

# 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

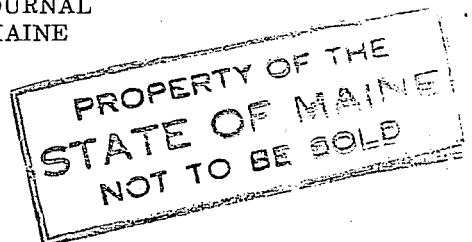
OF THE

# 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



SECOND  
Biennial Revision  
OF THE  
SEA AND SHORE FISHERIES  
LAWS

---

Being chapter 34 of the revised statutes of 1944, as amended by the public laws of 1945, 1947 and 1949; compiled by the Director of Legislative Research in accordance with the provisions of chapter 332 of the public laws of 1947.

---

(Effective August 6, 1949)

## FOREWORD

The revision of chapter 34 of the revised statutes of 1944 is compiled and issued in accordance with the provisions of chapter 332 of the public laws of 1947.

A new revision of such chapter 34 was passed by the 93rd legislature by chapter 332 of the public laws of 1947 and was incorporated into the 1st biennial revision of the sea and shore fisheries laws. This 2nd revision retains the same section numbers as those in the 1st revision and all new sections enacted by the public laws of 1949 were given new numbers. Former sections or portions thereof which were repealed have been noted accordingly. It is hoped that this method of revision may be continued in the future to prevent confusion in each biennial revision.

SAMUEL H. SLOSBERG,  
Director of Legislative Research.

## CHAPTER 34.

## DEPARTMENT OF SEA AND SHORE FISHERIES.

Sections 1- 7	Commissioner. Rules and Regulations.
Sections 8- 9	Coastal Wardens
Sections 10- 15	Civil Service Commission
Section 16	Definitions.
Sections 17- 18	General Provisions of Licensing
Sections 19- 21	Fish Culture and Development of Fishing Industry.
Sections 22- 33	Repealed by 1949, c. 114.
Sections 34- 36	Fish Packing.
Section 37	Repealed by 1949, c. 269.
Sections 38- 53	Fishing Regulations.
Section 53-A	Atlantic Sea Run Salmon Commission.
Sections 54-110-D	Regulation of Shellfish Industry.
Sections 111-113	Dealers' Licenses.
Sections 114-125	Regulation of Lobster Industry.
Sections 126-130	Tuna. Seals. Worm Diggers. Sea Moss.
Sections 131-136	Revocation and Suspension of Licenses. Court Procedure.
Sections 137-142	Jurisdiction of Offenses. Search and Seizure. Stopping of Vehicles.
Sections 143-144	Fines, Fees, Forfeitures and Penalties. Jail Costs.
Section 145	Biennial Revision.

## Commissioner. Rules and Regulations

**Sec. 1. Commissioner of sea and shore fisheries; appointment; term; salary; reports.** A commissioner of sea and shore fisheries, as heretofore appointed and hereinafter in this chapter called the "commissioner", shall be appointed by the governor, with the advice and consent of the council, to serve for 4 years, or during the pleasure of the governor and council. He shall serve until his successor is appointed and qualified. Any vacancy in the office shall be filled by an appointment for a like term.

The commissioner shall receive such compensation as shall be fixed by the governor and council.

The commissioner shall make a report to the governor and council on or before the 1st day of January, for the biennium ending June 30th prior thereto. The commissioner now acting will remain in office until his present term expires.

**Sec. 2. Powers and duties of commissioner; office; employees.** The commissioner shall have general supervision of the administration and enforcement of the sea and shore fisheries laws under the provisions of this chapter, except as otherwise provided by law. He shall have an office at the state capitol and adequate facilities for the transaction of the business of his department, which shall be known as the department of sea and shore fisheries, as heretofore established, and hereinafter in this chapter called the "department."

The commissioner may employ one or more clerks, subject to the provisions of the personnel law. In the event of a vacancy in the office of the commissioner because of death, resignation, removal or other cause, the various clerks shall continue in office and perform such duties as have been prescribed for or assigned to them until said vacancy has been filled by the appointment and qualification of a new commissioner.

See c. 14, § 160, re gasoline tax refund for research.

**Sec. 3. Jurisdiction of migratory fish; supervision.** All sea salmon, shad, alewives and smelts, wherever found, that migrate from the ocean into fresh water shall be under the concurrent jurisdiction of the commissioner of sea and shore fisheries and the commissioner of inland fisheries and game.

The said commissioners shall cooperate in effectively supervising overlapping jurisdiction and may jointly deputize wardens to that end.

See c. 33, § 56, re jurisdiction with inland fish laws.

**Sec. 4. Advisory council; appointment; terms; salary; expenses; meetings.** The governor, with the advice and consent of his council, shall appoint an advisory council, consisting of 5 members. Appointment shall be for the term of 3 years and until successors are appointed and qualified, provided that the initial appointment of 3 such members shall be for a term of 2 years instead of 3 years. Upon the death, resignation or removal from office of any person so appointed, the governor, with the advice and consent of his council, shall appoint a member to serve for the unexpired term. The members of the advisory council shall receive no compensation for their services, but said council shall be allowed actual expenses not to exceed \$500 for each fiscal year. The advisory council shall render to the commissioner information and advice concerning the administration of the department. The advisory council shall hold regular meetings with the commissioner or his agent at the state capitol on the 1st Thursday of June and December of each year, and special meetings at such other times and places within the state as would seem advisable. At the meeting held on the 1st Thursday of June of each year or at a

special meeting thereafter, the advisory council may elect one of its members as chairman and one as vice-chairman.

**Sec. 5. Rules and regulations.** 1949, c. 415, § 1. Whenever any existing conditions endanger the conservation of fish, shellfish, lobsters, crabs, shrimp or marine worms in any coastal waters or flats of the state, the commissioner, with the advice and approval of the advisory council, shall make such rules and regulations as he may deem necessary, providing for the times, number, weight and manner in which such fish, shellfish, lobsters, crabs, shrimp or marine worms may be taken from such waters or flats, in the manner hereinafter provided.

Petitions stating the conditions endangering the conservation of such fish, shellfish, lobsters, crabs, shrimp or marine worms, and the regulations which are desired as a remedy, may be addressed to the commissioner by a majority of the municipal officers or 25 citizens of the municipality in which the waters exist, or of any town adjacent to the waters or flats affected; or if the waters or flats are in unorganized territory, by a majority of the county commissioners of the county in which said waters or flats exist. Such petitions shall be filed in the office of the commissioner before the 1st day of September of each year.

After receipt of such a petition, except when in the opinion of the commissioner an emergency exists, hearing shall be held in a place near where the waters or flats lie during the period from September 15th to December 1st, inclusive, of the year in which said petition has been filed, before the commissioner or such subordinate officer of the department as the commissioner may designate, at a date and place to be designated by the commissioner.

Notice of the hearings to be held and the time and place thereof shall be by publication once a week for 2 successive weeks prior to the hearing in a newspaper published in the county where said hearing is to be held, and if no paper is published there, in a newspaper having state-wide circulation.

After hearing pursuant to the petitions filed, the commissioner, with the advice and approval of the advisory council, shall make such regulations as may be deemed remedial of any danger to such conservation proven to exist at the time of said hearing, such regulations to become effective on January 1st of the year next following the date of the petition. The commissioner shall cause the regulations to be reduced to writing, and publish the same once in a newspaper published in the county where the waters or flats are situated and which are affected thereby, or if no paper is published there, in a newspaper having state-wide circulation, the publication being prior to January 1st, following the date of the petition.

If an unusually large concentration of fishermen or diggers should occur on any of the coastal waters or flats in this state, so that the supply of fish, shellfish, lobsters, crabs, shrimp or marine worms on those waters or flats might be depleted, or when for any reason the conservation of these species appears to be endangered, the commissioner may declare an emergency and order a hearing held at a time and place to be designated by him, and shall cause notice thereof to be published at least 5 days prior to the hearing in a newspaper published in the county where the waters or flats are situated, and if no newspaper is published in that county, then the notice shall appear in a newspaper having state-wide circulation. After the hearing, the commissioner may promulgate regulations providing for the times, number, weight and manner in which such fish, shellfish, lobsters, crabs, shrimp or marine worms may be taken from such waters or flats. He shall reduce the regulations to writing and provide for the expiration date thereof, and shall cause notice of the same to be published, the regulations to take effect upon the day following the publication thereof.

Whenever the commissioner of agriculture shall certify to the commissioner of sea and shore fisheries that clams, quahogs or mussels from certain flats or shores are contaminated or polluted and are not in conformity with regulations promulgated by the said commissioner of agriculture and the regulations and standards of purity established by the United States Public Health Service and not acceptable for shipment in interstate commerce, the said commissioner of sea and shore fisheries is hereby authorized to close such flats without notice or hearing, to all digging of clams, quahogs and mussels.

A certified copy of each rule and regulation issued under the provisions of this chapter shall be filed by the commissioner with the secretary of state and with the clerk of the superior court in the county where the waters or flats are situated and which are affected thereby.

See § 53-A, re Atlantic sea run salmon; c. 9, § 15, re notices on petition to legislature for special legislation relating to fish.

**Sec. 6. Rules and regulations to continue until changed; penalty for violation thereof.** 1949, c. 415, § 2. All rules and regulations of the commissioner now in effect or hereafter promulgated shall remain in force until changed by further rules and regulations of said commissioner or by the legislature. All rules and regulations promulgated by legislative directive shall be published and filed as hereinbefore provided. All rules and regulations shall have the force of law. Whoever violates any provision of any rule or regulation of the commissioner promulgated by virtue of this chapter shall be punished by the penalties provided in section 144.

**Sec. 7. Penalty for wilful defacement of notice of commissioner.** Who-



ever wilfully mutilates, defaces or destroys any notice, rule or regulation of the commissioner, posted in conformity with the provisions of this chapter, shall be punished by a fine of \$50, or by imprisonment for 30 days, or by both such fine and imprisonment.

### Coastal Wardens

See c. 14, §§ 2, 3, 4, re bonds of state employees.

**Sec. 8. Power of commissioner as warden; coastal wardens; appointment; powers and duties; tenure; service of processes.** 1949, c. 349, § 61. The commissioner shall possess all the powers of a coastal warden.

The commissioner shall appoint persons as coastal wardens who shall have qualified under the rules established in the civil service code authorized under the provisions of sections 10 to 15, inclusive, who shall continue to hold office according to the provisions of the civil service code.

It shall be the duty of the coastal wardens to enforce all laws relating to sea and shore fisheries and all rules and regulations pertaining thereto; to arrest all violators thereof and to prosecute all offenses against the same.

The coastal wardens may serve all processes pertaining to the enforcement of any provision of this chapter and shall have jurisdiction and authority in all the counties of the state and in all the waters within the jurisdiction of the state.

They shall be allowed the same fees as sheriffs and their deputies for like service, all such fees to be paid to the commissioner; and the coastal wardens shall have the same right as sheriffs to require aid in executing the duties of their office. Coastal wardens appointed under the provisions of this section shall hold no other state, county or town office from which they receive compensation.

See c. 79, § 166, re fees of sheriffs and deputies; c. 122, § 20, re obstructing warden in performance of duty; 107 Me. 349.

**Sec. 9. Sheriffs, deputy sheriffs, police officers, constables and inland fish and game wardens to have powers of coastal wardens.** 1949, c. 142; c. 349, § 62. Sheriffs, deputy sheriffs, police officers, constables and inland fish and game wardens, within their respective jurisdiction, are vested with the powers of coastal wardens, and shall receive for similar services the same fees as those of coastal wardens.

See c. 33, § 19, re powers of inland fish and game wardens.

### Civil Service Commission

**Sec. 10. Civil service commission; rules promulgated.** The advisory council of the department shall select 3 of its members to act as a civil ser-

vice commission. The commission shall prepare rules for the effective operation of sections 10 to 15, inclusive, including rules of eligibility of applicants for examination under the provisions of section 11 and rules of conduct of employees, which rules shall become effective when approved in writing by the commissioner.

**Sec. 11. Code for examination; examinations advertised.** The commissioner or his duly authorized agent shall prepare a written code for open and competitive examinations for testing the practical fitness of applicants for permanent employment in the coastal warden service. Such code shall not become operative until reduced to writing and approved by the commissioner. Notice of the time and the place of examination shall be published in a paper having state-wide circulation.

**Sec. 12. Probationary employment.** No employment shall be considered permanent until the employee shall have completed a probationary period of sufficient length to demonstrate to the commissioner his ability and fitness to discharge the duties of the service.

**Sec. 13. Rules may be modified.** Rules of eligibility of applicants for examination and rules of conduct of employees, adopted by the civil service commission under authority of section 10, may be modified at any time by the said commission, but shall not become effective until approved in writing by the commissioner.

**Sec. 14. Violation of civil service rules.** 1949, c. 415, § 3. Any officer in the coastal warden service who violates any civil service rule established by the civil service commission may be subject to dismissal, demotion or such other lesser penalty according to the nature of the offense.

All charges preferred against an officer shall be reduced to writing in the form of a complaint signed by the commissioner and filed with the civil service commission. A copy of said complaint, attested to by the chairman of the civil service commission, shall be served on the accused in person or by registered mail at his last known address, together with a notice requiring him to appear and answer to said complaint at a time and place therein designated, not less than 7 days from the date of service or receipt of said complaint, when and where said accused may appear and be heard thereon.

The civil service commission, acting as a trial board, shall conduct all hearings on complaints involving violation of civil service rules or orders, and may grant continuances for good cause.

In the event an accused officer fails to appear and answer, as hereinbefore

provided, or fails or refuses to appear before the trial board on the day assigned for hearing, he shall be defaulted, the complaint taken as true, and he shall be forthwith dismissed from the service. All findings of the trial board shall be final.

Pending any hearing on charges as aforesaid, the commissioner may suspend an accused from the service without pay until final determination by the trial board.

**Sec. 15.** All permanent wardens to come under provisions of sections 10 to 14, inclusive; present permanent employees to be retained. The provisions of sections 10 to 14, inclusive, shall apply to all permanent wardens. All present permanent wardens shall be considered as if appointed under the civil service provisions.

### Definitions

**Sec. 16. Definitions.** 1949, c. 415, § 4. In this chapter, the following words shall have the following meanings and the following rules of construction shall apply:

"Angling," fishing with handline or rod, with naturally or artificially baited hook.

"Catch pound," that part of a weir or trap where fish are captured.

"Clam," a marine mollusk commonly called the soft-shell clam.

"Closed season," the time during which a species cannot lawfully be taken.

"Coastal warden," a coastal warden appointed under the provisions of section 8.

"Coastal waters," all waters of the state within the rise and fall of the tide and the marine limits of the jurisdiction of the state, but not waters within or above any fishway or dam when such fishway or dam is normally the dividing line between tidewater and fresh water, nor waters above any tidal bound that has been legally established in streams flowing into the sea.

"Commissioner," the commissioner of sea and shore fisheries.

"Dealer," any person who buys and sells or distributes any marine species.

"Department," the department of sea and shore fisheries.

The verb, "To fish," in all of its moods and tenses, to take or attempt to take fish or other marine species by any method or means, whether or not such method or means results in their capture.

"Lobster car," a box or other contrivance in coastal waters, whether floating or sunken, used for keeping lobsters alive.

"Marine species," fish, shellfish, lobsters, crabs, shrimps and marine worms.

"Marine worms," clam, sand and blood-worms.

"Mutilated lobsters,"

I. Any lobster, the shell of which has been broken or cut in any manner that will make accurate measurements as prescribed in this chapter impossible.

II. Any female lobster whose middle flipper has been broken or cut in such manner as to hide or obliterate a V notch that may have been cut in it for identification.

III. The tail section of lobster meat that has been removed from the shell that is not whole and intact.

IV. Any female lobster from which eggs have been artificially removed.

"Open season," the time during which species may lawfully be taken.

"Person," the word person shall include a corporation, partnership and joint association.

"Quahog," a marine mollusk commonly called the hard-shell clam.

"Retail dealer," any person not a wholesale dealer who buys, sells or distributes any marine species.

"Seed clam," a soft-shell clam of a size less than the minimum prescribed in section 90 and usable for planting purposes only.

"Seed quahog," a hard-shell clam of a size less than the minimum prescribed in section 90 and usable for planting purposes only.

"Shellfish," all marine mollusks, but not lobsters, crabs and shrimps.

"Ship," to consign by common carrier.

"Territorial waters," the same as coastal waters.

"Tidal waters," the same as coastal waters.

"Wholesale dealer," any person who buys, sells or distributes any marine species in bulk lots of more than 50 pounds for resale by a dealer.

Whenever the taking of fish or other marine species is authorized, reference is had to taking by lawful means and in a lawful manner.

Any reference to the taking or having in possession of a fish, shellfish or other marine species shall include the taking or having in possession of any part or portion thereof.

This chapter and regulations made thereunder, unless otherwise specifically provided, shall apply only to fish in or taken from coastal waters; but this provision shall not be construed so as to limit the authority of the commissioner to protect migratory fish by providing for their passage from the coastal waters to spawning grounds in streams and ponds in inland waters and to have concurrent jurisdiction with the commissioner of inland fisheries and game to regulate commercial fisheries therein for the taking of such migratory fish.

Any citizen of the United States shall be eligible for any resident license required under the provisions of this chapter, providing such person is domiciled in Maine with the intention to permanently reside here, and who has resided in this state during the 6 months next prior to the date an application is filed for any license under the provisions of this chapter, except where a longer residence is specifically provided for.

For the purposes of this chapter, all aliens shall be classified as non-residents.

Any alien who has resided in this state continuously for 2 years and in addition thereto is assessed and pays taxes on real estate in the municipality in which he resides, if otherwise eligible, may purchase any license under the provisions of this chapter.

#### General Provisions of Licensing

**Sec. 17. Licenses; not transferable, expiration, prima facie evidence of violation, duplicate, penalty.** 1949, c. 349, § 63.

I. Licenses and permits shall be issued by the commissioner only on written application and shall not be transferable. Written application for any license or permit provided for in this chapter shall be made on blanks furnished by the commissioner, but no license or permit shall be issued to any class of applicants unless all questions asked in said application are fully answered.

II. Any license issued through error, misrepresentation or misstatement shall be void and shall be surrendered on demand of the commissioner and any person obtaining a license through fraud, misstatement or misrepresentation shall be subject to the penalties set forth in section 144.

III. All licenses and permits issued under the provisions of this chapter shall expire at midnight on December 31st of the calendar year in which the license or permit was issued, unless the license or permit specifically provides otherwise, and shall be renewed annually thereafter.

IV. Any person licensed under the provisions of this chapter shall, at

all times while engaged in the pursuit so licensed, exhibit upon demand of a coastal warden or any other authorized person, the license issued to him. Failure to produce such license within a reasonable time when requested by any authorized person shall be prima facie evidence of a violation of this section.

V. The commissioner shall issue a duplicate license to any person who has lost or destroyed any license issued to him under the provisions of this chapter, upon the payment of a fee of 25c.

Sec. 18. Application of general laws. 1949, c. 135. All general laws of this state fixing or regulating minimum and maximum sizes of fish, shellfish or lobsters, or regulating or prohibiting the sale, transportation or possession of fish, shellfish or lobsters, respectively, shall apply whether the same be taken in the waters of the state of Maine or in waters of any other state, country or territory and brought into this state; except lobsters re-consigned intact in original crates by the holder of a Maine wholesale dealer's license to another such dealer in accordance with the provisions of section 114; and fish, shellfish or lobsters passing through the state under authority of the laws of the United States, or in crates that are sealed by consignor in accordance with regulations prescribed by the commissioner and with materials furnished by him, at cost, and the fines and penalties prescribed for violation of said laws respectively shall apply to the same extent.

#### Fish Culture and Development of Fishing Industry

Sec. 19. Commissioner may take land not to exceed 2 acres in 1 location; proceedings; by lease, etc., may acquire more than 2 acres. 1949, c. 415, § 5. The commissioner may take any flats and waters not exceeding an area of 2 acres in extent at any 1 location, and hold the same for a period not exceeding 10 years for use by said commissioner or by the United States Fish and Wildlife Service in the prosecution of scientific research relative to shellfish or other fish over which said commissioner has supervision. Whenever said commissioner shall deem it necessary in the furtherance of the objects and purposes of this section to take any such flats and waters, he shall obtain written permission from the riparian owner or owners thereof to control said flats or waters; after receiving such permission said commissioner shall hold a public hearing in the town where the flats and waters are located. Notice of said public hearing, containing the character, extent and location of the flats and waters to be taken and the time for which taken, shall be posted in 2 public places in the town and published not less than 7 days prior to the date of hearing in a newspaper in the county where the flats and waters are situated. After said hearing

the commissioner may, for purposes authorized in this section, take such flats and waters and shall cause the area so taken to be plainly posted and bounded by suitable marks and ranges and shall cause public notice of the taking of such waters and flats to be given by publishing in a newspaper in the county where the flats or waters are situated. Said commissioner may, by agreement, lease or grant, and under such terms and conditions as may be agreed upon with the owner thereof, take possession of suitable shellfish grounds, flats, waters and water-rights, not limited to 2 acres in area, with necessary shore rights, and may use and operate the same under the provisions of and for the purposes of this section. Any agreement, lease or grant executed under the provisions of this section shall be recorded in the registry of deeds in the county wherein said flats or waters are located.

See c. 33, § 11 et seq., re procedure for setting apart waters for fish culture by commissioner of inland fisheries and game; c. 33, § 53, re cultivation of useful fishes by riparian proprietors.

**Sec. 20. Shores and flats set apart for shellfish industry; proceedings.** The commissioner, upon the application of any person or corporation interested or engaged in scientific research relating to shellfish or other fish over which the commissioner has supervision, or in the cultivation and development of the shellfish industry for economic purposes, setting forth their desire to make experiments relative to the cultivation and conservation of shellfish or such other fish over which the commissioner now has supervision, shall, after being satisfied of the facts set out in said application, and that the applicant either owns or has the consent, so far as the same can be granted, of the owner of the flats, shore rights and waters where such work is to be undertaken, and that the granting of such rights will not unreasonably interfere with navigation, give notice of a hearing on such application, by causing the same to be published at least 2 weeks in some newspaper published in the county where the proposed location is situated, and stating therein the time and place where such hearing will occur; and if, upon such hearing, the commissioner is satisfied that the interests of the state will be promoted by such experiments, he shall issue a certificate setting apart so much of such shores, flats and water privileges, not exceeding 1 acre in extent to any one of such applicants, and for such length of time, not exceeding the period of 6 years, as in his judgment may be necessary and proper to accomplish the ends sought to be obtained. Such certificate shall be recorded in the registry of deeds of the county or registry district in which the location is situated, and the applicant shall also cause public notice of the issuance of such certificate to be given by publishing the same in a newspaper published in the county where such location is situated, and by posting in a conspicuous place near said location a copy of such certificate, and also by

placing stakes or other monuments upon the adjoining upland, so as to designate the locations so set apart, as the commissioner shall, in his certificate, specify.

**Sec. 21.** All persons forbidden to take fish on shores or flats taken for fish development; penalty. No person shall, during the period that such shores, flats and waters are taken for the purposes of the 2 preceding sections, take, dig, fish or in any manner destroy or interfere with such fish, or interfere with the shores, flats and waters so set apart. Whoever violates any of the provisions of this section shall be punished by a fine of not less than \$50 nor more than \$100 for each offense, or by imprisonment for not more than 90 days.

**Sec. 22-33, inclusive.** Repealed by 1949, c. 114.

### Fish Packing

**Sec. 34.** Rules governing sale or canning of herring; penalty; enforcement by commissioner. 1947, c. 248, § 2. 1949, c. 293. Whoever takes, preserves, sells or offers for sale between the 1st day of December and the 15th day of the following April any herring for canning purposes less than 8 inches long, measured from one extreme to the other, or cans herring of any description taken in the coastal waters of Maine between the 1st day of December and the 15th day of the following April forfeits \$20 for every 100 cans so packed or canned, and for every 100 herring so taken; provided, however, that herring used for the packing of sardines in 1 pound oval cans may be taken and packed only from June 1st to December 1st of each year. All cans shall be decorated, stamped or labeled with quality, packer's name and place of business, or merchant's name for whom the same are packed, except sardines packed in plain cans and shipped for buyers' labels or cartons. Whoever sells or offers for sale any sardines in cans not so decorated or labeled shall forfeit \$1 for every can so sold or offered for sale, to be recovered by complaint, indictment or action of debt.

See c. 25, §§ 101-115, re protecting industry of packing fish and fish products and establishing minimum wage for women and minors employed therein; c. 27, § 200, re definition of "sardine".

**Sec. 35.** Size of smoked herring boxes regulated. No person, firm or corporation engaged in the state in buying, selling or packing of smoked herring shall sell or offer for sale smoked herring in boxes of less than the following dimensions: 2 inches in depth, 6 inches in width, inside measure, and 12 inches in length, outside measure. Whoever packs, sells or offers for sale smoked herring in boxes in violation of this section shall forfeit 25c for each box so packed, sold or offered for sale; but this section does not apply to boxes of boneless herring.



**Sec. 36. Purchase of herring, regulated; penalty.** 1949, c. 325. No person, firm or corporation shall purchase or sell herring in their live or raw state for packing purposes other than by some standard method of measurement, such as by the bushel, barrel of 3 bushels, hogshead of  $17\frac{1}{2}$  bushels, or fractional part of said standard method of measurement.

All holds of all boats transporting herring for processing purposes shall be measured and sealed by the state sealer of weights and measures, or his duly authorized agent, and the fees for measuring and sealing shall be paid by the owners of the boats. The measure shall be in 5 hogshead divisions, cut  $\frac{3}{8}$  of an inch deep in the hold of the boat. The state sealer of weights and measures shall forthwith certify to the commissioner the name of the owner of each boat, the name of each boat and the capacity of each boat.

Any person, firm or corporation purchasing herring from a fisherman or his agent shall either pay cash to said fisherman or his agent at the time of purchase or shall furnish to said fisherman or his agent a written acknowledgment of purchase, containing all information necessary to a complete understanding of the transaction, including the price and quantity and providing for payment not later than 7 days after receipt of said herring, and all payments shall be made in money or in money equivalent.

Any person violating the provisions of this section shall be punished by a fine of not less than \$100, nor more than \$500, for each offense.

**Sec. 37. Repealed by 1949, c. 269.**

#### Fishing Regulations

**Sec. 38. Use of artificial light in taking herring prohibited; exception.** No person shall take any herring by use or aid of an artificial light of any kind in any of the coastal waters of this state, except in York county and in so much of Sheepscoot bay as is comprised within the following lines: beginning at the northerly point of Green Island; thence southerly by the coast line to the Cuckolds light station; thence westerly to Pond Island light station; thence northeasterly by the coastline to the northerly point of MacMahan Island; thence easterly to the point of beginning.

**Sec. 39. Fishways closed to all fishing; exceptions.** 1949, c. 415, § 6. No person, except as provided in this chapter or by rules or regulations of the commissioner, shall fish in any fishway or within 100 yards of any fishway, dam or millrace in any of the coastal waters of the state.

The foregoing shall not apply to the taking of alewives by the town of Waldoboro in Medomak river, nor by the town of Woolwich in Nequasset stream, nor by the West Harbor Ice Company in the water below its fish-

way nor by the town of Warren in the St. George river nor shall it apply to the taking of smelts in the St. George river from the time the ice goes out in the spring until April 25, both days inclusive, of each year.

The commissioner may prohibit fishing within 500 yards of any fishway, dam or millrace in any coastal waters.

**Sec. 40. Use of trawls regulated; penalty.** 1949, c. 435. The use of either otter or beam trawls within the territorial waters of this state is prohibited, unless the same are properly provided with net or nets having all meshes thereon measuring not less than  $4\frac{3}{4}$  inches mesh by diagonal or stretch measurement, as it is commonly known and called among shore fishermen. The use of either otter or beam trawls within the territorial waters of Washington county is prohibited.

Whoever violates any of the provisions of this section shall be punished by a fine of \$100 for the 1st offense, and in default of payment, by 30 days in jail; and for the 2nd offense, he shall be punished by a fine of \$200, and in default of payment, by 60 days in jail.

**Sec. 41. Protection of weirs; exception; penalty.** No person shall set or assist in setting any net or seine within 2,000 feet of the mouth of a weir, except that the owner or person in charge of a weir may use nets and seines in such weir or within 2,000 feet of the mouth thereof.

Whoever violates any provision of this section shall be punished by a fine of \$100, or by imprisonment for 30 days, or by both such fine and imprisonment.

Each day that a net or seine is used in violation of this section shall constitute a separate offense.

See c. 86, § 12, re definition of "fish weir".

**Sec. 42. Closed season for salmon; penalty.** From the 16th day of July to the 31st day of the following March, both days inclusive, there shall be a closed season for salmon in all the tidal waters of the state, during which no salmon shall be taken or killed in any manner. Provided, however, that between the 16th day of July and the 15th day of September, both days inclusive, it shall be lawful to fish for and take salmon by the ordinary mode, with rod and single line, but not otherwise. Provided, however, salmon may be taken by weirs on the St. Croix river below the breakwater at the ledge between the 15th day of May and the 31st day of August, both days inclusive.

Whoever violates any provision of this section shall be punished as provided in section 144, and in addition thereto \$10 for each salmon involved.

**Sec. 43. Weekly closed time for salmon, shad, alewives and bass; how observed; penalty; exceptions.** Between the 1st day of April and the 15th day of July, both days inclusive, there shall be a weekly closed time of 48 hours from sunrise on each Saturday morning to sunrise on the following Monday morning, during which no salmon, shad, alewives or bass shall be taken. During the weekly closed time, all seines, nets and other movable apparatus shall be removed from the water. Every weir shall have, in that part where the fish are usually taken, an opening 3 feet wide, extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing shall be taken out, carried on shore and there remain during the weekly closed time, to the intent that during said closed time fish may have a free and unobstructed passage through such weir or other structure, and no contrivance which tends to hinder such fish shall be placed in any part thereof. If the inclosure where the fish are taken is furnished with a board floor, an opening extending from the floor to the top of the weir is equivalent to one extending from the bottom to the top. Whoever violates any provision of this section shall be punished by a fine of \$20 for each offense.

This section does not apply to the Kennebec, Androscoggin or Penobscot rivers or their tributaries, or to the St. Croix river below the breakwater at the ledge, or to the Damariscotta river below the bridge at Damariscotta.

This section shall not apply to the taking of salmon or bass by the ordinary mode of angling with single hook and line or artificial flies, and no person shall fish for, take, catch or kill any bass, except that they may be taken in the ordinary mode of angling with single hook and line or artificial flies in numbers not to exceed 6 per person per day.

78 Me. 394.

**Sec. 44. Smelts; methods of taking; open season in tidal brooks and streams; daily limit; not to be sold.** 1947, cc. 251, 310. 1949, c. 296. Except as otherwise provided in this chapter or by rules and regulations of the commissioner, it shall be unlawful to take smelts in any tidal waters of the state in any manner except by use of the hands or by the ordinary mode of angling with hook and line from April 1 until September 30, both days inclusive, of each year.

Except as hereinafter provided or under rules and regulations of the department, there shall be an open season for smelts in all the tidal brooks and streams in the state that flow directly or indirectly into the ocean from April 1 to May 31, both days inclusive, of each year. That part of the calendar year falling outside of the open season is expressly declared to be a closed season.

During the open season in such waters, except as otherwise provided, smelts may be taken only with bare hands or by the ordinary mode of angling with hook and line. Unless otherwise provided, no person shall take, catch, kill or have in possession in or from any or all of the tidal brooks and streams more than 4 quarts of smelts; and provided further, that smelts so taken shall not be sold.

Nothing in this section shall apply to smelts taken in weirs or traps maintained and operated for the catching of herring.

It shall be lawful to fish for and take smelts from the tidewaters of the East Machias river within the town limits of Machiasport between the 1st day of October and the 15th day of May. Any fish so taken from said waters may be offered for sale and sold within the state or shipped to such places out of the state as the owner may designate.

No smelts shall be taken or fished for in any of the tidal waters of Casco bay between the 1st day of April and the 15th day of September except by hook and line.

It shall be lawful to fish for and take smelts from the tidewaters of the Penobscot river between the 1st day of October and the 15th day of May; however, during the last 15 days of said open time, such fishing and taking shall be restricted to the use of gill and dip nets only. It shall be lawful to fish for and take smelts from the tributaries of the Penobscot river between the 1st day of October and the 1st day of May. Any fish so taken from said waters may be offered for sale and sold within the state or shipped to such places out of the state as the owner may designate. Whoever violates any of the provisions of this paragraph shall be punished by a fine of not less than \$10 nor more than \$100.

**Secs. 45 and 46. Repealed by 1949, c. 415, § 7.**

**Sec. 47. Dead or injured fish not to be cast on shore nor released in harbors; penalty.** No person shall cast or deposit upon the shores, or release and deposit in the bays, harbors or rivers of this state any dead fish or fish that have been smothered or injured so that they will die. Whoever wilfully violates the provisions of this section, or aids therein, shall be punished by a fine of \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

**Sec. 48. Use of dynamite or poisonous substances for destroying fish prohibited; sale of fish so taken; carrying such dynamite or substance in fishing-boat prohibited; penalty.** No person shall use dynamite or any poisonous or stupefying substance whatever for the purpose of destroying or taking any kind of fish in tidal waters. No person shall buy, sell, give

away or expose for sale or possess for any purpose any fish taken by use of dynamite or any poisonous or stupefying substance; and no person, while engaging in fishing, shall carry in his fishing-boat or vessel any dynamite or other explosives, or any poisonous or stupefying substance. Whoever violates any provision of this section shall be punished by a fine of \$100 and costs, and by imprisonment for 60 days.

See § 131, re revocation and suspension of licenses; c. 33, § 44, re use of dynamite, other explosives or any poisonous or stupefying substance for purpose of destroying or taking fish, prohibited.

**Sec. 49. Persons deriving special benefit from protected waters to post notices of such protection; form of notices; no liability unless notices posted; application of section; mutilation of such notices prohibited; penalties.** All persons, who derive special benefits from legislation for the protection of fish in any waters of this state in excess of what is or may be derived by others, shall publish such protection by posting and maintaining notices substantially as hereinafter provided. Said notices shall be placed on the banks or shores of such protected waters not more than 10 feet nor less than 6 feet above the ground, in a conspicuous position; and if on running water, such notices shall not be more than  $\frac{1}{2}$  mile apart on the banks of such waters; and if on a pond or lake, not more than 1 mile apart on the shores of such pond or lake.

Notices shall be painted on wood in black Roman letters not less than 2 inches in length and not less than  $\frac{1}{2}$  inch in breadth, so that such letters shall be plainly legible; and such notices shall state the number of the act or resolve giving said protection to such waters and the date of the same. In case no notices as herein provided are posted and maintained on waters that are protected by any special law, no one violating such law shall be liable thereunder to any penalties therein set forth.

The provisions of this section shall not apply to towns which by special act have acquired vested rights in any fishery in said towns.

Anyone mutilating or destroying such notices shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

**Sec. 50. Commercial fishing license.** 1949, c. 122; c. 415, § 8. No person shall take, catch or kill for commercial purposes any species of fish, except smelts by hook and line, in the coastal waters of the state until he has procured from the commissioner a written license therefor.

A license designated as a resident commercial fishing license may be issued to persons who have been for 3 years prior to the date of their application, legal residents of the state, upon payment of a fee of \$3, which

license shall entitle the holder to take all species of fish, except clams, quahogs, mussels, lobsters and scallops by any lawful method, except the use of a weir, floating fish trap or seine.

The holder of a lobster fishing license or the holder of a scallop fishing license shall not be required to procure a resident commercial fishing license, but shall be entitled to all privileges of the same by virtue of such lobster fishing license or such scallop fishing license.

The amount paid for a resident commercial fishing license may be credited on a lobster fishing license or on a scallop fishing license, upon the additional payment of \$2 in the same year in which the resident commercial fishing license was issued.

**Sec. 51. Non-residents may procure commercial fishing license for limited period; fee; penalty.** No non-residents shall take, catch or kill at any time or in any manner in Maine coastal waters any species of fish for commercial purposes, except in accordance with the following provisions.

A non-resident of the state may procure a commercial fishing license upon the payment of a fee of \$10, which shall entitle the holder to take all species of fish, except shellfish, lobsters and scallops during the period of November 1 until March 31 of the following year, both days inclusive, by any lawful method except by use of a weir or seine.

Whoever violates any provision of this section shall, upon conviction, be punished by a fine of not less than \$500, nor more than \$1,000, or by imprisonment for not less than 2 months, nor more than 6 months, or by both such fine and imprisonment.

**Sec. 52. License required to operate weir, floating fish trap or boat engaged in seining.** 1949, c. 415, § 9. No person, as owner, shall operate in coastal waters any weir, floating fish trap or boat engaged in seining until he has procured from the commissioner a written license therefor.

The license fee for operating a weir, floating fish trap or for operating a boat engaged in seining, in coastal waters, shall be \$10 for each such weir, floating fish trap or boat; provided, however, that the fee for operating any weir or floating fish trap, the catch pound of which is not more than 80 feet in outside perimeter, shall be \$3.

See c. 86, § 12, re definition of "fish weir".

**Sec. 53. Exchange license.** The amount paid on a resident commercial fishing license shall be credited on either a lobster fishing or scallop fishing license upon the additional payment of \$2 in the same year in which the commercial fishing license was issued, provided that the holder of such a

commercial fishing license is entitled to hold such lobster fishing license or scallop fishing license.

### Atlantic Sea Run Salmon Commission

**Sec. 53-A. Commission created; compensation; powers and duties.** 1947, c. 399, § 1. 1949, c. 224. There shall be created a commission to be known as the "Atlantic Sea Run Salmon Commission," which shall consist of 3 persons as follows: the commissioner of inland fisheries and game and the commissioner of sea and shore fisheries as ex officio members, and a 3rd member who shall be a citizen of Maine and who shall be appointed by the governor and council for a term of 4 years. The member appointed by the governor and council shall receive \$10 per day and expenses as compensation when engaged in the discharge of his official duties.

The Atlantic Sea Run Salmon Commission, hereinafter in this section designated as "the commission," shall have authority to promulgate rules and regulations providing for the times, number and manner in which Atlantic sea run salmon may be taken in all waters of the state.

Whenever any existing conditions, except those which are or may be or become within the jurisdiction of the Sanitary Water Board under the provisions of chapter 72 of the revised statutes of 1944, adversely affect Atlantic sea run salmon within the territorial limits of the state, the commission, after notice and hearing, shall make such regulations as may be deemed remedial of any such adverse conditions in the manner hereinafter provided.

Petitions, stating the conditions affecting the fish and the regulations which are desired as a remedy, may be addressed to the commission by a majority of the municipal officers or 25 citizens of any municipality in which the waters exist; or if the waters are in an unorganized territory, by a majority of the county commissioners of the county in which said waters exist; or the commission may declare an emergency and designate the time and place of hearing.

Notice of the hearings to be held and the time and place thereof shall be published once a week for 2 successive weeks prior to the hearing in a newspaper published in the county where said hearing is to be held, and if no paper is published there, in the Daily Kennebec Journal, a newspaper printed at Augusta; except when an emergency has been declared, notice shall be published at least 5 days before the date of the hearing instead of 2 weeks.

After hearing pursuant to the petition or emergency declared, the commission shall make such regulations as may be deemed remedial of any ad-

verse conditions proven to exist at the time of said hearing and shall establish the effective date of such regulations, which shall be at least 10 days after the date of hearing. The commission shall cause the regulations to be reduced to writing and shall publish the same once in a newspaper published in the county where the waters are situated and which are affected thereby, or if no paper is published there, in the Daily Kennebec Journal, a newspaper printed at Augusta. The commission shall file a certified copy of said regulations with the secretary of state and with the clerk of the superior court of the county in which the waters affected thereby are situated.

Notwithstanding the provisions of section 5 of chapter 33, as revised, and section 5 of this chapter, as revised, all petitions in regard to Atlantic sea run salmon shall be addressed to the commission, which shall have sole jurisdiction to promulgate rules and regulations affecting Atlantic sea run salmon.

All rules and regulations promulgated under authority of this section shall be enforced by coastal wardens and inland fish and game wardens, each of whom shall have jurisdiction in either the coastal or inland waters.

Whoever violates any provision of this section or any rule and regulation promulgated hereunder shall be subject to a fine of not less than \$10 nor more than \$30 for each offense.

#### Regulation of Shellfish Industry

Sec. 54. Towns may grant licenses for propagation and cultivation of clams, quahogs and mussels; licenses may be assigned. Upon application in writing, the mayor and aldermen of a city or the selectmen of a town shall grant a written license to any person who has resided in the state or who has been a taxpayer in the city or town for not less than 1 year preceding the date of his application, for the purposes of planting and cultivating clams, quahogs or mussels upon and in not exceeding  $\frac{1}{4}$  of the flats and creeks of their respective cities and towns and within the limits to be specified in the license, for a term of not less than 5 years nor more than 10 years. All such licenses shall be subject to such rules and regulations as are approved by the city government of the city, or by the voters of the town at an annual or special town meeting, and may be assigned by the licensee to any person who has been a resident of the state or a taxpayer in the city or town for not less than 1 year preceding the date of the assignment; but shall not be assigned or transferred without the written consent of the mayor and aldermen of such city or the selectmen of such town.

Sec. 55. Proceedings before licenses shall be granted; preference to be



given to riparian owner of adjacent property. No license shall be granted if the exercise thereof would materially obstruct navigable water, nor until after a public hearing due notice of which has been posted in 3 or more public places and published in a newspaper, if there be any, published in the city or town in which the premises are situated, at least 10 days before the time fixed for the hearing, stating the name and residence of the applicant, the date of the filing of the application and the location, area and description of the grounds applied for. In granting said licenses, preference shall be given to the riparian proprietors of the adjacent property, when there are 2 or more applicants for the same territory and the adjacent riparian proprietor is one of them.

**Sec. 56. Survey and plan of territory covered by license to be made; territory to be marked.** Before granting any license, the mayor and aldermen of a city or the selectmen of a town shall cause a survey and plan to be made of the territory within which licenses are to be granted, and shall cause the territory covered by any license issued by them to be marked upon a copy of such plan, to be kept in the office of the city or town clerk. The licensee, upon receiving his license, shall cause the territory covered thereby to be plainly marked out by stakes, buoys, ranges or monuments which shall be maintained by him during the term of the license. Failure to place or maintain the same shall be sufficient cause for revocation of the license by the authority granting the same.

**Sec. 57. Penalty for molesting marks or bounds on licensed areas.** Whoever wilfully injures, defaces, destroys or removes any mark or bound used to define the extent of any shellfish license or grant, or places any unauthorized mark thereon, or ties or fastens any boat or vessel thereto shall be punished by a fine of not more than \$20 and shall be liable in tort for double damages and costs to the licensee injured by such act.

**Sec. 58. License to describe territory covered; to be recorded; records open to public inspection.** A license granted hereunder shall describe by metes and bounds the waters, flats and creeks to which the license is applicable and shall have no force until it is recorded with the clerk of the city or town granting the same, in a book to be kept for the purpose in the office of the clerk of the city or town, and such books shall be open to public inspection. The licensee shall pay annually to the city or town a fee of not less than \$1 nor more than \$5 per acre for the license, as the mayor and aldermen of the city or the selectmen of the town may determine. Forms for licenses and for assignments shall be provided by the mayor and aldermen of a city or the selectmen of a town at the expense of the city or town.

**Sec. 59. Penalty for molesting shellfish beds covered by license.** Whoever works a dredge, tongs, rakes or any other implement for the taking of shellfish of any description upon any shellfish grounds or beds covered by a license granted under the provisions of section 54, or in any way disturbs the growth of the shellfish thereon, or whoever discharges any substances which may directly or indirectly injure the shellfish upon any such grounds or beds without the consent of the licensee or transferee, as the case may be, or whoever, while upon or sailing over any such grounds or beds casts, hauls or has overboard any such dredge, tongs, rake or other implement for the taking of shellfish of any description, under any pretense or for any purpose whatever, without the consent of the licensee, shall for the 1st offense be punished by a fine of not more than \$20, or by imprisonment for not more than 1 month, and for a subsequent offense by a fine of not more than \$50, or by imprisonment for not more than 6 months.

**Sec. 60. Taking of clams, quahogs or mussels or their seed on licensed territory, except by licensee prohibited; licensee to have exclusive use of territory covered by license; penalty.** No person, except the licensee or his agents or assignees, shall dig or take clams, quahogs or mussels, or clam, quahog or mussel seed within the territory covered by a license granted hereunder, or remove the same from said territory. The licensee, his heirs or assignees shall for the purposes described in the license have the exclusive use of the territory described therein during the term of the license and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes clams, quahogs, mussels or other shellfish in the territory covered by the license or removes the same therefrom. Whoever so digs, takes or removes clams, quahogs, mussels or other shellfish shall, in addition, be punished by a fine of \$20 for each offense.

**Sec. 61. Licensee to submit report; license subject to forfeiture.** Any person licensed under the provisions of section 54 shall submit on oath, on or before January 1st in each year, to the aldermen, city council or selectmen of the city or town wherein the territory covered by the license is situated, a report of the total number of bushels of each kind of shellfish planted, produced or marketed during the preceding year upon or from such territory, and an estimate of the total number of bushels of each kind of shellfish at the time of such report planted or growing thereon; and if the total amount thereon falls below the market value of \$25 per acre within the first 2 years of the term of said license, or below the market value of \$50 per acre for any 3 consecutive years thereafter, said value to be determined by the aldermen, councilmen or selectmen by such reasonable method as they deem best, they may declare the license to be forfeited. Thereupon

the licensed premises, with all shellfish thereon, shall revert to the city or town wherein situated.

**Sec. 62. Towns authorized to regulate taking of clams, quahogs and mussels and provide for municipal licenses; penalty for taking contrary to municipal regulations.** 1949, c. 349, § 64. c. 393. Any town may, by vote at an annual or special town meeting, provide for regulations fixing the times and amounts in which clams, quahogs and mussels may be taken from any or all of the coastal waters and flats within the town and may likewise provide that municipal licenses be required for the taking of any or all of such species therein and fix the fees therefor.

Regulations adopted under the provisions of this section shall not become effective until a certified copy of each has been filed, by municipal officers of the town to which they apply, with the clerk of said town and with the commissioner of sea and shore fisheries.

This section shall not be construed to effect the repeal of any special privileges enjoyed by the inhabitants of certain towns by virtue of any public or private and special law in force on August 6, 1949; but any town to which any such law applies may in addition have all the advantages of this section if such town shall so vote. Any town that adopts any regulation under authority of this section shall be responsible for enforcement of the same.

Whoever takes clams, quahogs or mussels contrary to municipal regulations authorized by this section shall, for each offense, be punished by a fine of not more than \$10, or by imprisonment for not more than 30 days.

89 Me. 543; 98 Me. 388; 102 Me. 231; 103 Me. 329; \*105 Me. 81.

**Sec. 62-A. Digging of clams in Cranberry Isles; penalty.** 1949, c. 349, § 65. It shall be unlawful for any person not a resident of or riparian owner in the town of Cranberry Isles, in the county of Hancock, to dig clams within the limits of said town.

Any person residing therein or the riparian owner of any clam flats may take therefrom not exceeding 5 bushels of clams in 1 day.

Any person taking clams contrary to the provisions of this section shall be punished for each offense by a fine of not more than \$25, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

**Sec. 63. Digging of clams on flats of York river.** It shall be lawful to dig clams on any of the flats in the York river, in the county of York, provided said clams are not used for any purposes except as bait for fishing.

**Sec. 64. Licenses required to dig or take clams, etc., in Scarboro; definition.** 1949, c. 271. No person shall, in the town of Scarboro in the county of Cumberland, dig or take clams, clam-worms or blood-worms unless license has been granted to him by the municipal officers of said town, who are 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 from digging and taking clams for food for himself and family without license, or shall prohibit a riparian owner of shores or flats in said town from digging and taking from his own shores or flats clams for food for himself and family. For the purposes of sections 64 to 66, inclusive, 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 Scarboro for at least 3 consecutive months prior to receiving a license.

**Sec. 65. Dealers' licenses required; definition.** No person shall be a dealer in clams, clam-worms or blood-worms in the town of Scarboro unless license has been granted to him by the municipal officers of said town, who are authorized to issue such license and fix the fee therefor. For the purposes of sections 64 to 66 inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, clam-worms or blood-worms for resale.

**Sec. 66. Licenses; revocation; appeal.** The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, clam-worms or blood-worms. If the municipal officers refuse to issue the licenses provided for in said sections 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. 67. Penalty.** Whoever violates any of the provisions of sections 64 to 66, inclusive, 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. 68. License required to dig or take clams, etc., in Kennebunkport; definition.** No person shall, in the town of Kennebunkport in the county of York, dig or take clams, clam-worms or blood-worms for sale unless license has been granted to him by the municipal officers of said town, who are 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. For the purposes of sections 68 to 70, inclusive, 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 Kennebunkport for at least 3 consecutive months prior to receiving a license.

**Sec. 69. Dealers' licenses required; definition.** No person shall be a dealer in clams, clam-worms or blood-worms in the town of Kennebunkport unless license has been granted to him by the municipal officers of said town, who are authorized to issue such license and fix the fee therefor. For the purposes of sections 68 to 70, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, clam-worms or blood-worms for resale.

**Sec. 70. Licenses; revocation; appeal.** The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, clam-worms or blood-worms. If the municipal officers refuse to issue the licenses provided for in said sections, 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 or vacation, who may order the issuances or restoration thereof, provided said justice finds the municipal officers acted fraudulently or corruptly or erred in their conclusion of facts.

**Sec. 71. Penalty.** Whoever violates any of the provisions of sections 68 to 70, inclusive, 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. 72. License required to take or dig clams, etc., in Kennebunk; definition.** No person shall, in the town of Kennebunk in the county of York, dig or take clams, clam-worms or blood-worms for sale unless license has been granted to him by the municipal officers of said town, who are 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. For the purposes of sections 72 to 74, inclusive, 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 Kennebunk for at least 3 consecutive months prior to receiving a license.

**Sec. 73. Dealers' licenses required; definition.** No person shall be a dealer in clams, clam-worms or blood-worms in the town of Kennebunk unless license has been granted to him by the municipal officers of said town, who are authorized to issue such license and fix the fee therefor. For the purposes of sections 72 to 74, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, clam-worms or blood-worms for resale.

**Sec. 74. Licenses; revocation; appeal.** The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, clam-worms or blood-worms. If the municipal officers refuse to issue the licenses provided for in said sections 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. 75. Penalty.** Whoever violates any of the provisions of sections 72 to 74, inclusive, 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. 76. License required to dig or take clams, etc., in Cape Elizabeth; definition.** No person shall, in the town of Cape Elizabeth in the county of Cumberland, dig or take clams, clam-worms or blood-worms for sale unless license has been granted to him by the municipal officers of said town, who are 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. For the purposes of sections 76 to 78, inclusive, 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. 77. Dealers' licenses required; definition.** No person shall be a dealer in clams, clam-worms or blood-worms in the town of Cape Elizabeth unless license has been granted to him by the municipal officers of said town, who are authorized to issue such license and fix the fee therefor. For the purposes of sections 76 to 78, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, clam-worms or blood-worms for resale.

**Sec. 78. Licenses; revocation; appeal.** The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, clam-worms or blood-worms. If the municipal officers refuse to issue the licenses provided for in said sections 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. 79. Taking of shellfish and worms in Yarmouth, North Yarmouth, Falmouth and Cumberland, regulated.** No clams, clam-worms, blood-worms, mussels or quahogs 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.. 80. Penalty.** Whoever violates any of the provisions of sections 76 to 79, inclusive, 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. 81. License required to dig or take clams, etc., in Georgetown; definition.** No person, firm or corporation shall, within the limits of the town of Georgetown in the county of Sagadahoc, dig or take any clams, clam-worms, sand-worms or blood-worms without having first obtained a license from the municipal officers of said town of Georgetown, who are authorized to grant and issue such licenses and fix the fee therefor. No license shall be granted or issued to any person, firm or corporation unless such person, firm or corporation is a resident of said town of Georgetown. Nothing herein shall prohibit a riparian owner of shores or flats in said town of Georgetown from digging and taking clams therefrom for food for himself and family without license. For the purposes of sections 81 to 83, inclusive, the term "a resident" shall mean a person, firm or corporation who has resided in this state for a term of at least 6 consecutive months and in the town of Georgetown for at least 3 consecutive months prior to making application for license.

**Sec. 82. Dealers' licenses required; definition.** No person shall be a dealer in clams, clam-worms or blood-worms in the town of Georgetown

without having first obtained a license from the municipal officers of said town, who are authorized to issue such license and fix the fee therefor. For the purpose of sections 81 to 83, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, clam-worms or blood-worms for resale.

**Sec. 83. Licenses; revocation; appeals.** The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, clam-worms or blood-worms. If the municipal officers refuse to issue the license provided for in said sections 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. 84. Penalty.** Whoever violates any of the provisions of sections 81 to 83, inclusive, shall be punished by a fine of not less than \$10, nor more than \$100, or by imprisonment for not more than 30 days. Trial justices within their county shall have jurisdiction concurrent with municipal courts and the superior court of prosecutions for violations hereof.

**Sec. 85. License required to dig or take clams, etc., in Woolwich; definition.** No person, firm or corporation shall, within the limits of the town of Woolwich in the county of Sagadahoc, dig or take any clams, clam-worms, sand-worms or blood-worms, without having first obtained a license from the municipal officers of said town of Woolwich, who are authorized to grant and issue such licenses and fix the fee therefor. No license shall be granted or issued to any person, firm or corporation unless such person, firm, or corporation is a resident of said town of Woolwich. Nothing herein shall prohibit a riparian owner of shores or flats in said town of Woolwich from digging and taking clams therefrom for food for himself and family without license. For the purposes of sections 85 to 87, inclusive, the term "a resident" shall mean a person, firm or corporation who has resided in this state for a term of at least 6 consecutive months and in the town of Woolwich for at least 3 consecutive months prior to making application for license.

**Sec. 86. Dealers' licenses required; definition.** No person shall be a dealer in clams, clam-worms or blood-worms in the town of Woolwich without having first obtained a license from the municipal officers of said town, who are authorized to issue such license and fix the fee therefor.



For the purposes of sections 85 to 87, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams, clam-worms or blood-worms for resale.

**Sec. 87. Licenses; revocation; appeal.** The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams, clam-worms or blood-worms has violated any of the laws of the state regulating the taking and sale of clams, clam-worms or blood-worms. If the municipal officers refuse to issue the license provided for in said sections 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. 88. Penalty.** Whoever violates any of the provisions of sections 85 to 87, inclusive, shall be punished by a fine of not less than \$10, nor more than \$100, or by imprisonment for not more than 30 days. Trial justices within their county shall have jurisdiction concurrent with municipal courts and the superior court of prosecutions for violations hereof.

**Sec. 89. Certificate and license required for interstate transportation of shellfish; interstate transportation of soft-shell clams, in the shell, prohibited; penalties.** 1949, c. 247; c. 415, §§ 10, 11; c. 442. 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 \$50, provided that an extra fee of \$25 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 \$500, provided that an extra fee of \$125 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.

**Sec. 90. Taking of clams and quahogs regulated. 1949, c. 415, § 12.** Whoever takes or has in his possession quahogs or soft-shell clams less than 2 inches in the longest diameter, hereinafter referred to as seed quahogs or seed clams, to the amount of more than 10% of any batch or lot, shall be punished by a fine of not less than \$10, nor more than \$100, or imprisonment for 30 days, or by both such fine and imprisonment, provided that it shall not be unlawful to take seed quahogs or seed clams or have the same in possession under authority of a permit therefor, which the commissioner is hereby authorized to grant, for replanting in waters or flats within the state or any other purpose. The tolerance of 10% shall be determined by numerical count, or by measure of not less than 1 peck nor more than 4 pecks, taken at random from various parts of said batch or lot; provided, however, that such tolerance shall be determined by numerical count of the entire batch or lot when said batch or lot is less than 1 peck.

A batch or lot, as used in this section, shall mean the total number of quahogs or soft-shell clams in any bulk pile, provided that when quahogs or soft-shell clams are in a box, barrel or other container, the contents of each such box, barrel or other container shall constitute a separate batch or lot.

Whenever clams, quahogs or mussels are bought or sold in units of 1 bushel, measurement shall be determined by a container having a capacity of a standard bushel, (2150.42 cu. inches).

**Sec. 91. Processors and canners to be licensed; penalty.** Whoever processes and cans for sale any fish, lobsters, crabs or shrimp shall procure from the commissioner a written license therefor.

The license, designated as a sea food processor's license, issued upon payment of a fee of \$25, shall entitle the holder to process in hermetically sealed containers all species of fish, lobsters, crabs and shrimp at a specified place of business, provided that a separate license shall be required

for each place of business where fish, lobsters, crabs or shrimp are processed and canned.

Whoever violates any provision of this section shall be subject to the penalties provided in section 144; provided, however, that any person convicted of canning illegal lobsters shall be punished by a fine of \$300 and an additional fine of \$5 of each illegal lobster involved.

"Fish" as used in this section shall not include shellfish.

**Sec. 92. Size of bait barrels; penalty.** In all contracts relating to the sale of clam, quahog or mussel bait, fresh or salt, by the barrel, and clam, quahog or mussel bait barrels, such barrels shall be  $25\frac{1}{4}$  inches long and  $15\frac{1}{2}$  inches head diameter, outside measure.

Whoever violates any provision of this section shall be punished by a fine of not more than \$50 for each offense.

**Sec. 93. Canning of clams and mussels regulated.** 1949, c. 115. It shall be unlawful for any person to can any clams or mussels between the 1st day of June and the 30th day of the following September, both days inclusive, and it shall also be unlawful for any person to can at any time, either fresh or in salt, any clams or mussels dug or taken during the same period.

Whoever violates any provision of this section shall be punished by the penalties provided in section 144 and in addition thereto \$1 for each bushel of clams or mussels involved.

**Sec. 94 Clam, quahog and mussel flats may be closed to all digging on certain conditions; signs to be posted.** 1949, c. 415, § 13. The commissioner of sea and shore fisheries and the commissioner of agriculture shall cooperate in the investigation and inspection of clam, quahog and mussel flats in this state.

Whenever it is found by examination that any flats and shores are contaminated or polluted and that clams, quahogs or mussels dug from such contaminated or polluted areas are not in conformity with regulations promulgated by the commissioner of agriculture and the regulations and standards of purity established by the United States public health service and not acceptable for shipment in interstate commerce, the commissioner of agriculture shall file a certified copy of such findings with the commissioner of sea and shore fisheries and at the same time shall recommend that said flats or shores be immediately closed to all digging of clams, quahogs and mussels, whereupon the commissioner shall immediately promulgate rules and regulations closing said flats to all digging of clams, quahogs and mussels.

When digging of clams, quahogs or mussels in any area is prohibited by the commissioner because of contamination or pollution, he shall cause plain and distinct signs to be posted on or adjacent to the area within which said digging is prohibited.

**Sec. 95.** Repealed by 1949, c. 426.

**Sec. 96.** Certain facts to be furnished commissioner of agriculture on request. 1949, c. 105, § 1. When requested by the commissioner of agriculture, the commissioner of sea and shore fisheries shall furnish the commissioner of agriculture with a list of names of all persons granted licenses to buy and sell clams, quahogs or mussels, giving the license numbers, the location of the shucking houses and the exact locality of the source of clams, quahogs or mussels that the licensees are offering for sale and shipment. The commissioner of sea and shore fisheries and the commissioner of agriculture shall cooperate in the enforcement of all the provisions of this chapter relating to shellfish, and they shall make uniform rates and regulations prescribing the conditions under which clams, quahogs or mussels 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, quahogs or mussels, and such regulations shall apply with equal force both to clams, quahogs or mussels intended for consumption within the state and to meet the requirements of the United States public health service governing clams, quahogs or mussels shipped in interstate commerce.

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 himself 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. 97. Containers of clams, quahogs or mussels to be labeled.** All containers used in the shipment and transportation of clams, quahogs or mussels from a place within the state to a place without the state shall bear a label which in plain and distinct letters and figures shall state the name and license number of the consignor and the name of the consignee, the words "Clams," "Quahogs," or "Mussels," the date of shipment and the name of the town in which the clams, quahogs or mussels were dug. This provision shall not apply in any way to clams, quahogs or mussels in hermetically sealed containers.

See § 131, re revocation and suspension of licenses.

**Sec. 98. General provisions; license.** Upon application in writing, the commissioner may grant a written license to any owner of tide flats, other than those used as public bathing beaches, for the purpose of cultivating and propagating quahogs upon not more than 5 acres or clams and mussels

upon not more than  $\frac{1}{2}$  acre of said flats between high and low-water mark within the limits to be specified in the license for a term of 10 years. All such licenses shall be subject to such rules and regulations as are approved by the commissioner. The same may not be assigned, except as hereinafter provided.

**Sec. 99. Notice of hearing for granting license.** No license shall be granted if the exercise thereof would materially obstruct navigable water. No license shall be granted until after a public hearing held in the town where said flats are located, due notice of which has been posted in 3 or more public places and published in a newspaper, if there be any newspaper published in the city or town in which the premises are situated, by the commissioner, at least 10 days before the time fixed for the hearing, stating the name and residence of the applicant, the date of the filing of the application, and the location, area and description of the flats where the cultivation and propagation of quahogs is to be carried on.

**Sec. 100. Establishment and maintenance of metes and bounds for territory under license; penalty for removal or destruction of bounds.** The licensee under the provisions of section 98 upon receiving his license shall cause the area so designated in the license granted to be plainly marked either by stakes, ranges or monuments, which shall be maintained by him during the time of the license. Failure to place or maintain the same shall be sufficient cause for revocation of the license by the commissioner. Any person who moves, destroys, mutilates or changes the position of stakes, ranges or monuments, when the same have been properly placed and maintained in accordance with the license and in designation of the area described in the license, without the consent of the licensee, shall be punished for the 1st offense by a fine of not more than \$100, and for a 2nd offense by a fine of not more than \$200.

**Sec. 101. Cost of license and disposal of fees.** A license granted under the provisions of section 98 shall describe by metes and bounds the flats to which the license is applicable, and shall have no force until it is recorded with the clerk of the city or town in which said flats are located, which record shall be open to public inspection. The licensee shall pay, annually, to the commissioner a fee of \$2 per acre for the license granted. All fees received under the provisions of sections 98 to 103, inclusive, by the commissioner and all money received by him under the provisions of said sections shall be paid by him to the treasurer of state for deposit in the general fund.

**Sec. 102. Penalty for trespassing on licensed territory.** No person, except the licensee or his agents, shall dig or take quahogs or quahog seed

within the territory covered by a license granted under the provisions of section 98 or remove the same from said territory. The licensee, his heirs or assignees shall, for the purpose described in the license, have the exclusive use of the territory described therein during the term of the license, and may during said term take any shellfish or worms therefrom. Any person, who without the consent of the licensee digs, takes or removes any quahogs or quahog seeds or other shellfish or worms from or within the territory covered by the license, shall be liable in an action of tort to pay to the licensee treble damages. Any person, except the licensee or his agents, who takes, digs, destroys or removes quahogs, quahog seed, other shellfish, or worms from territory covered by a license, as above described, shall in addition be punished by a fine of \$20 for each offense.

**Sec. 103. Provision for revocation of license.** The commissioner shall have the power to revoke or suspend any license issued under the provisions of sections 98 to 103, inclusive, whenever it is determined by him that the licensee is not actually occupying and using in good faith the territory covered by the license for the purpose of cultivating and propagating quahogs in said territory.

**Sec. 104. Planting of oysters and quahogs by inhabitants of state; exclusive rights; penalty for trespassing.** Any inhabitants of the state, with consent of the adjacent riparian proprietors, may plant oysters and quahogs below low-water mark in any navigable waters, in places where there is no natural oyster bed; inclose such ground with stakes set at suitable distances, extending at least 2 feet above high-water mark, but so as not to obstruct the free navigation of such waters; and have the exclusive right of taking such oysters and quahogs. Whoever trespasses on such inclosure or injures such beds where oysters or quahogs have been planted is liable in an action of trespass for all damages; and if he takes any oysters, quahogs or any shellfish therein, without the consent of the owner, he shall be punished by a fine of not less than \$20, nor more than \$50, or by imprisonment for not more than 3 months.

**Sec. 105, 106, 107.** Repealed by 1949, c. 415, § 14.

**Sec. 108. Closed season on scallops; penalty.** 1947, c. 270. There shall be a closed season on scallops in all the coastal waters of the state from the 1st day of April until the 31st day of the following October, both days inclusive, except that there shall be a closed season on scallops in the waters of the Bagaduce river to a point at the mouth of said river marked by a line and bound extending from Dice's Head in Castine, through the southernmost point of Nautilus Island to the Brooksville shore, from the 1st day of April until the 31st day of the following December.



Whoever takes or has in his possession any scallops in violation of the provisions of this section shall be subject to the penalties provided in section 144 and an additional penalty of \$5 for every 100 scallops or part thereof involved, whether they be in the shell or shelled.

Provided, however, that there shall be a perpetual open season for scallops in those waters outside the limits of, and southeasterly of a line formed by the following points: beginning at Petit Manan Bar, to Schoodic Point, to little Cranberry Island, to Duck Island, to Long Island, to whistle buoy at Johns Island, to Eastern Ear Isle au Haut to Saddle Back Light, to Green Island, Vinalhaven, to Twobush light, to Burnt Island light.

See § 131, re revocation and suspension of licenses; c. 124, § 14, re swelling of scallop meats by artificial means prohibited.

**Sec. 109. Scallop fishing license.** 1949, c. 415, § 15. No person shall fish for or take in any manner for commercial purposes any scallops without first having procured from the commissioner a written license therefor.

A license, designated as a scallop fishing license, may be issued to any person who has been for 3 years prior to the date of his application a legal resident of the state upon payment of a fee of \$5 and shall entitle the holder to take scallops for commercial purposes at times and in places permitted by law. The holder of a scallop fishing license shall not be required to procure a resident commercial fishing license, but shall be entitled to all privileges of the same by virtue of such scallop fishing license.

**Sec. 110. African crawfish; regulation of sale of.** No person shall sell, offer for sale or have in possession for sale within the state, African crawfish, so called, in any form. Any person who violates any of the provisions of this section shall be punished by a fine of not less than \$50, nor more than \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

**Sec. 110-A. Commercial shellfish.** 1947, c. 286. 1949, c. 415, § 16. No person, except the holder of a commercial shellfish license, shall sell any clams, quahogs or mussels that he has dug or taken from the flats, shores or coastal waters of the state.

No non-resident of the state shall dig or take more than  $\frac{1}{2}$  bushel of clams, quahogs or mussels during any 1 day from the flats, shores or coastal waters of the state.

No resident of the state shall dig or take more than  $\frac{1}{2}$  bushel of clams, quahogs or mussels during any 1 day from the flats, shores or coastal waters of the state without first having procured from the commissioner a written license therefor; except that a holder of a lobster and crab fishing license or a holder of a commercial fishing license may dig or take more than  $\frac{1}{2}$

bushel of clams, quahogs or mussels for bait purposes only without obtaining a commercial shellfish license.

A license, designated as a commerical shellfish license, may be issued to residents of the state who shall make application for the same.

The fee shall be \$3 and it shall entitle the holder to dig or take clams, quahogs or mussels in quantities greater than  $\frac{1}{2}$  bushel during any 1 day and to transport and sell the same in the shell within the state.

No person, except the holder of a commerical shellfish license as provided for in this section or a dealer duly licensed under the provisions of this chapter or as provided in the 3rd paragraph of this section, shall have in his possession more than  $\frac{1}{2}$  bushel of clams, quahogs or mussels.

Sec. 110-B. Repealed by 1949, c. 105, § 2.

Sec. 110-C. Shellfish processing and canning regulated; license. 1947, c. 286. Whoever processes and cans for sale any clams, quahogs or mussels shall procure a written license therefor.

The license, designated as a shellfish processor's license, shall be issued by the commissioner upon payment of a fee of \$50 and shall entitle the holder to process in hermetically sealed containers, clams, quahogs and mussels at a specified place of business. Provided that a supplemental license, authorizing such processing and canning of clams, quahogs and mussels at an additional place of business, may be procured upon payment of a fee of \$25.

Any person holding a license under the provision of this section, by virtue of such license, may process and can for sale in hermetically sealed containers all species of fish, shellfish, lobsters, crabs and shrimps.

Whoever violates any provision of this section shall be subject to the penalties provided in section 144, except that any person convicted of canning illegal lobsters, or parts thereof, shall be punished by a fine of \$300, and an additional fine of \$5 for each illegal lobster, or part thereof, involved.

Sec. 110-D. Disposition of funds from sale of licenses. 1947, c. 286. The funds received from sale of certain licenses, namely, "commercial shellfish licenses," "shellfish shucking licenses," "shellfish processors' licenses" and "interstate shellfish transportation licenses" shall constitute a shellfish fund, so called, to be expended under the direction of the commissioner of sea and shore fisheries for the sole purpose of restoration, development and conservation of clams, quahogs and mussels in the coastal waters of the state and for establishment and maintenance of facilities therefor.

Said funds shall not lapse, but funds so collected in any one year may be used in that or any succeeding year for said purpose.

### Dealers' Licenses

**Sec. 111.** Retail dealer's license required to sell, ship or transport soft-shelled clams, quahogs or lobsters, or parts thereof. 1949, c. 365. No person, except as provided in this chapter, shall buy, sell, ship or transport in any manner any soft-shelled clams, quahogs or lobsters, or parts thereof, without first having procured from the commissioner a written license therefor.

A license, designated as a retail sea food dealer's license, shall entitle the holder, as a retail dealer, to buy, sell, serve, ship and transport soft-shelled clams, quahogs or lobsters, or parts thereof, within the limits of the state.

The fee for such license shall be \$3, provided that a separate license shall be required for each market, store or other facility where soft-shelled clams, quahogs or lobsters are sold in retail trade.

A retail sea food dealer's license shall not be required of a person to transport soft-shelled clams, quahogs or lobsters, or parts thereof, that are possessed by him for immediate consumption by himself and his family, nor of a properly licensed fisherman who, by virtue of his fishing license, may transport and sell within the state any species that has been lawfully taken by him, nor of a common carrier engaged in carrying freight on a fixed schedule within or without the state, provided that such soft-shelled clams, quahogs or lobsters, or parts thereof, are received by said common carrier at one of his regular established places on land for receiving general freight and the receptacle containing the same is plainly marked in accordance with law.

See § 113 re definition of "fresh fish".

**Sec. 112.** Shellfish server's license. 1949, c. 415, § 17. No person, except as provided in sections 111, 113 and 114, shall serve at any public place any fresh clams, quahogs, mussels, lobsters or crabs, or parts thereof, without first having procured from the commissioner a written license therefor.

A license, designated as a shellfish server's license, shall entitle the holder to serve fresh clams, quahogs, mussels, lobsters and crabs, and to transport the same within the limits of the state.

A fee of \$2 shall be paid for such license to provide for the cost of issuing same and the enforcement of the provisions of this section; provided that a separate license shall be required for each such public place where clams, quahogs, mussels, lobsters or crabs are served.

**Sec. 113. Wholesale sea food dealer's license; retail sales permitted; transportation limited.** 1949, c. 415, § 18. No person, firm or corporation shall engage in a wholesale trade in fresh fish, shellfish or parts thereof, without first having procured from the commissioner a written license therefor.

The fee for a license, designated as a wholesale sea food dealer's license, shall be \$25 and shall entitle the holder to buy and sell fresh fish, shellfish, and parts thereof, in wholesale trade; provided also, that such licensee shall be permitted to serve and to sell fresh fish, shellfish, lobsters and crabs in retail trade and to transport the same within the limits of the state.

Any person, firm or corporation licensed under the provisions of this section, that maintains any facility for the buying or selling of fresh fish or shellfish in addition to his or their principal place of business, shall procure for each such facility a supplemental license and the fee therefor shall be \$5.

The term "fresh fish" as used in this chapter is distinguished from fish that have been smoked, pickled, canned or quick frozen and the term "shellfish" does not include lobsters and crabs.

The amount paid for a wholesale sea food dealer's license may be credited on a wholesale lobster dealer's license upon the additional payment of \$25 in the same year in which the wholesale sea food dealer's license was issued.

### Regulation of Lobster Industry

**Sec. 114. Wholesale lobster dealer's license.** 1949, cc. 351, 402; c. 415, § 19. No person, firm or corporation shall engage in a wholesale trade in lobsters without first having procured from the commissioner a written license therefor.

The fee for a license, designated as a wholesale lobster dealer's license, shall be \$35 and shall entitle the holder to buy, sell, serve and transport fresh fish, shellfish, lobsters and crabs in wholesale and retail trade within the state and to ship the same within and outside the state. Provided that in addition to such license a shellfish certificate issued by the commissioner of agriculture, as provided for in section 89, shall be required for shipment beyond the limits of the state of any clams, quahogs or mussels, either in the shell or shucked.

Any person, firm or corporation licensed under the provisions of this section, that maintains any facility for the buying or selling of fresh fish, shellfish, lobsters or crabs other than his or their principal place of busi-

ness, shall procure from the commissioner for each such facility a supplemental license and the fee therefor shall be \$35.

A dealer licensed under this section, who receives crates of lobsters from a point beyond the limits of the state and immediately reconsigns them with contents intact to another such dealer within the state, shall not be responsible for the size of lobsters contained therein, provided each such crate is labeled in the manner prescribed by the commissioner and with materials furnished at cost by said commissioner.

**Sec. 115. Lobster and crab fishing license.** 1949, cc. 106, 121, 274. No person shall fish for, take or catch lobsters or crabs in any manner without having first procured from the commissioner a written license therefor, which shall be kept upon the person while fishing or transporting such lobsters or crabs and which shall be exhibited to any coastal warden upon request.

Any person, assisting or helping another in lobster fishing or in attending to lobster traps or pots, shall be considered a lobster fisherman and must procure a license therefor.

Such license shall be issued only to persons who have been, for 3 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 1 year next preceding his application shall be entitled to have his non-residence taken as part of said 3 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.

The holder of a lobster fishing license shall not be required to procure a resident commercial fishing license, but shall be entitled to all privileges of the same by virtue of such lobster fishing license.

**Sec. 116. Interstate transportation of lobsters; license; penalty.** 1949, c. 415, § 20. No person, firm or corporation, as principal or by an agent or servant, except a common carrier, shall transport or attempt to transport in any manner any lobsters or parts thereof beyond the limits of the state

without first having procured from the commissioner a written license therefor.

The application of this license shall contain a description of the boat, truck, automobile, airplane or other means of transportation sufficient to identify it and the name and address of the owner.

The fee for such license shall be \$50 with an extra fee of \$5 for each additional boat, truck, automobile, airplane or other means of transportation to be used; provided that any person licensed as a wholesale lobster dealer under the provisions of section 114 may procure this license upon payment of \$25.

The license shall give no authority to transport lobsters, or parts thereof, in any boat, truck, automobile, airplane or other means of transportation, except that named and described in the license.

Whoever violates any provision of this section shall be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

115 Me. 142; 117 Me. 269.

**Sec. 117. Legal length of lobsters; double gauge measure; method of measurement; penalties.** The commissioner shall provide a measure, designated as the state double gauge lobster measure, for determining the legal length of lobsters. One gauge shall be  $3\frac{1}{8}$  inches in length, the other shall be 5 inches in length, and no evidence shall be admissible in any court in the state in any manner in which the length of a lobster is in question, unless such length has been determined by such a measure. This measure shall be sold by the commissioner at cost.

No person shall buy, sell, expose for sale, give away, transport or have in possession, any lobster except that which is of legal length as determined by the state measure.

An illegal lobster is one of less than  $3\frac{1}{8}$  inches in length or more than 5 inches in length, alive or dead, cooked or uncooked, when measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell.

The possession of lobsters, or parts thereof, alive or dead, cooked or uncooked, mutilated in such manner as to make accurate measurements as prescribed in this section impossible, shall be prima facie evidence that they are not of the required legal length.

Whoever violates any provision of this section relating to lobsters of less than the minimum legal length shall be punished by a fine of \$5 for

each such lobster involved, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Whoever violates any provisions of this section relating to lobsters of a length greater than the maximum legal length shall be punished by a fine of \$25 for each such lobster involved, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

118 Me. 233, 487; 119 Me. 45; 125 Me. 9.

**Sec. 118. Lobster pots, traps and cars to be marked; penalty.** No person shall set any pot or trap for any lobster or crab without having the pot or trap and buoy attached thereto plainly carved or branded with his lobster fishing license number; and he shall forfeit to the state any pot or trap not so marked and any lobsters or crabs found therein.

No person, firm or corporation shall use or set in tidal waters, any car or other contrivance for holding or keeping lobsters without having the car or other contrivance plainly carved or branded with the proper lobster license number.

Whoever violates any provision of this section shall be subject to the penalties provided in section 144.

**Sec. 119. Traps on trawls; permission to be obtained; penalty.** When pots or traps are set on trawls, when conditions make it impossible to set otherwise, buoys plainly marked as provided in section 118 shall be set at both ends of the trawls; but permission for setting such trawls must be obtained from the commissioner and so stated on the licenses issued under the provisions of section 115. Whoever violates the provisions of this section shall be punished by a fine of not more than \$25 and costs.

**Sec. 120. Sale of lobster meat regulated; penalty.** 1949, c. 415, § 21. No person shall remove lobster meat from the shell for sale without a permit therefor, nor shall any person sell, offer or expose for sale, give away, ship or transport any lobster meat after the same has been removed from the shell except as herein provided.

A permit to remove lobster meat from the shell for sale may be granted to any person licensed as a dealer under the provisions of sections 111 or 114 upon written application to the commissioner and the payment of a fee of \$10.

Such permit shall entitle the holder to remove lobster meat from the shell of legal size lobsters at his regular place of business and to sell, deliver, transport or ship the same under such regulations as the commissioner may

prescribe, provided that the tail section of all lobster meat shall be removed from the shell whole and intact and shall be not less than  $4\frac{1}{4}$ , nor more than  $6\frac{1}{2}$  inches in length when laid out straight and measured from end to end, not including the small part that is on the body end of said tail section.

It shall be unlawful to sell, offer for sale, deliver, ship or transport any tail section of lobster meat that is not whole and intact as removed from the shell, except that hotels and restaurants may cut up such lobster meat immediately prior to and for the purpose of serving it to customers on the premises, and except further that any person may cut up such lobster meat immediately prior to and for the purpose of canning.

It shall be lawful to receive lobster meat from other states and countries for processing in stews, chowders, newburgs in hermetically sealed cans by the holder of a seafood processor's license provided such lobster meat is legal in such other states and countries and is packed in hermetically sealed containers, bearing a label which gives the point of origin of the shipment, the name of the shipper and weight of the contents. The purchaser of such meat is required to file a monthly statement of such shipments received with the commissioner on forms furnished by the commissioner and the shipping containers cannot be opened until immediately prior to processing of the meat.

All barrels, boxes or other containers containing lobster meat that has been removed from the shell, before being transported or offered for transportation, shall be plainly labeled with the name of the permittee, together with the words, "Lobster Meat Removed Under Permit Number \_\_\_\_\_," followed by the number of the permit under which such lobster meat was removed.

No permit shall be required for the resale of such meat so long as it remains in the original package, provided that such package is plainly labeled with the name of the permittee, together with the words "Lobster Meat Removed Under Permit Number \_\_\_\_\_," followed by the number of the permit under which said lobster meat was removed.

The foregoing provisions of this section shall not apply to such lobster meat in possession of a common carrier for transportation, and which is marked as provided in this section; nor shall they apply to lobster meat passing through the state under authority of laws of the United States, nor shall any permit be required of a person to possess or transport lobster meat that is lawfully possessed by him for immediate consumption by himself and family; nor shall a permit be required to remove lobster meat for



serving in hotels or restaurants, provided said meat is removed on the premises where it is served.

Whoever violates any provision of this section shall be subject to the penalty provided for in section 144, and in addition, \$5 for each illegal lobster or part thereof involved.

See § 131, re revocation and suspension of licenses.

**Sec. 121. Only owner or authorized person may examine or tend traps, pots or cars set for catching or holding lobsters or crabs; penalties.** No person, except the owner or an officer authorized to enforce the sea and shore fisheries laws, shall raise, lift or in any manner molest any pot, trap, car or other contrivance that is set for the taking or holding of lobsters or crabs without the written permission of the owner thereof.

Whoever violates any provision of this section shall, upon conviction, be punished by a fine of not less than \$50, nor more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Any person convicted of violation of any provision of this section shall be ineligible to hold a lobster fishing license for a period of 3 years from the date of such conviction.

**Sec. 122. Closed time on egg-bearing lobsters; penalties.** Whoever takes, sells or has in possession any female lobster bearing eggs shall be punished by a fine of \$10 for each such female lobster involved, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; but a person who takes any such lobster and immediately returns it alive to the waters from which it was taken shall not be subject to such penalty.

This section shall not apply to lobsters spawning in cars or pounds if they are, upon discovery, immediately liberated alive in the coastal waters, nor to the taking, sale or possession of lobsters as provided in section 123.

See § 131, re revocation and suspension of licenses.

**Sec. 123. Purchase of egg-bearing lobsters authorized; penalties.** The commissioner may authorize the taking, holding and delivery of egg-bearing lobsters by any person licensed under the provisions of this chapter under such regulations as he may prescribe.

Persons taking or holding such egg-bearing lobsters under such authority shall be paid by the commissioner to the extent of the appropriation or appropriations therefor, but at a rate not above the wholesale price of other lobsters.

All egg-bearing lobsters purchased by the commissioner shall be taken to a plant for the propagation of lobsters maintained for rearing them from the time of hatching to the bottom crawling stage, or shall be liberated in coastal waters of the state, as the commissioner may deem for the best interests of the state. Before any such egg-bearing lobster is so liberated, however, it shall be marked by the commissioner or his authorized agent by cutting a V notch in the middle flipper of its tail. No person shall have in possession any such lobster so marked or any lobster mutilated in such manner as to hide or obliterate such mark; but any person catching any such lobster so marked or mutilated and immediately returning the same to the waters from which it was taken shall not be deemed to have violated the foregoing provisions of this section.

Lobsters from which eggs have been so hatched and the young lobsters so reared shall be liberated, as nearly as possible, equally in all coastal counties.

Nothing in this section shall be so construed as to prevent the commissioner from otherwise disposing of female lobsters purchased under the provisions of this section or young lobsters so reared, when in the opinion of the commissioner by so doing depleted or non-productive areas may be benefited.

Whoever takes, holds, transports or has in possession any female lobsters in violation of the provisions of this section shall be punished by a fine of not less than \$50, and in addition thereto, \$10 for each such female lobster involved, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

See § 131, re revocation and suspension of licenses.

**Sec. 124. Lobster shipping containers; how marked; penalties.** No person, firm or corporation shall ship or offer for shipment any lobsters, or parts thereof, except in barrels, boxes or other containers that are plainly marked on the outside with the word LOBSTERS in capital letters at least 1 inch in length, together with the full name of the shipper; and no common carrier or other person shall accept for transportation or shall transport any lobsters, or parts thereof, unless they are packed and marked in accordance with the foregoing provisions.

Whoever violates any provision of this section, upon conviction, shall be punished by a fine of not less than \$50, nor more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

See § 131, re revocation and suspension of licenses.

**Sec. 125. Traps not to be set near fish weir; penalty.** No person shall

set any lobster trap within 300 feet of the mouth or outer end of the leaders of any fish weir under a penalty of \$10 for each offense.

**Tuna. Seals. Worm Diggers. Sea Moss**

**Sec. 126. Fishing for tuna regulated.** It shall be unlawful to take, catch, kill or have in possession any tuna or horse mackerel, so called, taken by any method other than harpoon or single hook and line within the territorial waters of this state.

All boats, seines or other contrivances, together with the contents thereof, used contrary to the provisions of this section shall be subject to seizure and confiscation.

**Sec. 127. Shooting seals in Casco bay regulated; penalty.** No person shall, during the months of June, July and August, destroy seals in the water of Casco bay by shooting with rifle or other long-range weapon which might endanger human life, under a penalty of \$50 for each offense.

**Sec. 128. Control of seals.** The commissioner may authorize the killing and disposal of seals in any of the coastal waters of the state whenever such seals are causing damage to property.

The provisions of this section shall not affect or modify the provisions of section 127.

**Sec. 128-A. Hunting seals near Green Island, forbidden.** 1947, c. 249. It shall be unlawful, between May 15th and October 15th, both days inclusive, for any person to hunt, shoot at, or kill any seal within 2 miles of any part of Green Island in Western Bay in the county of Hancock.

**Sec. 129. License required to sell marine worms.** 1949, c. 415, § 22. No person shall sell any clam-worms, blood-worms or sand-worms without first having procured from the commissioner a written license therefor.

A license, designated as a marine worm license, shall entitle the holder to sell clam-worms, blood-worms and sand-worms that he has dug or taken from the coastal flats or to buy and sell the same as a dealer.

The fee for a marine worm license shall be \$3 and shall be issued upon written application; provided that only legal residents of the state shall be eligible to procure such a license.

**Sec. 130. Taking of sea moss for commercial purposes regulated.** No person shall take sea moss from any of the shores of the state or within the tidal waters of the state for commercial purposes except under the following conditions:

I. A license shall be issued to a resident upon payment of a fee of \$2.

II. Any non-resident of the state may procure a commercial sea moss license upon payment of a fee of \$15.

Whoever violates any provision of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

#### **Revocation and Suspension of Licenses. Court Procedure**

**Sec. 131. Licenses, revocation and suspension.** 1949, c. 415, § 23. The commissioner shall revoke for 6 months from the date of conviction, the license issued to any person to carry on the particular activity in which he was engaged at the time of the violation of the provisions of sections 48, 89, 93, 97, 108, 120, 122, 123 and 124.

On conviction of any person holding a license or licenses issued under the provisions of this chapter of the violation of any of the sections of this chapter not hereinbefore mentioned, or of any rules or regulations of the commissioner, the commissioner may revoke any such license or licenses for a period of 6 months from the date of conviction.

Any person whose license or licenses have been revoked under the provisions of the 2nd paragraph of this section may request a hearing by the commissioner, at which hearing all the facts concerning the violation shall be presented and the license or licenses may be reinstated.

When an appeal has been taken by any person from a sentence imposed for an alleged violation of the provisions of this chapter, or of any rules and regulations adopted by the commissioner pursuant thereto, the commissioner shall suspend, until final disposition by the court, the license of such person to conduct the particular activity in which he was engaged at the time of the alleged violation, and may suspend for the same period all licenses held by him that have been issued under authority of this chapter.

If, at the time of committing a violation of any of the provisions of this chapter or of any rules and regulations of the commissioner, the offender shall not be the holder of a license to conduct the particular activity in which he was engaged at the time of such violation, the commissioner shall not issue such a license to said person until 2 months have elapsed from the date of final determination of any complaint or legal proceedings instituted as a result of the violation.

A conviction of a 2nd violation of any of the provisions of this chapter

or of any rules and regulations of the commissioner shall require the commissioner to revoke the license or licenses of such offender for a period of 9 months from the date of the final conviction of the alleged violation; and a conviction of a 3rd or subsequent violation of any provisions of this chapter or of any rules and regulations of the commissioner shall require the commissioner to revoke the license or licenses of such offender for a period of 1 year from the date of the final conviction of the alleged violation.

Any person whose license has been suspended or revoked for violation of any provision of this chapter relating to lobsters shall remove from the water, within 5 days of such suspension or revocation, all his pots, traps, cars or other devices used or usable in the catching or holding of lobsters or crabs.

\*122 Me. 450.

**Sec. 132. Certificate of commissioner admissible in evidence.** Any certificate of the commissioner in regard to the records of his office shall be admissible in evidence in all prosecutions under the provisions of this chapter.

**Sec. 133. Proceedings in case of violation by corporation.** In case of violation of any provision of this chapter by a corporation, the warrant may be served by an attested copy on the president, secretary, manager or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be deemed to exempt any agent or employee from prosecution.

**Sec. 134. County attorneys to prosecute violations.** Each county attorney shall prosecute all violations of this chapter occurring within his county, when such cases may come to his knowledge, or when he may be so requested by the commissioner or any officer charged with its enforcement.

**Sec. 135. Participant in violation may be compelled to testify.** In any prosecution under the provisions of this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioner or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation.

**Sec. 136. Result of court cases shall be reported to commissioner.** Every magistrate or the clerk of the court before whom any prosecution under the provisions of this chapter is commenced or shall go on appeal shall report in writing to the commissioner, within 20 days after the trial or dismissal thereof, the result thereof and the amount of fines collected, if any, and the disposition thereof.

**Jurisdiction of Offenses. Search and Seizure. Stopping of Vehicles**

**Sec. 137. Jurisdiction.** Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions under the provisions of this chapter.

118 Me. 86.

**Sec. 138. Officers may arrest without process; jurisdiction; impersonating coastal wardens.** Any officer authorized to enforce the sea and shore fisheries laws may, without process, arrest any violator of said laws, and shall with reasonable diligence cause him to be taken before the municipal court nearest to where the offense is alleged to have been committed for a warrant and trial, and in such case, jurisdiction is hereby granted to all municipal courts in adjoining counties to be exercised in the same manner as if the offense had been committed in that county. Provided, however, that if a trial justice, whose usual place of holding court in the county where the offense is alleged to have been committed, is nearer to where the offense is alleged to have been committed than is any municipal court, such violator may be taken before such trial justice for warrant and trial. Any coastal warden may arrest with or without warrant any person who impersonates or represents himself as being a coastal warden.

118 Me. 86.

**Sec. 139. Seizure and disposition of fish, shellfish, lobsters or other marine species and equipment for violation of law.** 1949, c. 415, § 24. All fish, shellfish, lobsters or other marine species, or parts thereof, taken, caught, bought, sold, carried, transported or found in possession of any person in violation of the provisions of this chapter shall be contraband and shall be forfeited to the state. In all cases where a coastal warden may find fish, shellfish, lobsters or other marine species, or parts thereof, or equipment possessed in violation of the provisions of this chapter, he may seize the same without a warrant and keep them for a reasonable time. The officer who made such seizure may within a reasonable time file with a magistrate a libel against such fish, shellfish, lobsters or other marine species, or parts thereof, or any equipment possessed in violation of the provisions of this chapter, setting forth their seizure by him, describing

such fish, shellfish, lobsters or other marine species, or parts thereof, or equipment and that they were taken, caught, bought, sold, carried, transported or had in possession in violation of the provisions of this chapter, and pray for a decree of forfeiture thereof, except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof. Such magistrate shall thereupon fix a time for the hearing of such libel and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed and show cause why said fish, shellfish, lobsters or other marine species, or parts thereof, or equipment possessed should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 conspicuous places in the town or place where such fish, shellfish, lobsters or other marine species, or parts thereof, or equipment possessed were seized, or in such place or places as is ordered by the magistrate, 10 days at least before the day to which said libel is returnable. Copies shall be served on common carriers.

In case the magistrate finds that the fish, shellfish, lobsters or other marine species, or any parts thereof, seized, will be unsuitable for food or other use at the day to which said libel is returnable, he shall order the officer making the seizure to dispose of the same. The officer disposing of the same shall, in case of sale, hold the proceeds of said sale subject to order of the court for decision as to the right of the claimant, if any appear, to said fish, shellfish, lobsters or other marine species, or parts thereof. If the magistrate finds the claimant, if any appear, is not entitled to said fish, shellfish, lobsters or other marine species, or parts thereof, the officer making such seizure shall turn over to the magistrate proceeds of such sale and such magistrate shall forward the proceeds thereof to the commissioner in the same manner as is provided by section 143.

If no claimant appears, such magistrate shall, on proof of notice as aforesaid declare the same forfeited to the state. If any person appears and claims such articles, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the magistrate such claim in writing, stating specifically the right so claimed and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer by whom the same were seized; and in it must declare that they were not had in possession in violation of the provisions of this chapter with his knowledge or consent, and also state his business and place of residence, and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process and the magistrate shall proceed to determine the truth of the allegations in said claim and libel and

may hear any pertinent evidence offered by the libelant or claimant. If the magistrate is, upon the hearing, satisfied that said fish, shellfish, lobsters or other marine species, or parts thereof, or any equipment possessed were not had in possession in violation of the provisions of this chapter, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody commanding him to deliver to said claimant the articles, or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand. If the magistrate finds the claimant entitled to no part of said articles so seized, he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said articles forfeited to the state. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a magistrate.

The commissioner shall dispose of such articles as are declared forfeited.

The forms herein set forth, with such changes as adapt them for use in cities, towns and plantations, are sufficient in law, for all cases arising under the foregoing provisions, to which they purport to be adapted; and the costs to be taxed and allowed for the libel shall be 50c; for entering the same, 30c; for trying the same, \$1; for a monition, 50c; for posting notices and return, \$1; for order to restore or deliver, 25c; for executing the order, 50c; and 10c per mile for all necessary travel.

FORM OF LIBEL

State of Maine

County of ..... ss. To.....  
a trial justice, judge or recorder of a municipal court, in and for said County:

The libel of ..... of .....  
shows that he has seized certain fish, shellfish or lobsters, or parts thereof, or equipment possessed in violation of the provisions of chapter 34 of the revised statutes, as revised, described as follows: .....  
.....  
.....  
because the same were bought, sold, carried, transported or had in possession in violation of the provisions of said chapter, as follows: .....  
.....  
.....  
which said articles were possessed at ..... in said county of



..... Wherefore he prays for decree of forfeiture of said articles, according to the provisions of law in such case made and provided.

Dated at ....., in said county, this ..... day of ....., in the year of our Lord nineteen hundred .....

(Signed) .....

Coastal Warden

### FORM OF MONITION AND NOTICE

State of Maine

L. S.

County of ....., ss.

To all persons interested in .....

.....  
.....  
.....

The libel of ..... hereunto annexed, this day filed with me ..... esquire, a trial justice, judge or recorder of a municipal court, in and for said county, shows that he has seized said articles because .....

..... and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before me, the said justice, judge, or recorder, at ..... in ..... in said county, on the ..... day of ..... A. D. 19.... at ..... o'clock in the ..... noon and then and there show cause why said articles should not be forfeited, and that notice hereof be given to all persons interested by causing a true and attested copy of this libel and monition to be posted in ..... and ..... two conspicuous places in the town of ..... at least ten days before the return day hereof.

Witness ....., esquire

on the ..... day of ..... 19....

.....  
Trial Justice, Judge or Recorder

A true copy. Attest:

.....

Coastal Warden

## STATE OF MAINE

..... ss ..... A. D. 19....

I have this day made service of the within libel and monition, by posting up true and attested copies of the same, in two conspicuous places to wit: one ..... and one ..... in .....  
Posting notice \$1.00

.....  
Coastal Warden

Travel Miles

Total \$.....

## STATE OF MAINE

(L. S.)

..... ss.

To ..... one of the .....  
..... of the .....

WHEREAS it appears that due notice was given to all parties interested in the fish, shellfish or lobsters, or parts thereof, or equipment described in the within libel of ..... to appear before ..... esquire, a trial justice, judge of the municipal court, within and for the county of ..... at ..... in ..... on the ..... day of ..... A. D. 19.... at ..... o'clock in the ..... noon, and show cause why said ..... should not be declared forfeited. And no person appearing to claim the same said ..... are declared forfeited.

And ..... of ..... did appear and claim said ..... and after hearing all the evidence I ordered said ..... returned to said claimant. The same are declared forfeited and you are hereby ordered to turn the same over to the Commissioner of Sea and Shore Fisheries.

Witness, ..... esquire, said trial justice, judge of the municipal court of ..... in the county of ..... this ..... day of ..... A. D. 19....

..... Trial Justice  
Judge of Municipal Court

..... ss. .... A. D. 19....

Pursuant to the above order to me directed, I have turned over the within described ..... to .....  
the Commissioner of Sea and Shore Fisheries.

.....  
Coastal Warden

**Sec. 140. Officer seizing fish, shellfish or lobsters to report to commissioner within 10 days.** In all cases, the officer making any seizure or sale of fish, shellfish or lobsters, or parts thereof, shall within 10 days thereafter report all particulars thereof and an itemized statement of the proceeds, expenses and fees, and the disposition thereof to the commissioner. The failure of any person or officer to perform any act, duty or obligation enjoined upon him by this chapter shall be deemed a violation thereof.

**Sec. 141. Commissioner or coastal wardens may make arrest or search buildings, camps, boats, etc., with or without warrants; commissioner to notify transportation companies of the names of wardens so empowered.** The commissioner or any coastal warden may arrest, with or without a warrant, any person whom he has reason to believe guilty of a violation of any provision of this chapter, and with or without a warrant may open, enter and examine all buildings, camps, vessels, boats, wagons, cars, motor vehicles, airplanes, stages, tents and other places and examine all boxes, barrels, packages and other receptacles where he has reason to believe that fish, shellfish or lobsters, or parts thereof, taken or held in violation of the provisions of this chapter, are to be found, and seize such fish, shellfish or lobsters, or parts thereof, if any be found therein; but no dwelling-house shall be searched for the above purposes without a warrant, and then only in the daytime, and no sealed railroad car shall be entered for the above purposes without such warrant. Any magistrate may issue warrants to search within his jurisdiction any dwelling-house or premises for the purposes above set forth; provided, however, that the commissioner shall, on or before the 1st day of October of each year, in writing, notify the superintendents of all transportation companies doing business within the state of the names of the coastal wardens by him designated to exercise the right of search of railroad cars as herein provided, and no other except those so designated shall be authorized to exercise the powers herein mentioned as to search of railroad cars.

**Sec. 142. Vehicles required to stop on signal.** It shall be unlawful for the operator of a boat, motor vehicle or other vehicle or conveyance of any kind to fail or refuse to stop any such boat, motor vehicle or other

vehicle or conveyance of any kind and stand by for inspection upon request or signal of a coastal warden in uniform.

It shall also be unlawful for any person who has been requested or signaled by a coastal warden in uniform to stop and stand by for inspection to throw or dump into any water any lobsters or any pail, bag, barrel or other receptacle of any kind or the contents thereof before inspection of same has been made by said coastal warden.

115 Me. 142.

#### **Fines, Fees, Forfeitures and Penalties. Jail Costs**

**Sec. 143. Fines, fees, forfeitures and penalties; how recovered; commissioner to report to treasurer of state.** All fines, fees, forfeitures and penalties under the provisions of this chapter may be recovered by complaint, indictment, or action of debt made or brought in the county where the offense was committed. The action of debt shall be brought in the name of the state. All fines, fees, forfeitures, penalties and collections under the provisions of this chapter, except when otherwise expressly provided, shall accrue to the commissioner and by him the same shall be paid to the treasurer of state for deposit in the general fund. The commissioner shall report to the treasurer of state the amount of each fine, fee, forfeiture, penalty and collection itemized, and the name of the party paying the same, which shall be kept on record in the office of the treasurer.

**Sec. 143-A. Jail costs.** 1949, c. 234, § 2. The costs for imprisonment in a county jail for the violation of any provision of this chapter or rules and regulations promulgated thereunder shall be paid by the state to the county involved. Such costs shall not exceed the average amount paid for board of federal prisoners.

**Sec. 144. Penalties.** Whoever violates any of the provisions of this chapter or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation of which specific penalties have been provided, shall be punished by a fine of not less than \$10, nor more than \$300, and costs, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

See c. 111, §§ 12-15, re trespass on islands in salt water for purposes of hunting thereon.

#### **Biennial Revision**

**Sec. 145. Biennial revision of "sea and shore fisheries" laws.** 1949, c. 349, § 67. As soon as practicable after the adjournment of the legislature, the director of legislative research, with the assistance of the commissioner,

shall issue a revision of all the public laws relating to sea and shore fisheries. This revision shall take the place of chapter 34 of the revised statutes of 1944 and all acts or parts of acts amending said chapter. It may be cited as "Chapter 34 of the revised statutes", and each revision shall replace the previous revision. The revision shall be printed in a pamphlet of the same sized pages as the laws of the state, and the printing and distribution thereof shall be the same as in the case of the biennial laws; except that the commissioner may issue as many extra copies of the said chapter 34, in whatever size pamphlet seems best to him, together with the rules and regulations promulgated under the provisions of this chapter, as he deems necessary or helpful to inform the people as to the sea and shore fisheries laws.

# INDEX

## SEA AND SHORE FISHERIES

A	Page	Page
ADVISORY COUNCIL		
Appointment, meetings, etc. ....	4	
AFRICAN CRAWFISH		
Sale of, prohibited .....	39	
See Shellfish		
ALEWIVES		
Waldoboro, taking .....	15	
Warren, taking .....	16	
Weekly closed time on .....	17	
West Harbor Ice Co., taking .....	15	
Woolwich, taking .....	15	
ALIENS		
Non-residents, classified as .....	11	
ANDROSCOGGIN RIVER		
Closed time re certain fish .....	17	
ANGLING		
Definition .....	9	
ATLANTIC SEA RUN SALMON		
Commission		
Appointment, powers and duties	21	
Petitions		
Hearings, notices .....	21	
B		
BAIT		
Barrels, size of .....	34	
BARRELS		
Bait, size of .....	34	
Lobsters, marked .....	48	
BASS		
Daily limit .....	17	
Weekly closed time on .....	17	
BIENNIAL REVISION		
Provided for .....	58	
BLOOD-WORMS		
License, general .....	49	
Cape Elizabeth, digging .....	28	
Cumberland, digging .....	29	
Falmouth, digging .....	29	
Georgetown, digging .....	29	
Kennebunk, digging .....	27	
Kennebunkport, digging .....	26	
North Yarmouth, digging .....	29	
Scarboro, digging .....	26	
Woolwich, digging .....	30	
Yarmouth, digging .....	29	
BOATS		
Measurement of, transporting her-		
ring .....	15	
Stop on signal of wardens .....	57	
C		
CANNING		
Clams, regulated .....	34	
Herring, regulated .....	14	
Lobsters, shellfish, etc., license	40	
Mussels, regulated .....	40	
Quahogs, regulated .....	40	
Seafood processor's license .....	33	
Shellfish processor's license .....	40	
CAPE ELIZABETH, TOWN OF		
Blood-worms, taken in .....	28	
Clams, taken in .....	28	
Clam-worms, taken in .....	28	
CASCO BAY		
Seals, shooting of .....	49	
Smelt fishing in .....	18	
CATCH POUND		
Definition .....	9	
CIVIL SERVICE COMMISSION		
Examination .....	8	
Membership .....	7	
Rules .....	8	
Application to present wardens	9	
Penalty for violation .....	8	
CLAMS		
Canning regulated .....	34	
Cape Elizabeth, digging in .....	28	
Containers labeled .....	36	
Cranberry Isles, digging in .....	25	
Cumberland, digging in .....	29	
Definition .....	9	
Falmouth, digging in .....	29	
Flats closed, posting, etc. ....	34	
Georgetown, digging in .....	29	
Interstate transportation .....	31	
Kennebunk, digging in .....	27	
Kennebunkport, digging in .....	26	
License to cultivate .....	22, 36	
North Yarmouth, digging in .....	29	
Retail sea food dealer's license	41	
Scarboro, digging in .....	26	
Server's license .....	41	
Taking regulated .....	33	
Towns, taking in regulated .....	25	
Woolwich, digging in .....	30	
Yarmouth, digging in .....	29	
York river, digging in .....	25	
See Shellfish		
CLAM-WORMS		
License, general .....	49	
Cape Elizabeth, digging .....	28	
Cumberland, digging .....	29	
Falmouth, digging .....	29	
Georgetown, digging .....	29	
Kennebunk, digging .....	27	
Kennebunkport, digging .....	26	
North Yarmouth, digging .....	29	
Scarboro, digging .....	26	
Woolwich, digging .....	30	
Yarmouth, digging .....	29	
CLOSED SEASON		
Definition .....	9	
COASTAL WARDENS		
Appointment .....	7	
Arrest, of violators, etc. ....	52, 57	
Civil service .....	7	
Permanent wardens .....	9	
Definition .....	9	
Disposal of forfeited articles .....	52	
Duties, fees, powers .....	7	
Fish, dumping of, before inspections	58	
Probationary employment .....	8	
Removal .....	8	
Search and seizure .....	52, 57	
Reports .....	57	
Vehicles, stopping of .....	57	
COASTAL WATERS		
Definition .....	9	
COMMISSIONER		
Appointment, compensation, etc. ...	3	
Arrest and search by .....	57	
Certificate of, as evidence .....	51	
Collections, etc., disposition of ..	58	
Cooperation with commissioner of		
agriculture re shellfish .....	35	
Disposal of forfeited articles .....	52	
Facts for commissioner of agri-		
culture .....	35	

# INDEX

61

	Page		Page
COMMISSIONER (Continued)		FALMOUTH, TOWN OF	
Fishways, regulation of fishing ....	15	Blood-worms, taking in .....	29
Laws, pamphlets of .....	59	Clams, taking in .....	29
Lobsters, egg-bearing, purchase ..	47	Clam-worms, taking in .....	29
Polluted flats, closing of .....	34	Mussels, taking in .....	29
Powers and duties .....	4	Quahogs, taking in .....	29
Research, taking of flats and waters	12	FEES	
Rules and regulations .....	5	F	
Pamphlets distributed .....	59	Recovery, disposal, etc. ....	58
Seals, control of .....	49	FINES	
Warden list furnished to transpor-		Recovery, disposal, etc. ....	58
tation companies .....	57	FISH	
CONSTABLES		Consignment of, in crates .....	12
Powers of coastal wardens .....	7	Cultivation and research .....	13
CORPORATIONS		Dead or injured, disposal of .....	18
Proceedings when law violated ....	51	Dynamite prohibited .....	18
COUNTY ATTORNEYS		Forfeiture of equipment, etc. ....	52
Prosecution of law violated .....	51	Licenses	
COURTS		Processor's .....	33
Reports to commissioner .....	52	Wholesale sea food dealer's .....	42
CRABS		Poison prohibited .....	18
Licenses		Search and seizure .....	52
Fishing .....	43	Transportation, sale, etc. ....	41
Process or can .....	33	See Shellfish; particular titles	
Processor's .....	40	FISH CULTURE	
Server's .....	41	Development .....	12
Traps to be tended by owners ....	47	FISH, MIGRATORY	
See Shellfish		Supervision .....	4
CRANBERRY ISLES, TOWN OF		FISHWAYS	
Clams, digging .....	25	Closed to fishing, exceptions .....	15
CRAWFISH		FORFEITURES	
See African Crawfish; Shellfish		Recovery, disposal, etc. ....	58
CUMBERLAND, TOWN OF		FORMS	
Blood-worms, taking in .....	29	Libel, etc. ....	54
Clams, taking in .....	29	FRESH FISH	
Clam-worms, taking in .....	29	Definition .....	42
Mussels, taking in .....	29	Retail sales permitted .....	42
Quahogs, taking in .....	29		
D		G	
DAMARISCOTTA RIVER		GEORGETOWN, TOWN OF	
Closed time re certain fish .....	17	Blood-worms, taken in .....	29
DEALER		Clams, taken in .....	29
Definition .....	9	Clam-worms, taken in .....	29
Wholesale sea food .....	42	Sand-worms, taken in .....	29
Wholesale lobster license .....	42	GREEN ISLAND	
DEFINITIONS		Seals, control of .....	49
Aliens .....	11	H	
Angling .....	9	HERRING	
Catch pound .....	9	Artificial light, prohibited .....	15
Clam .....	9	Boats for transportation, measured	15
Closed season .....	9	Boxes, size of .....	14
Coastal warden .....	9	Packing of, for sardines .....	14
Coastal waters .....	9	Purchase or sale .....	15
Dealer .....	9	Sale and canning .....	14
Fresh fish .....	42	I	
Lobster car .....	10	INLAND FISH AND GAME WARDENS	
Marine species .....	10	Powers of coastal wardens .....	7
Marine worms .....	10	J	
Mutilated lobsters .....	10	JAIL COSTS	
Open season .....	10	Violations, for .....	58
Person .....	10	JURISDICTION	
Quahog .....	10	Migratory fish, of .....	4
Retail dealer .....	10	Offenses, of .....	52
Seed clam .....	10	K	
Seed quahog .....	10	KENNEBEC RIVER	
Shellfish .....	10, 42	Closed time re certain fish .....	17
Ship .....	10	KENNEBUNK, TOWN OF	
Territorial waters .....	10	Blood-worms, taken in .....	27
Tidal waters .....	10	Clams, taken in .....	27
To fish .....	9	Clam-worms, taken in .....	27
Wholesale dealer .....	10	KENNEBUNKPORT, TOWN OF	
DYNAMITE		Blood-worms, taken in .....	26
Use of in fishing prohibited .....	18	Clams, taken in .....	26
E		Clam-worms, taken in .....	26
EAST MACHIAS RIVER			
Smelts, open season on .....	18		
Sale or shipment of .....	18		

L		Page		Page
LAWS			Veterans, licenses for .....	43
Application to sea and shore fisheries		12	See Shellfish	
LIBELS			M	
Forms .....		54	MACHIASPORT, TOWN OF	
LICENSES			Smelt fishing in East Machias River	18
Aliens, non-resident classification ..		11	MARINE SPECIES	
Clam, blood and sand-worms .....		49	Definition .....	10
Commercial fishing .....		19	Search and seizure .....	52
Exchange of .....		20	MARINE WORMS	
Lobster or scallops, exempt .....		20	Definition .....	10
Non-resident, resident .....		19, 20	License .....	49
Shellfish .....		39	MIGRATORY FISH	
Smelts, by hook and line exempted		19	See Fish, Migratory	
Crabs			MOTOR VEHICLES	
Buying or selling .....		42	Stop on signal of wardens .....	57
Fishing for .....		43	MUNICIPAL COURTS	
Cultivation of clams, quahogs and			Jurisdiction of offenses .....	52
mussels .....		36	MUSSELS	
Fees and hearing .....		37	Canning, regulated .....	34
Locations to be posted .....		37	Containers to be labeled .....	36
Navigable waters not to be ob-			Cumberland, digging .....	29
structed .....		37	Falmouth, digging .....	29
General provisions .....		11	Flats closed, posting, etc. ....	34
Interstate lobster transportation ..		43	Interstate transportation .....	31
Shellfish transportation .....		32	License to cultivate .....	22, 36
Lobster			North Yarmouth, digging .....	29
Commercial fishing license, fee			Server's license .....	41
applicable .....		20	Towns, taking of regulated by ..	25
Fishing .....		43	Yarmouth, digging .....	29
Meat permit .....		45	See Shellfish	
Veterans .....		43	MUTILATED LOBSTERS	
Marine worms .....		49	Definition .....	10
Resident, definition .....		11		
Retail sea food dealer's .....		41	N	
Revocation and suspension .....		50		
Scallop			NORTH YARMOUTH, TOWN OF	
Commercial fishing license, fee			Blood-worms, taking in .....	29
applicable .....		20	Clams, taking in .....	29
Fishing .....		39	Clam-worms, taking in .....	29
Sea food processors .....		33	Mussels, taking in .....	29
Sea moss .....		49	Quahogs, taking in .....	29
Shellfish			NOTICES	
Processors .....		40	Destroying, penalty .....	19
Propagation .....		22	Protected waters .....	19
Server's .....		41	O	
Weirs, floating fish trap or boa. ....		20		
Wholesale lobster dealer's .....		42	OPEN SEASON	
Wholesale sea food dealer's .....		42	Definition .....	10
LIGHTS			OYSTERS	
Artificial, taking of herring .....		15	Planting by residents .....	38
LOBSTER CAR			Trespass on inclosures .....	38
Definition .....		10	See Shellfish	
LOBSTERS			P	
Consignment of, in crates .....		12		
Containers, barrels, etc. ....		46	PENALTIES	
Marked .....		48	Disposition, etc. ....	58
Dumping before inspections .....		58	General .....	58
Egg-bearing .....		47	PENOBSCOT RIVER	
Equipment, etc., forfeiture of .....		52	Closed time re certain fish .....	17
Legal size .....		44	Smelts, taking of regulated .....	18
Licenses			PERMITS	
Can or process .....		33, 40	See Licenses	
Fishing .....		43	PERSON	
Interstate transportation .....		43	Definition .....	10
Processor's .....		33, 40	POISONS	
Retail sea food dealer's .....		41	Use of in fishing prohibited .....	18
Server's .....		41	POLICE OFFICERS	
Wholesale dealer's .....		42	Powers of coastal wardens .....	7
Measurement of .....		44	PROTECTED WATERS	
Meat			Notices, form of, etc. ....	19
Other states and countries, from			Q	
Shell, taken from, permit .....		45		
Pots, traps, etc., to be marked ..		45	QUAHOGS	
Removed after license revoked ..		51	Containers to be labeled .....	36
Sale of meat regulated .....		45	Cultivation .....	22, 36
Search and seizure .....		52		
Traps				
Tended by owners only .....		47		
Trawls on, permit to set .....		45		
Weirs, not to be set near .....		48		



63.

	<b>Page</b>				<b>Page</b>
QUAHOGS (Continued)		Consignment of, in crates .....			12
Cumberland, digging .....	29	Definition .....			10, 42
Definition .....	10	Equipment, etc., forfeiture of .....			52
Falmouth, digging .....	29	Flats, closing of .....			6, 34
Flats closed, posting, etc. ....	34	Fund, established .....			40
Interstate transportation .....	31	Licenses .....			
North Yarmouth, digging .....	29	Commercial .....			39
Planting by residents .....	38	Interstate transportation .....			31
Trespass on inclosures .....	38	Propagation for .....			22
Retail sea food dealer's license .	41	Processor's .....			40
Server's license .....	41	Sea food processor's .....			33
Taking of regulated .....	33	Server's .....			41
By towns .....	25	Wholesale sea food dealer's .....			42
Yarmouth, digging .....	29	Retail sales permitted .....			42
See Shellfish .....		Search and seizure .....			52
		Shores and flats for research .....			13
<b>R</b>		Towns, regulation by .....			25
REGULATIONS		Industry, of .....			22
See Rules and Regulations		See Fish; particular titles			
REPORTS		SHERIFFS			
Courts, to commissioner .....	52	Powers of coastal wardens .....			7
Search and seizure, to commissioner	57	SHIP			
RETAIL DEALER		Definition .....			10
Definition .....	10	SHRIMP			
REVISION		Licenses			
Biennial, provided for .....	58	Can or process .....			33, 40
RULES AND REGULATIONS		Processor's .....			40
Atlantic sea run salmon, enforce-		See Shellfish .....			
ment of .....	21	SMELTS			
Commissioner may make .....	5	Casco Bay, fishing for .....			18
Defacement of, penalty .....	6	East Machias river, fishing for ..			18
Flats, contaminated .....	6	Hook and line, license not required			19
Jail costs for violation of .....	58	Open season .....			17
Proceedings .....	5	Regulations .....			17
Violations of, penalty .....	6	STATE SEALER OF WEIGHTS AND			
		MEASURES			
<b>S</b>		Certification of boats transporting			
SALMON		herring .....			15
Atlantic sea run .....	21	ST. CROIX RIVER			
Closed season .....	16	Closed time re certain fish .....			17
St. Croix river, taking of .....	16	Weirs, use of for salmon .....			16
Weekly closed time on .....	17	ST. GEORGE RIVER			
SAND-WORMS		Alewives, taken by town of Warren			16
Georgetown, digging .....	29	Smelts, taken .....			16
License .....	49				
Woolwich, digging .....	30	<b>T</b>			
SARDINES		TERRITORIAL WATERS			
Herring used for packing of .....	14	Definition .....			10
SCALLOPS		TIDAL WATERS			
Open and closed season .....	38, 39	Definition .....			10
SCARBORO, TOWN OF		TO FISH			
Blood-worms, taken in .....	26	Definition .....			9
Clams, taken in .....	26	TRAWLS			
Clam-worms, taken in .....	26	Lobster traps set on, permit .....			45
SEALER OF WEIGHTS AND		Use of .....			
MEASURES, STATE		Regulated .....			16
Boats transporting herring, certi-		Washington county in .....			16
fication of .....	15	TRIAL JUSTICES			
SEALS		Jurisdiction of offenses .....			52
Casco Bay, shooting .....	49	TUNA			
Control of .....	49	Fishing, regulated .....			49
Green Island, hunting .....	49				
SEA MOSS		<b>U</b>			
Taking regulated .....	49	U. S. FISH AND WILDLIFE SERVICE			
SEARCH AND SEIZURE		Shores and flats for research by ...			12
Commissioner or wardens to make	57				
Sea and shore fisheries violations ..	52	<b>V</b>			
SEED CLAM		VEHICLES			
Definition .....	10	Stop on signal of wardens .....			57
SEED QUAHOG		VETERANS			
Definition .....	10	Lobster licenses .....			43
SHAD		VIOLATIONS			
Weekly closed time on .....	17	County attorneys to prosecute ...			51
SHELLFISH		Participant to testify .....			51
Certificate from commissioner of					
agriculture .....	31				

## INDEX

	Page		Page
<b>W</b>		<b>WHOLESALE DEALER</b>	
WALDOBORO, TOWN OF		Definition .....	10
Alewives, taken by .....	15	<b>WITNESSES</b>	
<b>WARDENS</b>		Violator to testify .....	51
See Coastal Wardens; Inland Fish		<b>WOOLWICH, TOWN OF</b>	
and Game Wardens		Alewives, taken by .....	15
<b>WARRANTS</b>		Blood-worms, digging .....	30
Corporations, service on .....	51	Clams, digging .....	30
<b>WARREN, TOWN OF</b>		Clam-worms, digging .....	30
Alewives, taken by .....	16	Sand-worms, digging .....	30
<b>WASHINGTON COUNTY</b>			
Trawls, use of regulated .....	16	<b>Y</b>	
<b>WEIRS</b>		<b>YARMOUTH, TOWN OF</b>	
License to operate .....	20	Blood-worms, digging .....	29
Lobster traps near .....	48	Clams, digging .....	29
Protection of .....	16	Clam-worms, digging .....	29
<b>WESTERN BAY</b>		Mussels, digging .....	29
Seals near Green Island .....	49	Quahogs, digging .....	29
<b>WEST HARBOR ICE COMPANY</b>		<b>YORK RIVER</b>	
Alewives, taken by .....	15	Clams, digging .....	25

*Clerk of Courts*