

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature

1973

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same power to arrest such person as the officer has within the said county. This section shall apply to both felonies and misdemeanors.

With respect to felonies, the term "fresh pursuit" as used in this section shall be as defined in Title 15, section 152; with respect to misdemeanors, "fresh pursuit" shall mean instant pursuit of a person with intent to apprehend.

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

Effective March 22, 1973

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## CHAPTER 109

### AN ACT to Clarify the Law Relating to Fishery Inspection.

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

**Sec. 1. R. S., T. 12, § 4302-B, sub-§ 2, amended.** The 2nd paragraph of subsection 2 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended to read as follows:

The commissioner shall adopt such regulations after public hearing. Notice of the public hearing must be published once, at least 7 days before the hearing, in the state paper. The regulations adopted after the hearing must be published in the state paper **once, at least 7 days** before they become effective. They may be amended or repealed at any time by the commissioner after like notice, hearing and publication.

All regulations promulgated in accordance with this section, which were published in the state paper at least once, shall be considered legal and effective.

It shall not be necessary to republish, in the state paper, an entire set of regulations in the event of amendment, addition or deletion thereto. Only those changes adopted in accordance with this subsection must be published.

**Sec. 2. R. S., T. 12, § 4302-B, sub-§ 2, amended.** Subsection 2 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended by adding a new paragraph at the end to read as follows:

The commissioner or his agent shall have the right to embargo indefinitely any fish or fishery product in any establishment whenever it is determined that the health of the public may be endangered.

**Sec. 3. R. S., T. 12, § 4302-B, sub-§ 12, amended.** Subsection 12 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended by adding a new paragraph at the end to read as follows:

Whoever processes any fish or fishery product in any establishment, in violation of any effective law or regulations, without first obtaining a certificate, permit or authorization for that purpose, shall be punished in accordance with section 4504.

Sec. 4. R. S., T. 12, § 4302-B, sub-§ 13, additional. Section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended by adding a new subsection 13 to read as follows:

13. Products embargoed and condemned. The commissioner or his agent shall indefinitely embargo, condemn or order to be destroyed any fish or fishery product in any establishment whenever it is determined that the product is of unsound quality, contains any filthy, decomposed or putrid substance, or may be poisonous or deleterious to health, or otherwise unsafe. The commissioner and his agent shall cooperate with those state and federal agencies, having similar responsibility, in the protection of public health, in enforcing the order to embargo, condemn or destroy.

In the event that any fish or fishery product in any establishment is embargoed, condemned or ordered destroyed, the commissioner or his agent shall, as soon thereafter as practical, notify the owner, in writing, of the amount and kind of fish or fishery product embargoed, condemned or destroyed.

Effective October 3, 1973

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## CHAPTER 110

### AN ACT to Clarify the Law on Handling of Polluted Shellfish.

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

Whereas, the shellfish industry of Maine has been faced with serious problems of polluted growing areas; and

Whereas, it has been proven by experiments to be economically feasible to establish deputation plants along the coast to purify shellfish taken from polluted flats to meet the requirements of the U. S. Food and Drug Administration; and

Whereas, certain persons, with the encouragement of the Department of Sea and Shore Fisheries, have undertaken to deurate shellfish, have invested in equipment and plants, and have been successful in deurating shellfish commercially; and

Whereas, State law only allows for the experimental operation of deuration plants and needs clarification for allowing commercial operations of deuration plants; and

Whereas, existing deuration plants may be required to close until the law is changed; and