

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
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Chapter 81

AN ACT Including Employees of the State Principals Association Under State Retirement System.

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

R. S., T. 5, § 1092, sub-§ 1, amended. The first 3 sentences of subsection 1 of section 1092 of Title 5 of the Revised Statutes, as amended by chapter 41 of the public laws of 1965, are further amended to read as follows:

The employees of any county, city, town, water district, public library corporation or any other quasi-municipal corporation of the State, the civilian employees of the Maine National Guard, employees of the Maine State Employees Association, Maine State Employees Credit Union, the **State Principals Association**, or of Maine Municipal Association, may participate in the retirement system, to the full extent of any and all benefits provided for in this chapter provided the county commissioners, or the city council or corresponding body of a city, or the voters of a town at a duly constituted town meeting, or the trustees of a water district, public library corporation or other quasi-municipal corporation, the Adjutant General, or Maine State Employees Association through its board of directors, or Maine State Employees Credit Union through its board of directors, or the **State Principals Association through its executive committee**, or the active member municipalities of Maine Municipal Association through its executive committee, approve such participation and file with the board of trustees a duly certified copy of the resolution of the county commissioners or of the city council or such corresponding body approving such participation and the extent of the benefits which shall apply, or a record of the vote of the town voters certified by the clerk of the town meeting. Such county, city, town, water district, public library corporation or other quasi-municipal corporation, Maine State Employees Association, Maine State Employees Credit Union, **State Principals Association**, Maine National Guard or Maine Municipal Association, approving the participation of its employees in the retirement system shall thereafter be known for the purposes of this chapter as "a participating local district." Such county, city, town, water district, public library corporation or other quasi-municipal corporation, Maine National Guard, Maine State Employees Association, or Maine State Employees Credit Union, or **State Principals Association**, or Maine Municipal Association, shall designate in their approval any class of employees, otherwise provided for by local pension provisions, who may be exempted from this chapter.

Effective October 7, 1967

Chapter 82

AN ACT to Include Oysters in Shellfish Shipping and Shucking Laws.

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

Sec. 1. R. S., T. 12, § 4306, amended. The first paragraph of section 4306 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful for any person, firm or corporation to ship or transport, or attempt to ship or transport, beyond the limits of this State, any soft-shell clams,

quahogs, oysters or mussels, whether removed from the shell or not, or to cause the same to be done, without having a current license from the commissioner as provided in this section.

Sec. 2. R. S., T. 12, § 4306, sub-§ 3, amended. The first paragraph of subsection 3 of section 4306 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful for any person, firm or corporation to transport or cause to be transported beyond the limits of this State, any clams, quahogs, oysters or mussels, except those which have been procured from the holder of a current shellfish certificate.

Sec. 3. R. S., T. 12, § 4306, sub-§ 4, amended. The first paragraph of subsection 4 of section 4306 of Title 12 of the Revised Statutes is amended to read as follows:

The holder of a current wholesale seafood dealer's and processor's license may ship, but not transport, clams, quahogs, oysters and mussels beyond the limits of the State without having an interstate shellfish transportation license, but not without having a shellfish certificate as provided by section 4309.

Sec. 4. R. S., T. 12, § 4306, sub-§ 5, amended. Subsection 5 of section 4306 of Title 12 of the Revised Statutes is amended to read as follows:

5. Common carrier and other exceptions. This section does not apply to a common carrier licensed by the Interstate Commerce Commission who is transporting clams, quahogs, oysters or mussels in containers labelled in accordance with section 4353, nor to any person who lawfully possesses them for immediate consumption by himself and his family, nor does this section apply to clams, quahogs, oysters or mussels that are being transported through this State under authority of the laws of the United States.

Sec. 5. R. S., T. 12, § 4307, amended. The first two paragraphs of section 4307 of Title 12 of the Revised Statutes are amended to read as follows:

It is unlawful for any person, firm or corporation to shuck any clams, quahogs, oysters or mussels for sale to stores, restaurants or other dealer in the intrastate trade, or cause the same to be done, without having a current permit for that purpose from the commissioner.

It is unlawful for any person, firm or corporation to buy or take from any person any clams, quahogs, oysters or mussels, removed from the shell for the purpose of serving them in any restaurant or selling them in any store, or to any other dealer in this State, unless the shellfish are in containers marked with the intrastate shellfish permit number under which they were shucked.

Sec. 6. R. S., T. 12, § 4307, sub-§ 1, amended. Subsection 1 of section 4307 of Title 12 of the Revised Statutes is amended to read as follows:

1. Application. Any person, firm or corporation may make application on blanks furnished by the commissioner for a shellfish shucker's permit giving authority to shuck and remove clams, quahogs, oysters and mussels from the shell for sale to stores, restaurants or other dealer in the intrastate trade. Each application must contain the following:

A. It must be signed by the applicant.

B. It must show the exact location of the flats, or waters if the shellfish are oysters, from which the clams, quahogs, oysters and mussels are to be dug or taken.

C. It must show the exact location within the State of the shucking house where the shellfish will be removed from the shell.

D. It must bear all the names of all the persons who will dig or take the clams, quahogs, oysters and mussels that are to be shucked by the applicant.

Sec. 7. R. S., T. 12, § 4307, sub-§ 4, amended. Subsection 4 of section 4307 of Title 12 of the Revised Statutes is amended to read as follows:

4. **Authorization of holder.** The permit entitles the holder to shuck clams, quahogs, oysters and mussels for intrastate trade at the shucking house specified in the permit which are dug in the flats or taken from the waters specified in the permit and are dug or taken by the persons specified in the permit.

Sec. 8. R. S., T. 12, § 4307, sub-§ 6, amended. The first paragraph of subsection 6 of section 4307 of Title 12 of the Revised Statutes is amended to read as follows:

The commissioner may suspend for any period of time any permits issued by him, or the right to obtain a permit whenever he determines that any of the provisions of law or regulations governing the shipment or transportation of clams, quahogs, oysters or mussels, or the provisions of law or regulations governing establishments where the clams, quahogs, oysters or mussels are shucked have been violated.

Sec. 9. R. S., T. 12, § 4307, sub-§ 7, ¶ A, amended. Paragraph A of subsection 7 of section 4307 of Title 12 of the Revised Statutes is amended to read as follows:

A. The location of the flats, or waters if the shellfish are oysters, where the shellfish are dug or taken and the amounts dug or taken in each location.

Sec. 10. R. S., T. 12, § 4309, amended. The first paragraph of section 4309 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful for any person, firm or corporation to ship beyond the limits of this State any soft-shell clams, quahogs, oysters or mussels, whether the same have been removed from the shell or not, or to sell such shellfish to another for shipment or transportation beyond the limits of the State, or to cause the same to be done, without having a current shellfish certificate from the commissioner as provided in this section.

Sec. 11. R. S., T. 12, § 4309, sub-§ 1, ¶¶ B and C, amended. Paragraphs B and C of subsection 1 of section 4309 of Title 12 of the Revised Statutes are amended to read as follows:

B. It must show the names of persons licensed to fish, dig or take and sell clams, quahogs, oysters and mussels, if any, from whom such shellfish in the shell are to be procured by the applicant.

C. It must show the name of the persons holding shucking certificates, if any, from whom shucked soft-shell clams, quahogs, oysters or mussels are to be procured by the applicant.

Sec. 12. R. S., T. 12, § 4309, sub-§ 2, §§ B and C, amended. Paragraphs B and C of subsection 2 of section 4309 of Title 12 of the Revised Statutes are amended to read as follows:

B. The certificate must designate the persons from whom clams, quahogs, oysters and mussels in the shell may be procured for interstate shipment or transportation.

C. The certificate must show from whom soft-shell clams, quahogs, oysters and mussels that have been shucked or removed from the shell may be procured for interstate shipment.

Sec. 13. R. S., T. 12, § 4309, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 4309 of Title 12 of the Revised Statutes is amended to read as follows:

A. The location of the flats, or waters if the shellfish are oysters, where the shellfish were dug or taken and the amounts dug or taken in each location.

Sec. 14. R. S., T. 12, § 4309, sub-§ 6, repealed. Subsection 6 of section 4309 of Title 12 of the Revised Statutes is repealed.

Sec. 15. R. S., T. 12, § 4310, amended. The first 3 paragraphs of section 4310 of Title 12 of the Revised Statutes are amended to read as follows:

It is unlawful for any person, firm or corporation to pack any clams, quahogs, oysters or mussels, whether or not removed from the shell or to shuck or remove from the shell any clams, quahogs, oysters or mussels for shipment or transportation beyond the limits of the State, or to cause the same to be done, without first having a current certificate for that purpose from the commissioner as provided in this section.

It is unlawful for any person, firm or corporation to buy or take from any person any clams, quahogs, oysters or mussels which have been packed, whether or not they have been removed from the shell, for shipment or transportation beyond the limits of the State, or cause the same to be done, unless the clams, quahogs, oysters and mussels were packed in a packing house or shucking house certified by the commissioner at the time they were packed.

It is unlawful for any person, firm or corporation to buy, or take from any person any shucked clams, quahogs, oysters or mussels for shipment or transportation beyond the limits of the State, or to cause the same to be done, unless the clams, quahogs, oysters and mussels were shucked in a shucking house certified by the commissioner at the time of the shucking.

Sec. 16. R. S., T. 12, § 4310, sub-§ 1, amended. Subsection 1 of section 4310 of Title 12 of the Revised Statutes is amended to read as follows:

1. **Application.** Any person, firm or corporation may make application on blanks furnished by the commissioner for a shellfish packer's or shucker's cer-

tificate giving authority to pack or to shuck and remove clams, quahogs, oysters and mussels from the shell for shipment or transportation beyond the limits of the State. Each application must contain the following:

- A. It must be signed by the applicant.
- B. It must show the exact location of the flats, or waters if the shellfish are oysters, from which the clams, quahogs, oysters and mussels are to be dug or taken.
- C. It must show the exact location within the State of the packing house where the shellfish will be packed or the shucking house where the shellfish will be removed from the shell.
- D. It must bear all the names of all the persons who will dig or take the clams, quahogs, oysters and mussels that are to be packed or shucked, and shipped by the applicant beyond the limits of the State.

Sec. 17. R. S., T. 12, § 4310, sub-§§ 3, 4 and 6, amended. Subsections 3, 4 and 6 of section 4310 of Title 12 of the Revised Statutes are amended to read as follows:

3. Contents of certificate. The certificate must bear a number and designate by local name the areas from which clams, quahogs, oysters and mussels may be taken, packed or shucked, transported, shipped or sold by the applicant.

It must bear the names of all persons who will dig or take the shellfish that are to be packed or shucked.

4. Authorization of holder. The certificate entitles the holder to either pack or shuck or both as specified in the certificate, clams, quahogs, oysters and mussels for interstate trade at the packing or shucking house specified in the certificate which are dug in the flats specified in the certificate, or taken from the waters specified in the certificate if the shellfish are oysters, and are dug or taken by the person specified in the certificate.

6. Suspension of certificate. The commissioner may suspend for any period of time any certificates issued by him, or the right to obtain a certificate, whenever he determines that any of the provisions of law or of regulations governing the shipment or transportation of clams, quahogs, oysters or mussels, or the provisions of law or regulations governing establishments where the clams, quahogs, oysters or mussels are shucked or packed, have been violated.

Sec. 18. R. S., T. 12, § 4310, sub-§ 7, ¶ A, amended. Paragraph A of subsection 7 of section 4310 of Title 12 of the Revised Statutes is amended to read as follows:

A. The location of the flats, or waters if the shellfish are oysters, where the shellfish are dug or taken and the amounts dug or taken in each location;

Sec. 19. R. S., T. 12, § 4353, amended. The first paragraph of section 4353 of Title 12 of the Revised Statutes is amended to read as follows:

All containers, except hermetically sealed containers, used in the shipment or transportation of clams, quahogs, oysters or mussels from a place within the State to a place outside the State must bear a label as provided in this section:

Sec. 20. R. S., T. 12, § 4353, sub-§ 1, §§ C and E, amended. Paragraphs C and E of subsection 1 of section 4353 of Title 12 of the Revised Statutes are amended to read as follows:

C. The words "Clams," "Quahogs," "Oysters" or "Mussels," whichever the the containers hold;

E. The name of the municipality in which the clams, quahogs, oysters or mussels were dug or taken.

Sec. 21. R. S., T. 12, § 4353, sub-§ 2, amended. Subsection 2 of section 4353 of Title 12 of the Revised Statutes is amended to read as follows:

2. Illegal to ship or transport unlabelled containers or attempt to do so. It is unlawful for any person, firm or corporation to ship or transport, or attempt to ship or transport, clams, quahogs, oysters and mussels from a place within the State to a place outside the State, or cause the same to be done, unless the containers are marked as provided in this section, or the shellfish are being transported in hermetically sealed containers.

Effective October 7, 1967

Chapter 83

AN ACT Relating to Penalty for Littering.

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

R. S., T. 17, § 2251, amended. The 2nd sentence of section 2251 of Title 17 of the Revised Statutes is amended to read as follows:

Any person who violates this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 10 days, or by both.

Effective October 7, 1967

Chapter 84

AN ACT Prohibiting Bullfights.

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

R. S., T. 17, § 1131, repealed and replaced. Section 1131 of Title 17 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1131. Premediated animal fights

Whoever instigates, or promotes, or acts as umpire, or judge, or promotor, or is connected with, or participates in, or promotes a bullfight of any kind or