

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fifth Legislature

OF THE

STATE OF MAINE

1931

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Published by the Secretary of State, in conjunction with the Revisor of Statutes  
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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-fifth Legislature

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has been revoked, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment for not more than thirty days.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**Sec. 6.** P. & S. L., 1903, c. 317; P. & S. L., 1905, c. 386, repealed.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the private and special laws of nineteen hundred five and all acts and parts of acts inconsistent herewith are hereby repealed.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.

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## 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

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sea and shore fisheries and the commissioner of agriculture, or either of them; shall be punished by a fine of not less than ten dollars or more than one hundred dollars. Whenever a person violates any of the provisions of this chapter his license shall be revoked. In any prosecution for a violation of the provision of this section prohibiting the digging or taking of clams from areas determined to be contaminated, possession, except by common carrier, of clams apparently so dug shall be prima facie evidence of a violation of this provision.

**Sec. 3. How enforced.** The provisions of this act shall be enforced by the director of sea and shore fisheries and by all wardens and deputy wardens authorized by said director and by the commissioner of agriculture and all deputies authorized by said commissioner; and by all officers authorized to make arrests.

**Sec. 4. Jurisdiction.** Municipal and police courts and trial justices shall have original jurisdiction concurrent with the superior court, of actions brought for the recovery of penalties imposed by this act and of prosecutions for violation hereof.

Approved April 2, 1931.

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## Chapter 198.

### AN ACT Relating to the Shipping and Transporting of Clams Beyond the Limits of the State During Closed Time.

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

R. S., c. 50, sec. 65; relating to shipping and transportation of clams outside of the state during close time, amended. Section sixty-five of chapter fifty of the revised statutes is amended by striking out all of the said section and by inserting in place thereof the following sections:

**'Sec. 1. Shipping of clams regulated; close season.** No person, firm, or corporation shall between the first day of June and the fifteenth day of September following ship, transport, offer for shipment or transportation any clams beyond the limits of the state, except clams which have been canned, packed, or barreled between the fifteenth day of September and the first day of June.

**Sec. 2. Penalty.** Any person, firm, or corporation who ships, transports, offers for shipment or transportation or who attempts to ship or transport clams beyond the limits of the state in violation of any of the provisions herein shall be punished by a fine of not less than ten dollars