

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

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PROPERTY OF THE
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

Chapter 249

AN ACT Relating to the Taking and Sale of Clams in certain Cumberland County Towns.

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

Sec. 1. License required; definition. No person shall, in the town of Cape Elizabeth, in the county of Cumberland, dig or take clams, clam worms or bloodworms 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 licenses and fix the fee therefor. No license shall be granted or issued except to a resident of said town. Nothing herein shall prohibit any resident or a riparian owner of shores or flats therein from digging and taking clams for food for himself and family without license. The term "a resident" shall mean a person who has resided in this state for the term of at least 6 consecutive months and in the town of Cape Elizabeth for at least 3 consecutive months prior to receiving a license.

Sec. 2. Dealers' licenses required; definition. No person shall be a dealer in clams, clam worms, or bloodworms in the town of Cape Elizabeth 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 clams, clam worms, or bloodworms for resale.

Sec. 3. Licenses; revocation; appeal. The municipal officers may revoke any license issued hereunder by them, upon evidence satisfactory to them that the person taking or selling clams, clam worms, or bloodworms has violated any of the laws of the state of Maine regulating the taking and sale of clams, clam worms, or bloodworms. If the municipal officers refuse to issue the licenses provided for in this act or if a license has been revoked by the municipal officers, a person aggrieved may apply to any justice of the superior court in term time, or vacation, who may order the issuance or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. Taking of shell-fish and worms in certain territory, regulated. No clams, clam worms, bloodworms, mussels or quahaugs shall be taken from any flats within the limits of either of the towns of Yarmouth, North Yarmouth, Falmouth or Cumberland, in Cumberland county, except by such written permit as the municipal officers of said town may issue, provided, that without such permit, any inhabitant within said town, or any person temporarily resident therein, or the riparian owner of any such flats, may

take therefrom for the immediate use of himself or his family not exceeding 1 bushel of clams at 1 tide.

Sec. 5. Penalty. Whoever violates any of the provisions of this act shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than 30 days.

Sec. 6. Special regulation repealed. Chapter 2 of the resolves of 1939 is hereby repealed.

Approved April 16, 1941

Chapter 250

AN ACT Relating to the Sale of Malt Liquors to Minors.

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

P. L., 1933, c. 268, § 12-C, amended. Section 12-C of chapter 268 of the public laws of 1933 as enacted by chapter 235 of the public laws of 1937 is hereby amended to read as follows:

'Sec. 12-C. Limitations on sales by licensees. No licensee shall sell, or offer to sell, any malt liquor, wine or spirits, except for cash, excepting credits extended by a hotel or club to bona fide registered guests or members. No right of action shall exist to collect claims for credits extended contrary to the provisions of this section. Nothing herein contained shall prohibit a licensee from giving credit to a purchaser for the actual price charged for packages or original containers to be returned by the original purchaser as a credit on any sale, or from refunding to a purchaser the amount actually paid by such purchaser for packages or original containers.

No licensee shall sell, offer to sell, or furnish any liquor, malt liquor, wines, or spirits to any person on a pass book or store order, or receive from any person any goods, wares, merchandise or other article in exchange for liquor, malt liquors, wines, or spirits, except only such packages or original containers as were originally purchased from such licensee by the person returning the same. No licensee shall sell, furnish, give, serve, or permit to be served any liquor, malt liquor, wine, or spirits to any person visibly intoxicated, to any insane person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits, or to any minor under the age of 18 years, except that a licensee for the sale of malt liquor to be consumed on the premises shall not furnish and sell such malt liquor in conformity with such license to persons under the age of 21 years.'

Approved April 16, 1941