

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-eighth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1957

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-eighth Legislature

1957

Sealer of Weights and Measures. Each boat owner shall immediately notify the State Sealer of Weights and Measures of any alterations or the breaking of the seal in the hold of the boat.'

Sec. 2. Appropriation. The sum of \$10,000 is appropriated from the general fund to the Department of Agriculture for carrying out the provisions of this act. Said amount shall be repaid to the general fund before January 1, 1959, from measuring fees; and the amount of such fees for each boat shall be determined by the State Sealer of Weights and Measures on an equitable per hog-head carrying capacity basis.

Effective August 28, 1957

Chapter 360

AN ACT Relating to the Taking and Sale of Clams in the Town of Rockport.

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

R. S., c. 38, §§ 90-A - 90-D, additional. Chapter 38 of the Revised Statutes, as revised, is hereby amended by adding thereto 4 new sections to be numbered sections 90-A to 90-D, inclusive, to read as follows:

'Sec. 90-A. License required to dig or take clams in Rockport. No person, firm or corporation shall, within the limits of the town of Rockport in the county of Knox, dig or take any clams without having first obtained a license from the municipal officers of said town of Rockport, 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 Rockport. Nothing herein shall prohibit a riparian owner of shores or flats in said town of Rockport from digging and taking clams therefrom for food for himself and family without license; provided the amount so taken shall not be in excess of one peck per day per person. For the purposes of sections 90-A to 90-D, 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 Rockport for at least 3 consecutive months prior to making application for license.

Sec. 90-B. Dealers' licenses. No person shall be a dealer in clams in the town of Rockport 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 90-A to 90-D, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams for resale.

Sec. 90-C. 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 has violated any of the laws of the State regulating the taking and sale of clams. 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. 90-D. Penalty. Whoever violates any of the provisions of sections 90-A to 90-D, 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.

Effective August 28, 1957

Chapter 361

AN ACT Relating to Legal Length of Lobsters.

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

Sec. 1. R. S., c. 38, § 114, amended. The 1st and 3rd paragraphs of section 114 of chapter 38 of the Revised Statutes, as revised, are hereby amended to read as follows:

'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 7/8~~ 3 3/16 inches in length, the other shall be ~~5 3/16~~ 5 3/16 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.'

'An illegal lobster is one of less than ~~3 7/8~~ 3 3/16 inches in length or more than ~~5 3/16~~ 5 3/16 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.'

Sec. 2. Effective date. The provisions of this act shall become effective on January 1, 1958, except that the provisions of this act which relate to the maximum length of lobsters shall be effective only until January 1, 1960, at which time the maximum legal length shall revert back to 5 inches.

Effective January 1, 1958

Chapter 362

AN ACT Relating to Membership in Maine School Building Authority.

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

Sec. 1. R. S., c. 41, § 246, amended. Section 246 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'Sec. 246. Organization of Authority. The "Maine School Building Authority," heretofore created and established a body corporate and politic, is constituted a public instrumentality of the State, and the exercise by the Authority of the powers conferred by the provisions of sections 243 to 259, inclusive, shall be deemed and held to be the performance of essential governmental functions.'