

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eightieth Legislature

1921

[supplied from page 3 of volume]

Chapter 98.

An Act Amendatory of and Additional to Chapter Forty-five of the Revised Statutes, as Amended, Relating to the Lobster Industry.

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

Sec. 1. R. S., c. 45, § 17; 1917, c. 182; 1919, c. 184; relating to lobster license, amended. Section seventeen of chapter forty-five of the revised statutes as amended by chapter one hundred and eighty-four of the public laws of nineteen hundred and nineteen, is hereby amended by striking out the words "for the balance of the license year," in the last line thereof, and inserting in place of the words so stricken out the words 'for the period of one year from such convictions,' so that said section, as amended, shall read as follows:

'Sec. 17. License not to be renewed until expiration of one year after conviction. 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 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 common 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 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 period of one year from such convictions.'

Sec. 2. R. S., 45, § 18; 1917, c. 23 and 233; relating to the application and issuance of operators licenses, amended. Section eighteen of

chapter forty-five of the revised statutes, as amended by chapter twenty-three and chapter two hundred and thirty-three of the public laws of nineteen hundred and seventeen is hereby amended by striking out all of said section and enacting in place thereof the following section:

'Sec. 18. Licenses to be issued by director of sea and shore fisheries; shall be divided into four classes; fishermen's license to be issued only to citizens of state who engage in lobster business for livelihood; not to be issued to persons in employ of state or United States or to summer residents; licenses now outstanding void on passage of this act; dumping any bag or receptacle when pursued by fish warden prima facie evidence of violation; license to be revoked. The director of sea and shore fisheries shall grant and issue licenses in the lobster industry. Such licenses shall be divided into four classes, namely: First class, Fishermen's Licenses; second class, Selling Licenses; third class, Shipping Licenses; and fourth class, Smackmen's Licenses. Licenses of the first class, Fishermen's Licenses, shall be issued only to citizens of this state or to any person who has resided within the state continuously for one year immediately preceding the date of application for license and such license shall be issued to such citizens or residents as actually engage in the lobster business for a livelihood and shall not be issued to any one in the employ of the United States or the State of Maine or summer residents. Licenses of the second class, Selling Licenses, shall be issued only to persons, firms or corporations conducting hotels, restaurants or boarding houses or to persons, firms or corporations engaged in the business of buying and selling lobsters. Licenses of the third class, Shippers Licenses, shall be issued only to persons, firms or corporations engaged in the lobster business in this state or other states to buy, sell and ship lobsters. Licenses of the fourth class, Smackmen's Licenses, shall be issued only to smackmen to buy, sell, and transport lobsters by smack or boat. All licenses now outstanding shall become void on the passage of this act and new licenses must be obtained under the conditions herein set forth. Applications for licenses shall be made upon special forms provided by the director of sea and shore fisheries. Violations of the agreements of the application shall render the license thereon void. Dumping, destroying or removing any bag, box or other receptacle after command of the director of sea and shore fisheries or his wardens, or when pursued by the director of sea and shore fisheries or his wardens shall be evidence of violation of the agreement of his application and the license of such person shall be revoked. The said director shall keep the clerks of various cities, towns and plantations bordering on the sea shore and other clerks who request them, supplied with blank applications; said clerk shall keep a supply of them on hand and furnish them to applicants. All applications when filled out shall

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be forwarded to the office of said director together with fees for same. Such licenses shall be granted to expire on the last day of June next succeeding the granting of same, unless sooner revoked, as provided in section twenty. The director in his biennial report shall state the number of licenses granted. He shall issue to each person, firm or corporation licensed as aforesaid a certificate, stating the name of the person, firm or corporation to whom such license shall be granted, the number of said license and the date of expiration of said license.'

Sec. 3. R. S., c. 45, § 19; providing that agent of person to whom license is issued may use license under certain conditions. Section nineteen of chapter forty-five of the revised statutes, is hereby amended by adding after the last word of said section the following: 'No person whose license has been revoked or suspended shall be employed by another or assist in the lobster business in any way. Every person who shall violate the provisions of this section shall upon conviction be subject to the fines and penalties provided in section seventeen,' so that said section, as amended, shall read as follows:

'Sec. 19. Licensee not to employ person whose license has been suspended or revoked; penalty for violation. If any person, firm, or corporation to whom such license shall be granted shall be incapacitated for any reason, except for the violation of the laws of the state relating to the lobster industry from using said license, said person, firm or corporation may permit his agent or employee, if a citizen of this state, to perform such duties under the license as may be necessary during the period of his or its incapacity; provided that said agent or employee shall, when performing said duties so licensed, exhibit upon demand of any authorized person, the certificate issued to his superior, as provided in the preceding section. No person whose license has been revoked or suspended shall be employed by another or assist in the lobster business in any way. Every person who shall violate the provisions of this section shall upon conviction be subject to the fines and penalties provided in section seventeen.'

Sec. 4. R. S., c. 45, § 20; 1919, c. 184; relating to the suspension or revocation of lobster licenses, amended. Section twenty, chapter forty-five, of the revised statutes, as amended by chapter one hundred eighty-four of the public laws of nineteen hundred and nineteen, is hereby amended by striking out all of said section and enacting in place thereof the following section:

'Sec. 20. In case license is revoked new license shall not be issued until expiration of one year from date of conviction; director may suspend instead of revoke license, before conviction; traps

and gear to be taken from waters within five days after suspension of license; penalty for failure to comply. If any person, firm or corporation, their servants or agents, licensed as provided in this chapter, shall be adjudged guilty of 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 for the period of one year, and the license shall be suspended from the date of complaint or indictment until the final determination by the court. The director of sea and shore fisheries in his discretion may, before conviction, 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. Upon the suspension of license all traps, cars, gear, and all devices used in connection with catching lobsters shall be taken from the water within five days after suspension. Any person with traps, cars or any other device remaining in the water, after the expiration of the five days, shall be fined five dollars per day for each trap, car or other device remaining in the water, and any car, smack, vehicle or other device used in the holding, carrying or transporting lobsters by any person whose license has been revoked or suspended shall be forfeited and become the property of the state.'

Sec. 5. R. S., c. 45, § 35; 1919, c. 184; relating to legal size of lobsters and method of measurement, amended. Section thirty-five of chapter forty-five of the revised statutes, as amended by chapter one hundred and eighty-four of the public laws of nineteen hundred and nineteen, is hereby further amended by striking out the words, "to the nearest point of the rear end of the body shell," in the fifth and sixth line thereof, and substituting in place thereof the words, 'along a line parallel to the center line of the body shell to the rear end of the body shell,' and by striking out the word "one," in the eighth line thereof, and substituting the word 'five,' and adding after the words "not of the required length," in the eleventh line, the following: 'Measures for determining the legal length of lobsters shall be provided by the state and may be obtained from the director of sea and shore fisheries at cost. No evidence shall be received in any of the courts of the state in any matter in which the length of a lobster is in question, unless such length has been determined by such a measure,' and striking out the word "one" in the sixteenth line and substituting the word 'ten' therefor, so that said section, as amended, shall read as follows:

'Sec. 35. Change in method of measurement; penalty for short lobsters increased from \$1 to \$5; measures for determining length of lobsters to be furnished by state; penalty for selling lobster

meat increased from \$1 to \$10 per pound. No person shall buy, or sell, give away or expose for sale or possess for any purpose any lobsters less than three and one-half inches in length, alive or dead, cooked or uncooked, measured from the rear of the eye socket along a line parallel to the center line of the body shell to 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 it, under a penalty of five dollars for each lobster so caught, bought, sold, given away, 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. Measures for determining the legal length of lobsters shall be provided by the state and may be obtained from the director of sea and shore fisheries at cost. No evidence shall be received in any of the courts of the state in any matter in which the length of a lobster is in question unless such length has been determined by such a measure. 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 ten dollars 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 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 thereof. All lobster meat so illegally shipped, carried, bought, given away, sold or exposed for sale shall be liable to seizure and may be confiscated. Nothing herein contained shall be held to prohibit the sale of lobsters that have been legally canned.'

Sec. 6, R. S., c. 45, 1919; c. 184; relating to the lobster industry, supplemented. Chapter forty-five, as amended by chapter one hundred eighty-four of public laws of nineteen hundred and nineteen, is hereby amended by adding a new section thereto:

'Sec. 94. Boats and vehicles transporting lobsters caught or possessed illegally may be seized. All automobiles, boats, vehicles or other contrivances used for holding, carrying, transporting, conveying or removing lobsters caught or possessed illegally, shall be forfeited to the state.'