

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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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fifth Legislature

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and not more than one hundred dollars for the first offense and by a fine of not less than fifty dollars nor more than two hundred dollars for each subsequent offense. Possession of clams in packages not properly marked as required by license provisions by any person, firm, or corporation, their servants or agents, when such clams in packages are in process of transportation or failure of the person, firm, or corporation, their servants or agents, transporting the said clams to produce a valid license permitting intrastate shipment shall be prima facie evidence of a violation of this provision. All automobiles, trucks, wagons, boats, airplanes, vessels and vehicles of every kind, not common carriers, containing clams shipped or transported contrary to the provisions hereof shall be seized by any officer seizing the clams so shipped or transported, shall be libeled as is provided for the libeling of intoxicating liquors and the vessels in which they are contained under the provisions of chapter one hundred thirty-seven of the revised statutes, and shall be declared forfeited by the court and sold in the same manner as is provided for the sale of vessels containing intoxicating liquors.

Sec. 3. How enforced; jurisdiction. 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 all officers authorized to make arrests. 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.

Chapter 199.

AN ACT Regulating the Buying, Selling and Transporting of Clams.

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

Sec. 1. Clam sellers and buyers to be licensed. No person, firm, or corporation either by themselves as principals, or by their servants or agents, shall buy or sell clams, either shucked or in the shell, for resale or distribution in intrastate or interstate trade without first obtaining a license from the director of sea and shore fisheries.

Sec. 2. License; how issued, application for, fee for, certificate of. The director of sea and shore fisheries is hereby authorized to issue licenses to all persons engaged in the business of buying and selling clams. Application for license shall be made by applicants on blanks furnished

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by the director of sea and shore fisheries who shall keep the clerks of the various towns bordering on the sea coast, and other clerks who request them, supplied with blank forms. Each application for license must be signed by the applicant and must show the exact name of the locality from which clams are to be dug or taken, the location of the shucking house or principal place of business of the person, firm, or corporation making the application. The license fee shall be one dollar for each license or renewal thereof. Upon receipt of the application for license, properly made out and accompanied by the license fee, the director of sea and shore fisheries shall forward such application to the commissioner of agriculture and if approved by him, the director of sea and shore fisheries may issue to the applicant a certificate of license; such certificate of license shall be numbered, and shall state the name, the address, the principal place of business of the person, firm, or corporation to whom the certificate of license is issued, and also the area, designated by local name, and number, from which clams can be dug and sold as covered by the certificate of license granted. Said license for persons engaged in buying, or selling clams for delivery within the state shall run for the fiscal year until the first day of June following date of application on which date it shall terminate, unless sooner revoked as herein provided; and it shall be renewed annually thereafter. License for persons, firms, corporations buying and selling clams for delivery within the state, and for delivery without the state shall run from September fifteenth to June first of each year, unless sooner revoked, or suspended, as herein provided and shall be renewed annually thereafter. The director in his biennial report shall state the number of licenses granted, showing the number issued in each town.

Sec. 3. Classification of licenses; forms; bond. There shall be two classes of licenses issued, as above provided, one to the person, firm, or corporation engaged in buying or selling clams for delivery within the state; one to the person, firm, or corporation buying and selling clams for delivery within the state and for delivery without the state. Applications for the second class of licenses shall be made upon special forms provided by the director of sea and shore fisheries and shall contain an agreement by the applicant to abide by all the laws of the state in regard to buying, selling, or transporting clams. Before a license for selling clams for delivery outside the state is granted, the applicant shall file a bond, with surety approved by the director of sea and shore fisheries, in the penal sum of five hundred dollars, conditioned that such sum shall be forfeited to the state, upon breach of any of the conditions of application and license.

Sec. 4. Revocation of license. No license shall be issued to a person, firm, or corporation convicted of any violation of the law relating to clams

until one year after date of conviction. If any person, firm, or corporation, their servants or agents, licensed as provided herein in this chapter, shall be adjudged guilty of violation of any law relating to clams, the director of sea and shore fisheries shall 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. In event a bond has been given, conviction shall make the full penal sum of the bond due to the state. Whenever the commissioner of agriculture informs the director of sea and shore fisheries that a licensee is not complying with the laws and the regulations governing the sale and shipment of clams, the director of sea and shore fisheries shall revoke the license of the licensee.

Sec. 5. Restoration of revoked licenses. The director of sea and shore fisheries may in his discretion restore any license revoked by him, and if he refuses so to do, the license may be restored by any justice of the superior court; provided said justice finds that said director acted corruptly or fraudulently or erred in his conclusion of facts, and further provided that application is made to said justice within ten days after the refusal of said director to restore said license.

Sec. 6. Certain facts to be furnished commissioner of agriculture on request. When requested by the commissioner of agriculture, the director of sea and shore fisheries shall furnish the commissioner of agriculture, or his deputies with a list of names of all persons granted licenses to buy and sell clams, giving the license numbers, the location of the shucking house, and the exact locality of the source of clams that the licensees are offering for sale and shipment. The director of sea and shore fisheries and the commissioner of agriculture shall diligently enforce all the provisions of this act and they shall make uniform rules and regulations prescribing the conditions under which clams intended for sale shall be handled in order to prevent their contamination, spoilage, or adulteration. They may also fix standards of quality and purity for clams and such regulations shall apply with equal force both to clams intended for consumption within the state and to meet the requirements of the United States public health service governing clams shipped in interstate commerce.

Sec. 7. Packages of clams to be labeled. All packages used in the shipment and transportation of clams from town to town and from a place within the state to a place without the state shall bear a label which in

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plain and distinct letters and figures shall state the name and license number of the consignor and the name of the consignee, the word "clams," the date of shipment, and the name of the town in which the clams were dug.

Sec. 8. Right of search. For the purpose of enforcing the provisions relating to the buying and selling of clams, the director of sea and shore fisheries and his wardens may search at any time in suspected places, including buildings of every description, and vessel or vehicle that they may believe is used in taking, holding or transporting clams and may seize and remove all clams taken, held, or offered for sale in violation of the provisions of any law relating to the buying, selling, or transporting of clams but nothing herein shall be held to confer the right to search a dwelling house without a warrant therefor.

Sec. 9. Buying or selling clams without a license; penalty. Any person, firm, or corporation, either by themselves as principals, or by their servants or agents, who buys or sells clams not having obtained the license provided for herein, or who buys clams taken from areas, declared by the commissioner of agriculture to be contaminated shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and have his license revoked.

Sec. 10. Violation of laws regarding buying, selling or transporting clams; penalty. Any person, firm, or corporation who being licensed as above provided violates any of the laws or regulations of the state regarding buying, selling, or transporting clams shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

Sec. 11. 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 chapter and of prosecutions for violations hereof.

Approved April 2, 1931.

Chapter 200.

AN ACT Relating to Support of Persons Committed to State Hospitals.

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

R. S., c. 155, sec. 20; relating to support of persons committed charged to state, amended. Section twenty of chapter one hundred fifty-five of the revised statutes is hereby amended by adding thereto the following:

'If the inability to pay for support exists at the time of commitment and