

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-fourth Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 26 of chapter 9 of the Revised Statutes of 1944.

---

KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1949



---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-fourth Legislature

**1949**

---

---

'Upon approval of an inspection station, the secretary of state shall issue a license and sign, for which he shall charge ~~a~~ an annual fee of \$2.'

Sec. 11. R. S., c. 19, § 44, amended. Section 44 of chapter 19 of the revised statutes, as amended by section 15 of chapter 378 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 44. From September 1st to December 31st to be  $\frac{1}{2}$  of sum named in § 38. The excise tax ~~under the provisions of sections 38 to 47, inclusive~~, during the period beginning with September 1st and ending with December 31st, shall be  $\frac{1}{2}$  of the sum named in section 38 ~~provided that the minimum to be paid under the provisions of this section shall never be less than \$2.~~

Sec. 12. R. S., c. 19, § 48, amended. Section 48 of chapter 19 of the revised statutes, as amended by section 1 of chapter 247 of the public laws of 1945, is hereby further amended by inserting before the 1st paragraph, a new paragraph, to read as follows:

'No resident of the state shall operate a motor vehicle on any way, unless licensed by the state to operate such motor vehicle.'

Sec. 13. R. S., c. 19, § 101, repealed. Section 101 of chapter 19 of the revised statutes is hereby repealed.

Effective August 6, 1949

---

---

## Chapter 105

### AN ACT Regulating the Shucking of Shellfish.

**Emergency preamble.** Whereas, the present shucking requirements of clams prevent people from shucking clams in their own homes without meeting extremely strict standards; and

Whereas, such requirements work a great hardship on a large number of clam diggers and their families; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the fol-

lowing legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 34, § 96, amended. Section 96 of chapter 34 of the revised statutes, as revised, is hereby amended by adding at the end thereof the following:

‘No person, firm or corporation, by their servant or agent, shall shuck or remove from the shell, any clams, quahogs or mussels for sale and shipment beyond the limits of the state of Maine, without first having procured therefor, a certificate from the commissioner of agriculture; nor shall any person, firm or corporation, by their servant or agent, buy or take from any person any shucked clams, quahogs or mussels for sale and shipment beyond the limits of the state of Maine, unless such clams, quahogs and mussels have been shucked in a shucking house certified by the commissioner of agriculture.

Application for a shellfish certificate giving authority to shuck and remove from the shell, clams, quahogs and mussels for sale and shipment beyond the limits of the state of Maine, shall be made on blanks furnished by the commissioner of agriculture. Each application for a shellfish shucker's certificate must be signed by the applicant and must show the exact locality of the flats from which the clams, quahogs and mussels are to be dug, and the location within the state of the shucking house described in the application. The application shall also bear the names of all persons digging clams, quahogs and mussels that are to be shucked, sold and shipped by the applicant beyond the limits of the state of Maine. If the commissioner of agriculture is satisfied that the shucking house and premises conform to the regulations and standards of purity and quality established by the U. S. Public Health Service, and the laws and regulations of the state of Maine, he may issue the applicant a certificate. This certificate shall entitle the holder of said certificate to shuck clams, quahogs and mussels for interstate trade. Such certificate shall bear a number and shall designate, by local name, the areas from which clams, quahogs and mussels can be taken, shucked and sold by the applicant.

Shellfish shucking certificates issued under the provisions of this section shall expire at midnight on December 31st of the calendar year in which they were issued, unless sooner revoked or suspended, and shall be renewed annually thereafter.

The commissioner of agriculture shall have the power to revoke or suspend any certificate thus issued by him whenever it is determined by him-

self or any of his deputies that any of the provisions of law or any of the regulations governing the shipment of clams, quahogs or mussels, or the provisions or regulations governing such establishment where clams, quahogs or mussels are shucked, have been violated.

Provided, however, that the provisions for issuing, obtaining and holding a shellfish shucking house certificate shall not apply to clams, quahogs and mussels shucked in homes or fish markets for sale in intrastate trade, or clams, quahogs and mussels shucked in hotels and restaurants for serving on the premises, nor shall it prohibit individuals from shucking clams, quahogs and mussels at home for consumption for themselves and families.'

Sec. 2. R. S., c. 34, § 110-B, repealed. Section 110-B of chapter 34 of the revised statutes, as revised, is hereby repealed.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective March 25, 1949

---

---

## Chapter 106

### AN ACT Relating to Lobster and Crab Fishing Licenses for Veterans.

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

R. S., c. 34, § 115, amended. The 3rd paragraph of section 115 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Such license shall be issued only to persons who have been, for 10 years immediately prior to the date of the application, legal residents of this state; provided, however, that any person who has previously been a legal resident of this state and has reestablished a legal residence here for a period of 3 years next preceding his application shall be entitled to have his non-residence taken as part of said 10 years, and the fee for such license shall be \$5; and provided further, that a veteran of World War II, who was honorably discharged or honorably separated from active service in the armed forces and who has resided in Maine at any time between July 25, 1947 and July 25, 1956 and who has taken training under a licensed Maine lobster fisherman as provided for in Public Law 346, 78th Congress (G. I. Bill) or Public Law 16, 78th Congress, shall be granted such license if he has been a resident of Maine for at least 2 years prior to the date of the application.'

Effective August 6, 1949