

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

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Sec. 2. R. S., T. 20, § 1452, repealed. Section 1452 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 450 of the public laws of 1965, is repealed.

Sec. 3. R. S., T. 22, §§ 4774-A, 4839 and 4840, repealed. Section 4774-A, as enacted by section 1 of chapter 383 of the public laws of 1971, section 4839, as enacted by chapter 463 of the public laws of 1969 and section 4840, as enacted by section 1 of chapter 384 of the public laws of 1971, of Title 22 of the Revised Statutes, are repealed.

Effective October 3, 1973

CHAPTER 334

AN ACT Relating to the Immunity Provisions of the Unfair Trade Practices Act.

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

Whereas, the United States Supreme Court in *Kastigar v. U. S.* 406 U. S. 441 (1972) has defined the scope of the immunity which a statute must provide in order for the immunity to be coextensive with the scope of the privilege against self-incrimination and, therefore, sufficient to supplant the privilege; and

Whereas, it is important that the immunity provisions of the Unfair Trade Practices Act be consistent with the scope of the immunity required by the Fifth Amendment of the Constitution of the United States as interpreted in *Kastigar v. U. S.* 406 U. S. 441, (1972); and

Whereas, information is frequently demanded under the authority of Title 5, section 211; 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. 5, § 211, amended. The last paragraph of section 211 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 577 of the public laws of 1969, is amended to read as follows:

At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand. The motion may be filed in the Superior Court of the county in which the person served resides or has his equal usual place of business, or in Kennebec County. ~~This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of~~

~~this section be admissible in evidence in any criminal prosecution for substantially identical transactions~~ No person shall be excused from attending and testifying or from producing documentary material in compliance with this section on the ground or for the reason that the testimony or other information, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no testimony or other information obtained under the authority of this section, or any information directly or indirectly derived from such testimony or other information, may be used against a natural person who has testified or produced information under oath in compliance with this section in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with a notice served upon him under this section.

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

Effective May 11, 1973

CHAPTER 335

AN ACT to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting.

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

R. S., T. 12, § 2458, amended. Section 2458 of Title 12 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

No person shall use for hunting waterfowl, or have in his immediate possession while hunting waterfowl, any lead shot larger in size than #2. Wardens shall have authority to demand and open shells to check the size of shot. The warden shall pay for any shell or shells so opened at the current retail price. The use of single ball cartridges or single slugs is not prohibited by this section.

Effective October 3, 1973

CHAPTER 336

AN ACT Relating to Boundaries of Ocean Park Game and Bird Sanctuary.

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

R. S., T. 12, § 2101, amended. The 22nd paragraph of section 2101 of Title 12 of the Revised Statutes, under the caption Ocean Park Game and Bird Sanctuary, as amended by section 17 of chapter 425 of the public laws of 1969, is repealed and the following enacted in place thereof: