

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fifth Legislature

OF THE

STATE OF MAINE

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STATE OF MAINE

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number signing any petition for local option vote is less than 20, the secretary of state shall not hold any election in such unincorporated place and in event no such vote is taken, the county commissioners, if their approval of application is required, or the liquor commission may refuse approval of such application on the basis that such license is not warranted for any substantial public convenience, necessity or demand.

In no event shall the commission issue a license to any person when it appears to it that such person or any other person for his benefit has moved a store or restaurant into an unincorporated place from an organized or unincorporated place where a local option vote has resulted in his being unable to procure a liquor license.'

Sec. 2. Repealed by P. L., 1951, c. 356, § 14.

Sec. 3. Repealed by P. L., 1951, c. 356, § 15.

Effective August 20, 1951

Chapter 175

AN ACT Relating to Sea and Shore Fisheries Laws.

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

Sec. 1. R. S., c. 34, § 5, 6th ¶, amended. The last sentence of the 6th paragraph of section 5 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'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.'

Sec. 2. R. S., c. 34, § 8, amended. Section 8 of chapter 34 of the revised statutes, as revised, is hereby amended by adding at the end thereof a new paragraph, to read as follows:

'Coastal wardens shall have all of the powers of sheriffs and constables in all the counties of the state, and in all the waters within the jurisdiction of the state, for the purpose of arresting and prosecuting persons for the malicious destruction, damage or larceny of fishing gear, fish, shellfish, lobsters, crabs, shrimp and marine worms, and any contrivance that is used for taking, holding or processing marine species.'

Sec. 3. R. S., c. 34, § 16, amended. The last 3 paragraphs of section 16 of chapter 34 of the revised statutes, as revised, are hereby amended to read as follows:

'Any ~~citizen~~ lawful resident 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.'~~

Sec. 4. R. S., c. 34, § 17, sub-§ III-A, additional. Section 17 of chapter 34 of the revised statutes, as revised, is hereby amended by adding after subsection III thereof, a new subsection to be numbered III-A, to read as follows:

'III-A. The fee for any license or permit issued after September 30th of each calendar year shall be one-half of the original fee.'

Sec. 5. R. S., c. 34, § 50, amended. The last paragraph of section 50 of chapter 34 of the revised statutes, as revised, is hereby repealed and the following paragraph enacted in place thereof:

'The amount paid for a resident commercial fishing license may be credited on a lobster 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.'

Sec. 6. R. S., c. 34, § 52, amended. Section 52 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 52. License required to operate weir, floating fish trap or boat engaged in seining. 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, or any seine of no more than 40 fathoms in length, shall be \$3.'

Sec. 7. R. S., c. 34, § 53, repealed. Section 53 of chapter 34 of the revised statutes, as revised, is hereby repealed.

Sec. 8. R. S., c. 34, § 89, 12th ¶, amended. The 12th paragraph of section 89 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'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.~~

Sec. 9. R. S., c. 34, § 110-D, amended. The 1st paragraph of section 110-D of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'The funds received from sale of certain licenses, namely, "commercial shellfish licenses," ~~"shellfish shucking licenses,"~~ "marine worm 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 ~~and~~ marine worms in the coastal waters of the state and for establishment and maintenance of facilities therefor.'

Sec. 10. R. S., c. 34, § 113, amended. The last paragraph of section 113 of chapter 34 of the revised statutes, as revised, is hereby repealed and the following paragraph enacted in place thereof:

'A wholesale sea food dealer's license may be exchanged for a wholesale lobster dealer's license upon the additional payment of \$10 in the same year in which the wholesale sea food dealer's license was issued.'

Sec. 11. R. S., c. 34, § 117, amended. The 2nd paragraph of section 117 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'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. Any lobster not of legal length when caught shall immediately be liberated alive.'

Sec. 12. R. S., c. 34, § 119, amended. Section 119 of chapter 34 of the revised statutes, as revised, is hereby amended by repealing the last sentence thereof.

Sec. 13. R. S., c. 34, § 123, amended. The last paragraph of section 123 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'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~~ \$25, 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.'

Sec. 14. R. S., c. 34, § 129, repealed and replaced. Section 129 of chapter 34 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 129. License required to sell and dig marine worms; exception. No person shall sell any marine worms as a dealer, or dig and take marine worms from the coastal flats for the purpose of sale, without first procuring a written license therefor. Such a license may be issued upon written application. The fee for a marine worm license shall be \$3 and only legal residents of the state shall be eligible to procure same.

Provided, however, any person may dig and take up to 30 marine worms from the coastal flats for his personal use as bait without procuring said license. Any person found in possession of more than this number will be presumed to be a commercial digger within the meaning of this section.'

Effective August 20, 1951

Chapter 176

AN ACT Relating to Overloaded Trucks.

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

R. S., c. 13, § 11, amended. Section 11 of chapter 13 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Penalty for violation of §§ 7-12. The operator or owner of any truck entering or leaving the state, or operating within the state, who refuses to permit the weighing of such truck, as aforesaid, shall be punished as provided in section 135 of chapter 19; and all fines and forfeitures collected shall accrue to the general highway fund.'

Effective August 20, 1951