

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
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THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

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 R. S., T. 36, § 4457, sub-§ 2, repealed and replaced.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2 of section 4457 of Title 36 of the Revised Statutes, as enacted by chapter 461 of the public laws of 1969, is repealed and the following enacted in place thereof: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

§ 3855. Size

It is unlawful for any person, firm or corporation to take, ~~from the coastal waters of Maine~~ to sell, to offer for sale, to purchase, to process, to ship, to transport, or to have in possession herring which are less than $\neq 4\frac{1}{2}$ inches long, overall length measured from one extreme to the other, except as provided in this section.

1. **Tolerance of 25%; how determined.** Any person, firm or corporation may take, sell, purchase, process, ship, transport or have possession of herring which are less than $\neq 4\frac{1}{2}$ inches in length when they are mixed with herring of greater length, provided the herring of less than $\neq 4\frac{1}{2}$ inches in length comprise less than 25% of the entire lot.

A. The tolerance of 25% is determined by volume of $\frac{1}{2}$ bushel of herring for each 30 hogsheads of herring, or fraction thereof, taken at random from various parts of the lot.

2. **Exception for bait purposes.** Any person, firm or corporation may have possession of herring which are less than $\neq 4\frac{1}{2}$ inches in length, provided the same are possessed for the purpose of bait for fishing.

3. **Commissioners to cooperate in enforcement.** The Commissioner of Sea and Shore Fisheries and the Commissioner of Agriculture shall cooperate in the enforcement of this section.

Effective September 23, 1971

Chapter 290

AN ACT to Amend the Law on Sale or Packing of Herring.

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

R. S., T. 32, § 4159, amended. Section 4159 of Title 32 of the Revised Statutes, as amended by chapter 274 of the public laws of 1967, is further amended to read as follows:

§ 4159. Sale or packing of herring

It shall be unlawful for any person, firm or corporation to sell, offer for sale or transfer in any manner herring ~~taken in the coastal waters of Maine~~ which are between $4\frac{1}{2}$ and 7 inches in length when measured from one extreme to the other to any person, firm or corporation, other than for human consumption or bait purposes, unless such herring are not desirable for processing for human consumption; provided there is a buyer of herring for processing for human consumption within a reasonable distance of the place where such herring are caught and available at the time they are offered for sale, ready and willing to purchase at a price acceptable to the seller. No person, firm or corporation shall can, pack or otherwise process such herring except for human consumption **except as provided in this section.**