

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

1977

1-A. Black bass. There shall be an open season for black bass in waters free of ice in lakes, ponds, rivers above tidewater, brooks and streams from April 1st to June 20th. Three black bass per day on artificial lures only may be taken during this open season and no person shall have in his possession at any one time during this open season more than 3 black bass or 7½ pounds in the aggregate. Black bass may be taken under the provisions of subsections 1, 3 and 4 after June 20th.

Sec. 3. 12 MRSA § 2552, sub-§ 3, as repealed and replaced by PL 1975, c. 401, § 3, is amended to read:

3. All fish in rivers. Except as provided in subsection 1-A, ~~There~~ there shall be an open season for all fish in all the rivers above tidewater, in waters free of ice from April 1st to September 15th, except in Aroostook County the open season shall be from May 1st to September 15th.

Sec. 4. 12 MRSA § 2552, sub-§ 4, as repealed and replaced by PL 1975, c. 401, § 4, is amended to read:

4. All fish in brooks and streams. Except as provided in subsection 1-A, ~~There~~ there shall be an open season for all fish in brooks and streams in waters free of ice from April 1st to August 15th, except in Aroostook County the open season shall be from May 1st to September 15th.

Sec. 5. 12 MRSA § 2552, sub-§ 5-A is enacted to read:

5-A. Black bass. In any waters where the bag limit on black bass has been removed by rule and regulation of the commissioner, the season on black bass and the method of fishing for them shall be the same as for trout and salmon.

Effective October 24, 1977

CHAPTER 270

AN ACT to Amend the Law Relating to Gas Tax Reimbursement.

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

Whereas, the gasoline tax refunds for Maine businesses is of ever-increasing importance; and

Whereas, the ability of businesses to apply for the gasoline tax rebate on a yearly basis would be of significant and immediate assistance; 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:

36 MRSA § 2908, as last amended by PL 1971, c. 529, § 5 is further amended to read:

§ 2908. Refund of 8/9 of tax in certain cases; time limit

Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in this chapter for the purpose of operating or propelling commercial motor boats, tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of this State, or turnpikes operated and maintained by the Maine Turnpike Authority, or except as provided in section 2910 and 2911, in the operation of aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by this chapter, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 8/9 of the amount of such tax paid by him upon presenting to the State Tax Assessor a sworn statement accompanied by the original invoices or other evidence as the State Tax Assessor may require showing such purchases, which statement shall show the total amount of such fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the State and in the operation of aircraft. Applications for refunds must be filed with the State Tax Assessor within 15 months from the date of purchase.

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

Effective June 8, 1977

CHAPTER 271

AN ACT to Assign the Responsibilities of Sewage Disposal to the Department of Environmental Protection.

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

Sec. 1. 30 MRSA § 3221, sub-§ 4, as enacted by PL 1973, c. 521, § 4, is amended to read:

4. **Subsurface sewage disposal system.** "Subsurface sewage disposal system" shall mean any system for disposing of wastes or waste waters on or beneath the surface of the earth including, but not limited to, ~~holding ponds, surface spray systems~~ septic tanks, drainage fields, cesspools, wells holding tanks, surface ditches or any other fixture, mechanism or apparatus used for