

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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AS PASSED BY THE
One Hundred and Fifth Legislature
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examination which was prepared by said board or adopted by said board and an oral examination by said board, if deemed necessary. Any applicant who receives the passing grade established by the board, or better, as an average of all the examinations given and who has satisfied all of the requirements and qualifications set forth in this chapter shall be entitled to the certificate of qualification mentioned in section 801.

Sec. 3. R. S., T. 4, § 805, amended. The first paragraph of section 805 of Title 4 of the Revised Statutes is repealed and the following enacted in place thereof:

The secretary of the board shall keep a record of each application, the name of the applicant and his qualifications and general standing as ascertained by such examination, and the secretary of the board shall furnish each applicant with a card showing the results of the examinations whether a certificate of qualifications is issued or not. Any applicant failing to pass an examination which he takes may apply to take another examination given by the board by showing to the board that he has diligently pursued the study of law during the intervening time and shall pay the same fee for the reexamination as is at that time payable by an original applicant.

Sec. 4. R. S., T. 4, § 805, amended. The 2nd paragraph of section 805 of Title 4 of the Revised Statutes is amended to read as follows:

Any applicant who fails in 2 examinations shall not be allowed to take any examination within 11 months after his last previous failure. ~~No applicant may take any examination after his 4th failure except by special permission of the board and for good cause shown. A decision of said board refusing such permission may be reviewed by any Justice of the Supreme Judicial Court upon petition by the applicant for such review filed with the clerk of the judicial courts in and for the County of Cumberland or the County of Penobscot within 90 days after the giving of written notice in hand or by mail, postage prepaid, by any member of said board to the applicant of the board's decision. The applicant shall cause notice of the time and place of hearing upon such petition for review, together with a copy of such petition, to be served upon the secretary of said board at least 60 days before the date of such hearing.~~

Effective September 23, 1971

Chapter 287

AN ACT to Amend the Marine Worm Tax.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, difficulty has arisen concerning the enforcement of the weights and measures law as it applies to marine worms; and

Whereas, in order to ensure that packages of marine worms will contain the amounts they are stated to contain, it is necessary to have certain packaging requirements in the law; and

Whereas, such packaging requirement should be effective for the 1971 season; and

Whereas, the following legislation is vitally necessary to protect those who purchase marine worms; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 36, §§ 4451, 4453 and 4456, repealed and replaced. Sections 4451, 4453 and 4456 of Title 36 of the Revised Statutes, as enacted by chapter 461 of the public laws of 1969, are repealed and the following enacted in place thereof:

§ 4451. Definitions

As used in this section the following words shall have the following meaning:

1. Dealer. "Dealer" shall mean any person, firm or corporation engaged in purchasing and selling marine worms.
2. Digger. "Digger" shall mean any person engaged in digging or extracting marine worms from the land or tidal areas for the purposes of sale.

§ 4453. Rate of tax

Each dealer selling marine worms shall pay a tax of 5¢ per 100 marine worms sold by him to other than a licensed dealer.

§ 4456. Packaging and labeling

Dealers shall furnish facilities for the storing, protection and security of trays, containers and worms belonging to diggers. Such facilities shall be constructed and located on the dealer's premises in accordance with regulations established by the Commissioner of Agriculture.

All diggers shall count all marine worms sold to dealers in the facilities provided by dealers as required by this section, and shall place such worms in containers provided by the dealer. The digger shall seal and conspicuously label all such containers in accordance with regulations established by the Commissioner of Agriculture. Storage or counting of marine worms by a digger in a facility provided by a dealer shall constitute the offering or exposing for sale of such marine worms within the meaning of Title 10, section 2751.

All dealers shall seal and label all containers of marine worms in accordance with regulations established by the Commissioner of Agriculture prior to such worms being offered, sold or transported for sale. Such labeling shall include a statement as to the quantity of marine worms contained therein and the name of the dealer.

The Commissioner of Agriculture may promulgate such rules and regulations as he deems necessary to achieve the purposes of this section.

Any person, firm, corporation or other legal entity that violates any provision of this section or any rule or regulation promulgated hereunder shall be punished by a fine of not less than \$100 nor more than \$500.

Dealers, diggers and marine worms of any kind shall be subject to Title 10, section 2751.

Sec. 2. R. S., T. 36, § 4457, sub-§ 2, repealed and replaced. Subsection 2 of section 4457 of Title 36 of the Revised Statutes, as enacted by chapter 461 of the public laws of 1969, is repealed and the following enacted in place thereof:

2. Balance of funds. The remainder of the funds shall be used by the Department of Agriculture for inspection of packaged marine worms and for the enforcement of section 4456 and Title 10, sections 2406 and 2751.

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

Effective May 10, 1971

Chapter 288

AN ACT Relating to Fixing Boundaries or Locations for Highway Purposes.

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

R. S., T. 23, § 2103, additional. Title 23 of the Revised Statutes is amended by adding a new section 2103 to read as follows:

§ 2103. Lost or unrecorded boundaries

When a highway survey has not been properly recorded, preserved or the termination and boundaries cannot be ascertained, the board of selectmen or municipal officers of any municipality may use and control for highway purposes $1\frac{1}{2}$ rods on each side of the center of the traveled portion of such way.

When any real estate is damaged by the use and control for highway purposes of such land outside the existing improved portion and within the limits of $1\frac{1}{2}$ rods on each side of the center of the traveled portion, they shall award damages to the owner as provided in section 3005.

Effective September 23, 1971

Chapter 289

AN ACT Relating to the Size Limit on Herring.

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

R. S., T. 12, § 3855, amended. Section 3855 of Title 12 of the Revised Statutes as amended is further amended to read as follows: