

# 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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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

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:*

**R. S., T. 12, § 3452, repealed and replaced.** Section 3452 of Title 12 of the Revised Statutes, as amended by section 1 of chapter 33 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 3452. Taking of polluted shellfish**

The commissioner may authorize individuals, concerns or entities to take shellfish from polluted flats or waters for the purpose of depurating them in accordance with the requirements set forth in section 4302-B and the regulations promulgated thereunder.

1. Experiments to effectuate this section. The department shall be authorized to conduct experiments which will effectuate this section, to seek and expend funds necessary for such experiments, to cooperate with concerns, individuals and entities or other agencies in matters relating to depuration, and shall set rules and regulations controlling such experiments or processes.

2. Authorizations. All authorizations granted by the commissioner under this section shall be in writing, shall be dated and shall include all information required to define boundaries, establish limits, set forth rights and any other provisions required to assure safety of process and product.

3. Sale of depurated shellfish. Depurated shellfish may be sold in accordance with section 4302-B and the regulations promulgated thereunder.

4. Penalty. Whoever violates any provision of this section shall be punished by a fine of not less than \$100, nor more than \$300, for each offense, or by imprisonment for not more than 90 days, or by both.

**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 111

### AN ACT Relating to Definition of Dealer under Maine Securities Law.

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

**R. S., T. 32, § 751, amended.** The 2nd paragraph of section 751 of Title 32 of the Revised Statutes, as amended by section 1 of chapter 484 of the