

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

"Persons of low income" shall mean persons or families who lack the amount of income which is necessary, as determined by the authority undertaking a project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

"Bonds" shall mean any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this chapter.

"Obligee of the authority" or "obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

"Project" or "housing project" shall mean any work or undertaking: (1) to demolish, clear, or remove buildings from any slum area; or (2) to provide decent, safe and sanitary dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes; or (3) to accomplish a combination of the foregoing. The terms "project" or "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

Sec. 23. Severability. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.'

Effective August 6, 1949

Chapter 442

AN ACT Relating to Interstate Transportation of Shellfish.

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

R. S., c. 34, § 89, repealed and replaced. Section 89 of chapter 34 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 89. Certificate and license required for interstate transportation of shellfish; interstate transportation of soft shell clams, in the shell, prohibited; penalties. No person, firm or corporation, as principal or by an agent or servant, shall ship or transport or attempt to ship or transport, in any manner beyond the limits of this state any soft shell clams in the shell.

No person, firm or corporation, as principal or by an agent or servant, shall ship or transport in any manner, beyond the limits of this state, any quahogs or mussels in the shell, or any soft shell clams, quahogs or mussels that have been shucked or removed from the shell, without first having procured therefor a shellfish certificate from the commissioner of agriculture and a license from the commissioner of sea and shore fisheries.

Application for a shellfish certificate shall be made on a form provided by the commissioner of agriculture. Each application for a shellfish certificate must be signed by the applicant and must show the names of persons licensed to dig and sell clams, quahogs and mussels, from whom quahogs and mussels in the shell are to be procured and the names of persons holding shucking certificates from whom shucked soft shell clams, quahogs and mussels are to be procured. If the commissioner of agriculture is satisfied that all such persons named in the application are properly licensed or certified, he may issue the applicant a certificate. Such certificate shall bear a number and shall designate the persons from whom quahogs and mussels in the shell and soft shell clams, quahogs and mussels that have been shucked or removed from the shell may be procured for interstate transportation.

Shellfish 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 has been determined that the holder of such a certificate has violated any provision of said certificate or any law or rule and regulation pertaining to shellfish.

Application for a license, designated as an interstate shellfish transportation license, shall be made to the commissioner of sea and shore fisheries on a form provided by him for such purpose and it shall contain a description, sufficient to identify it, of the boat, truck, automobile, airplane or other means of transportation to be used, and any other information that may be requested.

Such license may be procured by a legal resident of Maine upon payment of a fee of \$25, provided that an extra fee of \$15 shall be required for each

additional boat, truck, automobile or other means of transportation to be used.

Such license may be procured by a non-resident of Maine upon payment of a fee of \$100, provided that an extra fee of \$25 shall be required for each additional boat, truck, automobile or other means of transportation to be used.

An applicant for an interstate shellfish transportation license must present a shellfish certificate issued by the commissioner of agriculture before such license shall be issued.

No person shall ship or transport beyond the limits of this state any clams, quahogs or mussels, except those procured from the persons named in said shellfish certificate.

The foregoing provisions shall not apply to a common carrier transporting clams, quahogs or mussels in accordance with the provisions of section 97, nor by any person who lawfully possesses the same for immediate consumption by himself and his family, nor shall it apply to clams, quahogs or mussels that are being transported through the state under the authority of the laws of the United States. The provisions of this section shall apply only to holders of non-resident shellfish transportation licenses, except that holders of resident shellfish transportation licenses may ship clams beyond the limits of the state for the "steamer trade" only.

Whoever violates any provision of this section shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 90 days, or by both such fine and imprisonment and in addition to such penalties the shellfish transportation license shall be revoked for a period of 1 year.

It is the intent of the legislature that the provisions of this section are enacted for the purpose of conservation of soft-shell clam resources.'

Effective August 6, 1949

Chapter 443

AN ACT Relating to Secondary School Tuition.

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

Sec. 1. R. S., c. 37, § 98, amended. The 1st sentence of the 2nd paragraph of section 98 of chapter 37 of the revised statutes, as amended by chapter 270 of the public laws of 1945 and by section 1 of chapter 400 of the public laws of 1947, is hereby repealed and the following enacted in place thereof: