the warrant or indictment as though he had been apprehended. In the event that he does not appear, the court shall order his bond forfeited; but the order of the court forfeiting said bond shall not otherwise affect the warrant or indictment. Any warrant issued by any such court shall cover offenses occurring in the county where said court is established or in any adjoining county, but no party shall be tried in an adjoining county, unless the court in such adjoining county is nearer the place where the crime was committed than the court of the county where the offense is alleged to have been committed. Parties defendant, however, have the same right of appeal from the sentences of said inferior courts as is now provided by law in other criminal cases.'

**Sec. 8. R. S., c. 45, § 35; relating to legal size of lobsters and method of measurement, amended.** Section thirty-five of chapter forty-five of the revised statutes is hereby amended by striking out the words "than four and three-quarters inches" in the third line thereof and inserting in place thereof the words 'three and one-half' and by striking out the words "the end of the bone of the nose to the center" in the fourth and fifth lines thereof and inserting in place thereof 'from the eye socket to the nearest point', so that said section, as amended, shall read as follows:

**'Sec. 35. Change in method of measurement.** No person shall buy or sell, give away or expose for sale or possess for any purpose any lobster less than three and one-half inches in length, alive or dead, cooked or uncooked, measured in manner as follows: Taking the length of the back of the lobster measured from the eye socket to the nearest point of the rear end of the body shell; and any lobster shorter than the prescribed length when caught shall be immediately liberated alive at the risk and cost of the parties taking them, under a penalty of one dollar for each lobster so caught, bought, sold, given away, or exposed for sale or in possession. The possession of mutilated lobsters, cooked or uncooked, shall be prima facie evidence that they are not of the required length. All lobsters or parts of lobsters sold for use in this state or for export therefrom must be sold or delivered in the shell, under a penalty of twenty dollars for each offense; and whoever ships, transports, carries, buys, gives away, sells or exposes for sale lobster meat after the same shall have been taken from the shell shall be liable to a penalty of one dollar for each pound of meat so shipped, transported, carried, bought, given away, sold or exposed for sale. Any person or corporation in the business of the common carrier of merchandise, who shall knowingly carry or transport from place to place lobster meat after the same shall have been taken from the shell shall be liable to a penalty of fifty dollars upon each conviction

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thereof. All lobster meat so illegally shipped, transported, carried, bought, given away, sold or exposed for sale shall be liable to seizure and may be confiscated. Nothing contained herein shall be held to prohibit the sale of lobsters that have been legally canned.'

**Sec. 9. R. S., c. 45, § 44; relating to the branding of cars in which lobsters are kept, repealed.** Section forty-four of chapter forty-five of the revised statutes is hereby repealed.

**Sec. 10. R. S., c. 45, § 92; relating to jurisdiction in prosecutions under chapter relative to sea and shore fisheries, amended.** Section ninety-two of chapter forty-five is hereby amended by striking out the words "within their counties" in the second and third lines thereof and adding to said section the following: 'Any warrant issued by any such court shall cover offenses in the county where said court is established or any adjoining county, but no party shall be tried in an adjoining county, unless the court in such adjoining county is nearer the place where the crime was committed than the court of the county where the offense is alleged to have been committed', so that said section, as amended, shall read as follows:

**'Sec. 92. Warrant may be issued for offenses in adjoining county but trial to be in nearest court.** In all prosecutions under this chapter municipal and police judges and trial justices have by complaint original and concurrent jurisdiction with the supreme judicial and superior courts. Any warrant issued by such court shall cover offenses in the county where said court is established or any adjoining county, but no party shall be tried in an adjoining county, unless the court in such adjoining county is nearer the place where the crime was committed than the court of the county where the offense is alleged to have been committed.'

**Sec. 11. Licenses issued to residents good as long as holder remains in state and license is not revoked for cause; inconsistent statutes repealed.** Each license granted and issued by the director of sea and shore fisheries to a resident of this state on or since the first day of December A. D. nineteen hundred and eighteen, or that shall be granted and issued hereafter by said director of sea and shore fisheries in accordance with the provisions of section eighteen of chapter forty-five of the revised statutes to a resident of this state shall be valid so long as the licensee remains a resident of this state; but may be suspended by the said director of sea and shore fisheries for a period not exceeding one year, only from and after the conviction of the said licensee for the violation of any of the laws of the state relating to lobsters in a court of competent jurisdiction in the county where the said violation occurred. All acts or parts of acts so far as they are inconsistent herewith are hereby repealed.