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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
MARINE GROWTH
to
SECOND SPECIAL SESSION
of the
ONE HUNDRED AND THIRD LEGISLATURE

JANUARY, 1968

Legislative Research Committee
Publication 103-19

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WHEREAS, an abundance of sea moss, algae, kelp and other marine growth exists along our coast, the harvesting and processing of which represents an industry of vast potential and wealth; and

WHEREAS, these untapped natural resources are many and varied and require long-range legislation to properly and adequately conserve and develop them for the benefit of all of the people; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is directed to conduct a comprehensive study of our marine resources, including their regulation and control, and the subject matter of the Bill: "An Act Relating to Leases of Right to Take Marine Algae on Submerged Lands," Legislative Document No. 1559, introduced at the regular session of the 103rd Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee submit a report of its findings together with any necessary recommendations and implementing legislation to the 104th Legislature.

LETTER OF TRANSMITTAL

January, 1968

To the Members of the Second Special Session of the 103rd Legislature:

I have the honor to transmit herewith a report, along with implementing legislation, on Marine Growth.

This report, designated as Committee Publication 103-19, is supported by the Committee in an effort to preserve, protect and stimulate research in the production, harvesting and commercial uses of Irish moss. The Legislative Research Committee presents these findings and recommendations in the best interests of the State as trustee for the people and in all fairness to existing industry and persons connected therewith.

The Committee sincerely hopes that the information contained herein will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,



HORACE A. HILDRETH, JR., Chairman
Legislative Research Committee

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Within the Gulf of Maine, between Kittery and Eastport, a distance of 228 Statutory miles, lies a tidal shoreline including offshore islands of some 3,017 nautical miles. Easterly from this highly irregular tidal shoreline is a zone, three nautical miles in breadth, containing 1,015.6 nautical square miles, known as the territorial sea, over which the sovereignty of the State is complete.*

Under certain portions of this vast body of water, affixed to the ocean floor, often referred to as the solum, exists, among other fascinating botanical plants, a dark purple, branching, cartilaginous seaweed called Irish sea moss or chondrus crispus. This aquatic inhabitant, found in great abundance along the coasts of Maine and Nova Scotia, appears to be chiefly located along the coasts of North America and Northern Europe. Carrageenin, a colloidal extractive of Irish moss, obtained through a chemical process of cooking, filtering, drying and grinding, is believed to have been first discovered in the small coastal community of Carrageen, Ireland, and so named for its place of origin.

The commercial value of Irish moss, through its various extractions, composed of a mixture of sodium, potassium, calcium and magnesium salts, comes from a wide variety of industrial and manufacturing uses. To name but a few, it is used chiefly as a suspending agent in foods, pharmaceuticals, cosmetics, industrial liquids, as a clarifying agent for beverages and in controlling crystal growth in frozen confections.

At the present time there are two major manufacturers or processors of Irish moss and related algae located in the State, Marine Colloids, Inc., of Rockland, Maine, and Kraft Foods of South Portland, a Division of National Dairy Products Corporation of New York. These two processors, representing a large segment of the industry in the United States, have already made substantial investments in modern chemical plants and facilities within the State. This investment, in men and equipment, and the specialized training and research required to operate profitably, along with supporting suppliers of raw material and attendant industries, are all an integral part of an existing Maine industry.

During the 103rd Legislature An Act Relating to Leases of Right to Take Marine Algae on Submerged Lands (L. D. 1559) was Introduced. This bill, receiving opposition and an ought not to pass report, was reported out of committee with a new title as An Act Repealing the Law Relating to Leases of Right to Take Kelp on Submerged Lands

* Pearcy, Measurement of the U. S. Territorial Sea, The Department of State Bulletin, June 29, 1959

(L.D. 1704) and enacted as Chapter 418 of the Public Laws of 1967. Concurrent with this legislative action the matter was referred by joint order to the Legislative Research Committee for study. The significance of such events is that at the present time there is no leasing or control provisions for the harvesting or taking of marine algae or Irish moss from submerged lands within the jurisdiction of this State.

With this as an introduction, the Legislative Research Committee ascertained that only 2% of the moss processed by Marine Colloids and 20% of that processed by Kraft Foods comes from the coast of Maine. The principal suppliers are located outside of the United States in such areas as Nova Scotia, Prince Edward Island, Spain, Portugal, Indo-China, Peru and Chile. This cannot be considered an ideal situation in view of foreign competition, transportation costs, disruption of raw material supply and other problems arising when dealing with foreign countries, plus the fact that the extractive yield of such foreign mosses is reported to be far less than domestic sources.

Committee members, desirous of a better understanding of the overall picture of the industry, by invitation, made plant visitations to Marine Colloids on September 19, 1967 and Kraft Foods on November 16, 1967.

In addition to numerous executive sessions, the committee held public hearings on October 8, 1967 and on November 8, 1967. Both meetings were heavily attended by members from all phases of the industry, conservation groups, state agencies, the news media and general public. The results of this activity lead to a recognized need within the industry for an assured source of raw material supply through permissive legislation for leasing. An alternative, of inaction, could mean continued rot and decay of a valuable unharvested coastal resource and the possible loss or unnecessary delay of future expansion and research in an area of great potential which could contribute enormously to overall development of the State and its economy.

The committee does not mean to imply, in recognizing this need or proposing such legislation, a situation of panic or that the granting of exclusive lease rights would create a monopoly or segregate all the good Irish moss beds into the hands of a chosen few. Neither does it suggest an unlimited harvesting area, extensive harvesting, unreasonable periods of leasing or the lack of ecological consideration or protection for hand-rakers or those in unrelated fields.

The committee does suggest however, that its proposal takes such matters into full consideration and was the subject of extensive research in the light of that body of law, relating to leasing of marine resources, now or formerly in force in this and other states as well as foreign countries.

Listed as follows are some of the major areas of concern and deliberation, each of which have been specifically provided in the development of committee legislation:

The committee felt that it would be inappropriate in the first instance to make the entire coast of Maine eligible for leasing, and consequently the proposed legislation to allow leasing in only three sectors of the entire coastline. These sectors are defined in section 4803, and basically they are areas where there is little, if any, so-called hand-raking at the present time. These sectors only encompass about 250 square miles out of approximately 3,000 square miles of coastline now under the jurisdiction of the State of Maine. This limited area appears to be adequate to allow existing industry to make the necessary economic and development efforts suggested and also justify, at least to some extent, additional investments in research, training and perfecting of machines to obtain mature deep water moss beyond the reach of hand-rakers.

The problem arose as to the protection of those persons who should be protected and, accordingly, the proposal provides that a person may take Irish moss even from a leased area by the hand-raking harvesting method. Thus, the exclusive rights granted to any person who holds a lease are to take only the live Irish moss which is physically affixed to the bottom and to take it only by mechanical means. This would allow the hand-rakers to take live moss by the hand-raking method anywhere at any time on the Maine coast.

Another point was the period of the lease. The committee felt that the original suggestion of not less than 10 to 20 years was excessive and reduced the period to not less than 5 nor more than 10 years.

The committee clarified the question of who would have the right to free moss or cast moss, meaning the moss which had broken off the beds, and which is cast upon the shore or floats in the sea, or which sinks to the bottom, by indicating that it is available to the first taker by either hand-rakers or mechanical means and that no rights are vested in the owner of the leasehold interest.

The theory behind this legislation is to allow certain persons to lease certain areas of the solum. In exchange for this privilege, the lessee must do certain things. One, he must pay the State of Maine for this privilege in terms of a per square mile per year fee, and so much a ton for Irish moss harvested from the leased area.

Secondly, he must intend to harvest Irish moss and can be prevented from simply holding a leased bed.

Third, he must file reports of the harvesting with the Commissioner of Sea and Shore Fisheries and the lease will provide for a minimum amount to be harvested under certain terms and conditions.

Fourth, perhaps most important of all, the Irish moss must be taken under conservation and harvesting practices which the commissioner shall from time to time establish and prescribe. This means that the valuable, renewable resource shall be protected and the duty is upon the lessee to see that he protects the Irish moss in the leased area.

Fifth, the commissioner can proceed to revoke the lease by appropriate action, if the lessee breaches the lease or other provisions of law.

Sixth, the lessee recognizes that the lease is for the exclusive privilege of taking attached Irish moss and shall not interfere with the rights of others to take fish or shellfish from the waters above the leased areas.

Seventh, the moneys to be paid to the State shall first be expended for the cost of operation and additional duties cast upon the commissioner and his staff, and the balance of the fund shall be expended for conducting research in the methods of preserving, harvesting and protecting Irish moss and to expand the uses thereof.

CONCLUSION

The committee recognizes that oceanography is of prime importance to this State, if for no other reason than that Maine has a vast coastline, compared with most states in the Union, and hopes to develop the riches of that coastline to the benefit of all the inhabitants of the State. It is quite clear that to fully develop this natural resource a new concept must be invoked to enable and encourage the expansion of an industry which the committee feels is economically valuable to our State.

It is the firm conviction of this committee that legislation is not only desirable but necessary at this time to preserve, protect and stimulate research in the production, harvesting and commercial uses of Irish moss. In the committee's opinion, under proper safeguards, administered by the Department of Sea and Shore Fisheries, coupled with a revolving fund to finance essential research and development, and with the cooperation of existing and future industry, that the following legislative proposal allows progress with public protection and economic achievement without undue advantage.

AN ACT to Preserve, Protect and Stimulate Research in the Production and Commercial Uses of Irish Moss.

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

Sec. 1. R. S., T. 12, Part 6, additional. Title 12 of the Revised Statutes is amended by adding a new Part 6 to read as follows:

PART 6
IRISH MOSS
CHAPTER 423
IRISH MOSS

§4801. Purpose

Irish moss, as hereinafter defined, constitutes a valuable, naturally renewable, marine resource of the State of Maine, and this chapter is enacted into law in order to preserve and protect Irish moss, to stimulate research with regard to its future preservation, protection and harvesting, to allow the State to lease certain areas to persons, firms, associations, cooperatives or corporations for the proper protection and harvesting of Irish moss under appropriate licensing and conservation regulations, and to stimulate greater research into the production and uses of Irish moss and the products obtainable therefrom, and to promote its commercial utilization within this State, all with the object of promoting the prosperity and welfare of this State and its inhabitants.

§4802. Definitions

The terms used in this chapter shall be construed as follows, unless a definite meaning is plainly required by the context:

1. Advisory council. "Advisory council" means the Irish Moss Advisory Council.
2. Commissioner. "Commissioner" means Commissioner of Sea and Shore Fisheries.
3. Dry ton. "Dry ton" shall mean Irish moss which has been dried to a 20% moisture content.
4. Hand-raking harvesting method. "Hand-raking harvesting method" shall mean the harvesting of Irish moss by the use of a rake consisting of a base with projections of pegs or prongs set transversely at the end of a long handle, which rake shall be operated solely by

the physical energy of a human being and shall not have attached to it any mechanical, electrical or other device whatsoever.

5. Irish moss. “Irish moss” means the red seaweeds, chondrus, gigartua and furcellaria.

6. Lease. “Lease” means a lease granted for the purpose of the cultivation and harvesting of Irish moss.

7. License. “License” means a license issued under this chapter or chapter 417.

8. Mechanical harvesting method. “Mechanical harvesting method” shall mean the taking of Irish moss by any other method other than the hand-raking method and shall generally mean the taking of Irish moss by mechanical, electrical or other means, even though the mechanical, electrical or other device is operated under the direction and control of a human being.

9. Permit. “Permit” means a permit issued under this chapter or chapter 417.

10. Person. “Person” means an individual, partnership, association, cooperative or corporation.

11. Process. “Process” means to chemically extract Irish moss in a manufacturing plant.

12. Public harbor. “Public harbor” shall mean that part of the coastal waters of the State which have been set aside,

A. By the municipal officers of all maritime cities, towns and plantations for the maintenance of convenient channels for the passage of vessels or suitable anchorages for vessels.

B. By the harbor masters of maritime cities, towns and plantations for mooring sites.

C. By the Secretary of the Army of the United States or other federal officials acting pursuant to any Act of Congress with authority to establish harbor lines.

13. Solum. “Solum” means the soil or land lying under the coastal waters of the State from the low-water mark and extending seaward from said low-water mark to the seaward maritime limits of the jurisdiction of the State.

§4803. Leasing of Irish moss beds; duration; size

The commissioner, with the prior written approval of the Governor and Council, may lease to any person for a period of not less than 5 nor more than 10 years, the exclusive privilege of harvesting Irish moss in any area or areas of the solum, subject to the following terms and conditions:

1. Leasing sectors. That said leases may only be granted in the following sectors:

A. Sector No. 1: Starting at a point on the shore in latitude 43° 49' 21" N., longitude 69° 41' 24" W., known as West Southport, thence due south a distance of approximately 5.0 miles to latitude 43° 44' 21" N., thence on a true course of 067° for a distance of approximately 21.0 miles to latitude 43° 52' 04" N., longitude 69° 15' 42" W., thence due north a distance of approximately 3.0 miles to a point on the shore in latitude 43° 55' 03" N., longitude 69° 15' 42" W., known as Marshalls Point.

B. Sector No. 2: Starting at a point on the shore in latitude 44° 18' 42" N., longitude 68° 49' 42" W., known as Cape Rosier, thence southerly on a true course of 153° a distance of approximately 15.4 miles to latitude 44° 05' 00" N., longitude 68° 40' 00" W., thence northeasterly on a true course of 060° for a distance of approximately 16.2 miles to a point on the shore in latitude 44° 13' 18" N., longitude 68° 21' 18" W., known as Bass Harbor Head.

C. Sector No. 3: Starting at a point on the shore in latitude 44° 23' 36" N., longitude 67° 54' 00" W., known as Petit Manan Point, thence on a true course of 073° for a distance of approximately 16.5 miles to latitude 44° 28' 30" N., longitude 67° 32' 00" W., thence on a true course of 037° for a distance of approximately 9.0 miles to a point on the shore in latitude 44° 35' 42" N., longitude 67° 24' 30" W., known as Point of Maine.

2. Size of a single leased area. A single leased area shall not exceed 25 square miles in area. A person may hold more than one leased area.

3. Exclusions from leased areas. No leased area shall include the land between the high and low-water marks, nor that part of the solum which lies under a public harbor, as defined herein.

4. Rules and regulations. All leases shall be subject to reasonable rules and regulations with respect to the conservation and harvesting practices to be followed by the

lessee, or his agents, servants or employees in the leased area.

5. Term of lease, extension renewal. The commissioner, with the prior written approval of the Governor and Council, may from time to time extend or renew the term of a lease for successive periods for terms of not less than 5 nor more than 10 years, after complying with section 4804. If an applicant for renewal of a lease has been granted an original minimum term of 5 years and if said applicant presents proof to the commissioner that he has complied with all of the terms and conditions of his prior lease and all reasonable rules and regulations applicable thereto, he shall be entitled to a minimum renewal for another 5-year period without complying with section 4804. If said applicant for renewal shall apply for a renewal for a greater period of time than 5 years, then section 4804 shall apply and shall be followed.

6. Lease preference to state industry. The commissioner shall give preference to prospective applicants for leases or for renewal of leases who indicate that they, or other persons with whom they are associated, will process Irish moss at facilities presently in existence or to be constructed within the State. In cases where the applicant indicates that Irish moss is to be processed at facilities to be constructed within the State, the granting of the lease may be conditioned upon the construction of such facilities within a reasonable time and provide for the termination of the lease in the event such facilities are not constructed.

7. Protection of outstanding leases. The commissioner shall not be authorized to lease any area which has been leased to any other person, where said lease is presently outstanding and remains unrevoked, or the revocation of which is under appropriate quasi-judicial or judicial review.

§4804. Application for lease; public notice of application; objections; public hearings; appeal to Superior Court

Any person desiring to obtain an Irish moss harvesting lease shall make an application to the commissioner, designating by appropriate geographical terms and coordinates the particular area or areas from which the person desires to harvest Irish moss. An application form shall be prepared by the commissioner for the use of applicants and it shall contain such information as he shall deem necessary. The application shall be accompanied by a fee of \$100 to cover the cost of processing the application and the public notice required upon said application. In addition, the minimum per square mile fee

shall accompany the application. This minimum per square mile fee shall be returned to the applicant if the application is denied or withdrawn. If the lease is granted, it shall be applied as hereinafter provided.

1. Procedure upon application for a lease. Upon receipt of an application for a lease, the commissioner shall cause notice to be given which shall contain at least the following:

A. The name and residence of the applicant.

B. A general description of the area or areas in respect to which the application is made.

C. The commissioner shall cause a notice to be published once a week for 3 consecutive weeks in a newspaper having a general circulation in the county or counties in which the area or areas are contiguous, not more than 40 days after the date of receipt of the application for a lease. The notice shall also state that if any person objects to the issuance of a lease with regard to the area or areas mentioned in the notice, that they shall notify the commissioner in writing of their specific objections and the reasons therefor not more than 14 days after the date of the last publication.

If the commissioner receives written objections with regard to the issuance of a lease, the commissioner shall hold a public hearing at a time and place to be determined by him, and shall notify the applicant and the person or persons who have entered their objections of the time and place of said public hearing by registered or certified mail, said notice to be mailed at least 7 days prior to the date set for the public hearing. If no written objections are filed or if after public notice is given, no objectors who have filed written objections appear, and the applicant is otherwise qualified and has complied with all the terms and conditions of this chapter and the reasonable rules and regulations issued hereunder, the application shall be granted. If a public hearing is held, and objectors appear who have filed written objections to the granting of a lease, the commissioner shall hear the applicant and the objectors and shall allow both to appear by counsel, if they so desire, and shall keep a written transcript of the proceedings. The commissioner shall attempt to resolve at the public hearing the objections which may be entered by the objectors, if possible, to the satisfaction of both the applicant and the objectors. If it is not possible to resolve the differences between the applicant

and the objectors, the commissioner shall, within 30 days of the receipt by him of the transcript of the evidence presented at the public hearing, make his written determination with regard to granting the lease to the applicant or his refusal to do so and he shall, in his determination, deal specifically with the objections raised by the objectors who have filed their objections in writing. If the commissioner determines that the applicant shall not receive a lease of all or any part of the area to be acquired, he shall so state and shall assign his reasons for said denial. Copies of the commissioner's decision shall be mailed to all parties who are in interest. The commissioner may in his discretion grant a lease to the applicant but may impose such conditions therein as he shall determine to be necessary to satisfy the specific objections which may have been presented to him. Both the applicant and any objector, as provided herein, may appeal the decision of the commissioner as hereinafter provided. The determination by the commissioner to grant a lease is subject to the approval of the Governor and Council.

If any applicant for a lease or any objector who has filed written objections with the commissioner is aggrieved by the decision of the commissioner resulting from the hearing, he may within 30 days after the date of the commissioner's decision appeal to the Superior Court in the County of Kennebec by filing a complaint therefor. The court shall forthwith fix a time and place for immediate hearing and cause notice thereof to be given to the commissioner and any other party in interest; and after hearing, which hearing shall be held as soon as the court's calendar will permit, the court may affirm, modify or reverse the decision of the commissioner and the decision of the court shall be final. During the pendency of all proceedings under this section, no person shall be authorized to file an application to lease the area which is the subject matter of the pending application on appeal.

The court's review shall be limited to the actions of the commissioner and said final decision of the court shall stand as if made by the commissioner, and all decisions to grant a lease shall be subject to the ultimate decision of the Governor and Council, whose decision shall not be reviewable and shall be final.

§4805. Execution of lease; specific conditions

Upon approval of the application by the commissioner and the approval of the Governor and Council, the commissioner shall execute a lease in the name of the State of Maine running to the person making the application, which lease shall be in such form and shall contain such terms as the commissioner shall deem necessary, but in any event said lease shall include the following provisions:

1. Terms of payment. The payment by the lessee of not less than \$12.50 per dry ton for all Irish moss harvested by the mechanical harvesting method from the leased bed or beds and shall provide for the payment of a minimum of \$5 per square mile per year for the leased bed or beds, to be credited upon the per dry ton payments payable by the lessee under the lease during the year.

2. Forfeiture. Appropriate provisions for a forfeiture of the lease if the minimum is not paid annually in advance, or the lessee violates any specific terms and conditions of the lease or any terms and conditions of any reasonable rules and regulations which the commissioner may prescribe.

3. Assignment, subleases, consolidation and merger. Shall provide that it may not, without the prior written approval of the commissioner, be assigned in whole or in part by the lessee either voluntarily or by operation of law except to effect a consolidation or merger and that no subleases or other rights may be granted by the lessee without the aforesaid permission, except the right to harvest Irish moss by independent contractors, and shall provide for a forfeiture of the lease in the event of the violation of such provision.

4. Proof of harvesting. That the lessee actually intends to harvest Irish moss from the beds described in the lease and will file such reports with the commissioner as shall be deemed necessary to prove actual harvesting thereon. The lease shall provide that a minimum amount of Irish moss shall be harvested annually and set the amount thereof, and that the failure to so harvest, without reasonable excuse, shall be a cause for revocation.

5. Rules and regulations for conservation and harvesting. That conservation and harvesting of Irish moss shall be conducted under such reasonable rules and regulations as the commissioner shall from time to time prescribe.

6. Other terms and conditions. Such other terms and conditions as the commissioner shall require pursuant to the granting of a lease on terms and conditions to satisfy objectors as provided in section 4804.

7. Revocation, authority and procedure. That the commissioner shall have the authority to commence proceedings for the revocation of the lease which shall be commenced by appropriate notice of the specific violation charged and the Administrative Hearing Commissioner, after appropriate notice and hearing, as provided in the Administrative Code, Title 5, section 230, et seq., shall have authority to revoke the lease upon proof of a violation of any terms or conditions thereof, the violation of any reasonable rules and regulations issued by the commissioner under this chapter or any violation of any specific provision of this chapter.

8. Recognition of related rights. That the lessee recognizes that the granting of the lease shall not interfere with the rights of others, properly licensed, to take fish or shellfish from the area so leased, or from the waters above said area.

9. Propriety of right to physically attached, free or cast Irish moss. That the exclusive rights granted under the lease shall include the Irish moss that is physically attached to the solum and the right to harvest the same, but shall not include any rights to any free or cast Irish moss, so called, which has been separated from the solum by other than mechanical means.

10. Hand-raking. That the lessee recognizes that the granting of the lease shall not prohibit the taking of Irish moss by the hand-raking harvesting method from the leased area by persons properly licensed by the State of Maine to so harvest, and that such right exists in said persons without any prior permission from said lessee.

§4806. Rules and regulations

The commissioner, with the approval of the Irish Moss Advisory Council, may make reasonable rules and regulations for the effective carrying out of this chapter and, without restricting the generality of the foregoing, may make regulations with respect to the following matters:

1. Harvesting for agricultural or scientific purposes. Exempting from the application of this chapter certain classes of persons who harvest Irish moss for agricultural or scientific purposes, and not for processing or sale.

2. Conservation and preservation. Providing for the specific method or methods by which Irish moss shall be harvested and prohibiting such method or methods of harvesting as shall be deemed improper or inconsistent with proper conservation and preservation.

3. Methods of conservation and preservation. Providing for proper methods of preservation and conservation of Irish moss.

4. Establishing procedures. Providing for the form of notice, application, license or permit and providing for hearings and notice of public hearings and the procedure to be followed at such public hearings.

5. Form of license and permits. Providing for the form of licenses and permits.

§4807. Appointment; compensation

The following provisions apply to the Irish Moss Advisory Council as established herein:

1. Appointment; composition. The Governor, with the advice and consent of the Council, shall appoint an Irish Moss Advisory Council consisting of 5 members. One member shall be a person who is actively engaged in the harvesting of Irish moss by the mechanical harvesting method; one member shall be actively engaged in the business of processing Irish moss and one member shall be a person who is actively engaged in research on the growth, cultivation and harvesting of Irish moss. The other 2 members shall be persons who are actively engaged in the harvesting of Irish moss by the hand-raking harvesting method.

2. Term of office. The term of each appointment shall be for a 3-year term and until a successor is appointed and qualified. The initial appointments to said advisory council shall be as follows: One for a one-year term, 2 for a 2-year term and 2 for a 3-year term, and all reappointments thereafter shall be for 3-year periods.

3. Vacancy. If a vacancy in office occurs, the Governor with the advice and consent of the Council, shall appoint a member to serve the unexpired portion of the term.

4. Compensation. Members of the Irish Moss Advisory Council shall receive no compensation for their services, but they shall be entitled to receive actual expenses in the performance of their duties.

§4808. Powers and duties

The Irish Moss Advisory Council has the following powers and duties:

1. Council to inform and advise commissioner. The council shall give the commissioner information and advice concerning the administration of this chapter and may suggest to the

commissioner such reasonable rules and regulations with regard to appropriate methods of conservation, preservation and harvesting of Irish moss with a view to utilizing and preserving this valuable natural resource.

2. Council to hold regular meetings. The council shall hold regular meetings with the commissioner or some person appointed by him for that purpose, at the State Capitol on the first Wednesday of June and December of each year.

3. Council may hold special meetings. The council may hold special meetings at any time or place within the State.

4. Council to elect officers; officers' duties. The council shall elect one of its members as chairman, one as vice chairman, and one as secretary, all for a term of one year at the regular June meeting.

A. The chairman shall call and preside at all meetings of the council.

B. The vice chairman shall call and preside at all meetings of the council in the chairman's absence.

C. The secretary shall cause records to be taken and to be preserved of all meetings of the council.

D. The council shall elect one of its members to fill a vacancy in any of the 3 positions for the unexpired term at the next regular or special meeting following the vacancy.

§4809. Revocation of lease

Whenever the commissioner has evidence that any lessee holding a lease granted under this chapter has violated any of the terms or conditions thereof, or violated any of the reasonable rules and regulations issued by the commission under this chapter, or has violated any of the specific provisions of this chapter, he may file a complaint setting forth the specific violation charged with the Administrative Hearing Commissioner. The Administrative Hearing Commissioner, after appropriate notice and hearing, as provided in the Administrative Code, Title 5, chapters 301 to 307, shall have authority to revoke the lease or award such other penalty as the circumstances may warrant, including, but not limited to, the assessment of a monetary penalty upon an adjudication that said lessee has been guilty of the violation as set forth in the complaint.

§4810. Recording of lease

When an exclusive privilege to harvest Irish moss has been granted, a copy of the lease granted by the commissioner shall be filed for recording in the office of the register of deeds of the county in which the Irish moss bed or beds or parts thereof are located, and said commissioner shall also keep a record of each lease granted under this chapter at his office at the State Capitol, which records shall be open at all reasonable times to public inspection.

§4811. Violations

Any person who violates any provision of this chapter or any reasonable rule and regulation promulgated under this chapter, or who shall knowingly harvest Irish moss from any area leased to another under this chapter by the mechanical harvesting method, without the consent of the holder of said leasehold interest, shall be liable upon conviction for a penalty of not more than \$100, or by imprisonment for 90 days, or by both.

§4812. Protection of leasehold interests; injunction; damages

In addition to any other remedy provided by this chapter, or by law, any lessee who holds a lease under this chapter shall have the right to protect his leasehold interest by filing a complaint in the Superior Court of the county in which the leased Irish moss bed or beds or parts thereof are located, setting forth the nature of the alleged violation, and the court, upon appropriate proof and without the necessity of proof of the irreparable injury, shall have the right to enjoin any further violations of said leasehold interest and shall also have the authority to determine such damages as may have been incurred, and grant such further and necessary relief as the circumstances shall warrant.

§4813. License; resident and nonresident

It shall be unlawful for any person to take Irish moss from any of the coastal shores, or within the tidal waters of the State, unless he has a current written license from the commissioner as provided in section 4051.

§4814. Appropriation of moneys received

Moneys received through this chapter by the Treasurer of State shall be appropriated and used for the following purposes:

1. Collection and enforcement. For the collection of the fees and charges provided for in this chapter, and the enforcement of this chapter, and the actual expenses of the advisory council.

2. Balance of funds. The remainder for the purpose of conducting scientific research in the proper methods of preserving, harvesting and protection of Irish moss and to further expand the uses of Irish moss in such manner and amounts as the Commissioner of Sea and Shore Fisheries, in conjunction with the Irish Moss Advisory Council, shall determine. Any unexpended balance from the above apportionment shall not lapse but shall be carried forward to the same fund for the next fiscal year.

§4815. Payments by lessee exclusive

The payment of the appropriate fees and charges required to be paid under authority of this chapter by any lessee shall discharge the obligation of said lessee to the State of Maine, and no other form of fees, charges or taxes of any nature or description levied under the authority of the laws of this State shall be assessed or charged the lessee's interests.

Sec. 2. Amendments. Wherever in the following sections of Title 12 a reference to "section 417" appears, it shall be changed to read "section 423": Section 3401, first paragraph; subsection 11 of section 3401; subsection 20 of section 3401; subsection 29 of section 3401; subsection 30 of section 3401; subsections 2 and 3 of section 3402; section 3404; subsection 1 of section 3506; subsection 2 of section 3652; section 3751; section 3752, first paragraph; subsections 2, 4 and 6 of section 3752; section 4501; section 4502; section 4504; section 4505, first paragraph; paragraph A of subsection 3 of section 4505; subsection 1 of section 5406; section 4507; section 4508; paragraph A of subsection 1 of section 4508; subsection 2 of section 4508; section 4509; section 4510; and section 4552, first paragraph and paragraph C of subsection 1.