

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fifth Legislature

OF THE

STATE OF MAINE

1931

Published by the Secretary of State, in conjunction with the Revisor of Statutes in accordance with the Resolves of the Legislature, approved June 28, 1820, March 18, 1840, March 16, 1842, and an Act of August 6, 1930.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE
1931

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fifth Legislature

1931

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oners. Whenever any prisoner is released upon parole he may receive from the state, clothing not exceeding twenty dollars in cost, and transportation to the place where he was convicted, or to his home, if within the state; and may receive cash not exceeding ten dollars.'

Approved April 2, 1931.

Chapter 196.

AN ACT Regulating the Taking and Sale of Clams in the Town of Scarborough.

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

Sec. 1. Regulation of taking of clams in Scarborough; license. No person shall, in the town of Scarborough, in the county of Cumberland, dig or take clams for sale unless license has been granted to him by the municipal officers of said town, who are hereby authorized to grant and issue such license and fix the fee therefor. No license shall be granted or issued except to an inhabitant of said town. Nothing herein shall prohibit any inhabitant or a riparian owner of shores or flats therein from digging and taking clams for food for himself and family without license. The term "inhabitant" shall mean a person who has resided in the said town at least three consecutive months.

Sec. 2. Dealers in clams to be licensed. No person shall be a dealer in clams in said town unless license has been granted to him by the municipal officers of said town, who are hereby authorized to issue such license and fix the fee therefor. The term "dealer" herein used shall mean any person, firm, or corporation buying or selling clams not dug or taken by himself.

Sec. 3. Revocation of or refusal to issue licenses. The municipal officers of said town may revoke any license issued hereunder by them, upon evidence satisfactory to them that the person taking or selling clams has violated any of the laws of the state of Maine regulating the taking and sale of clams. In event the municipal officers refuse to issue the licenses provided for herein or in event license has been revoked by the municipal officers of said town, the person aggrieved may apply to any justice of the superior court, who may order the issuance or restoration thereof, provided said justice finds the municipal officers acted fraudulently or corruptly or erred in their conclusion of facts.

Sec. 4. Penalty. Whoever takes, to sell, clams within said town without having obtained the license provided for herein or after such license

has been revoked, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment for not more than thirty days.

Sec. 5. Requirements, rights and powers under this act are additional to those given by general law. All requirements, rights and powers hereunder shall be additional to the requirements, rights, and powers conveyed by the general law.

Sec. 6. P. & S. L., 1903, c. 317; P. & S. L., 1905, c. 386, repealed. Chapter three hundred seventeen of the private and special laws of nineteen hundred three and chapter three hundred eighty-six of the private and special laws of nineteen hundred five and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 2, 1931.

Chapter 197.

AN ACT to Close Certain Clam Flats to Digging.

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

Sec. 1. Clam flats may be closed to digging on certain conditions; signs to be posted. The director of sea and shore fisheries and the commissioner of agriculture, or either of them, are hereby authorized and directed to use all lawful methods for the investigation and inspection of clam flats on the coast of Maine. The director of sea and shore fisheries and the commissioner of agriculture, or either of them, are hereby empowered to prohibit the digging of clams for any purpose in certain flats and on certain shores whenever they find by examination that such flats and shores are contaminated or polluted; and when clams dug from such contaminated areas are not in conformity with regulations promulgated by the director of sea and shore fisheries and the commissioner of agriculture, or either of them, and the regulations and standards of purity established by the United States public health service, and not acceptable for shipment in interstate commerce. When the digging of clams in any area is forbidden by the director of sea and shore fisheries and the commissioner of agriculture, or either of them, they shall cause plain and distinct signs to be posted on the area within which the digging of clams is forbidden.

Sec. 2. Penalty; revocation of license; prima facie case. Any person, firm, or corporation who digs clams for any purpose, or sells or buys clams from an area that has been closed and posted by the director of