

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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AS PASSED BY THE
One Hundred and Third Legislature
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Chapter 103

AN ACT Relating to Construction, Maintenance of Boat Facilities, Public Access and Marking the Waters.

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

Whereas, the following legislation is vitally necessary to permit construction of boat facilities and public access sites to the lakes, ponds and coastal waters of the State for the use of Maine's citizens and tourists in the summer of 1967; and

Whereas, providing access to one of Maine's greatest recreational assets and providing for the safety during use of the state's waters by the inhabitants of Maine and its summer visitors is vital to the economy of the State; 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:

Sec. 1. R. S., T. 38, § 321, amended. Section 321 of Title 38 of the Revised Statutes is amended by adding at the end, 2 new paragraphs, as follows:

The Director of Parks and Recreation shall decide when in his opinion hazards to boating exist and mark the waters of the State, within the funds available, by placement of aids to navigation and regulatory markers on the waters consistent with the rules provided in section 323.

In carrying out the purposes of this chapter, the Park and Recreation Commission, its authorized agents and employees, may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as it may deem necessary or convenient in the discharge of its duties, and such entry shall not be deemed a trespass.

Sec. 2. R. S., T. 38, § 321-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 321-A, to read as follows:

§ 321-A. Powers

In carrying out the purposes of this subchapter, the Park and Recreation Commission shall have and exercise the following powers and authority:

1. **Exercise police supervision.** To exercise police supervision over public facilities acquired, constructed and maintained pursuant to this subchapter in the same manner and to the same extent that said commission may exercise police supervision over state parks and memorials under Title 12, section 602, subsection 5.

2. Establish rules and regulations. To establish such rules and regulations as it deems necessary:

- A. For the protection and preservation of public facilities acquired, constructed and maintained pursuant to this subchapter;
- B. For the protection and safety of the public; and,
- C. For observances of the conditions and restrictions expressed in deeds of trust or otherwise, of any such public facilities.

3. Control of fires. With approval of the Governor and Council, to establish and maintain adequate provisions for the prevention, suppression and control of fires within said facilities.

4. Lease and agreements with United States. With the consent of the Governor and Council, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state boat facilities within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state boat facilities under this chapter. Such lands or interest therein, when so acquired, whether title thereto be in the United States or otherwise shall be and remain subject to administration, maintenance, supervision, use and development by said commission under this chapter during the terms of any such lease or agreement. With respect to lands or interest therein, included in any lands or interests therein acquired and owned by the Government of the United States and administered under this chapter, the State of Maine shall retain concurrent jurisdiction with the United States in and over all such lands. Any civil and criminal process issuing under the authority of this State may be executed on said lands in the same manner and to the same effect as if the same were privately owned, and exclusive jurisdiction in and to said lands shall revert to the State of Maine when said lands shall cease to be owned by the United States. Such lands owned by the United States shall be exempt from all taxes and assessments so long as the same shall be the property of the United States.

5. Cooperate with federal agencies. To cooperate with federal agencies in the planning, development, maintenance and use of recreational areas; to assist state, county, and municipal agencies in the study and planning of their recreational areas and programs.

6. Federal funds. To accept and receive funds from the Federal Government for all purposes relating to activities under this chapter. The Treasurer of State shall be the appropriate fiscal officer to receive such federal funds. These federal funds will be credited to the Boat Facilities Fund to carry out the purposes of the chapter.

Sec. 3. R. S., T. 38, § 324, amended. Section 324 of Title 38 of the Revised Statutes is amended by adding at the end, a new paragraph, as follows:

The Director of Parks and Recreation may lease from individuals, corporate organizations, political subdivisions and quasi-public organizations land or

buildings, or both, for indeterminate periods not to exceed 99 years for the purpose of constructing and maintaining boat facilities.

Sec. 4. R. S., T. 38, §§ 325 - 328, additional. Title 38 of the Revised Statutes is amended by adding 4 new sections, to read as follows:

§ 325. Grants-in-aid

The Director of Parks and Recreation may make grants-in-aid to political subdivisions for the construction and maintenance of boat facilities and supporting facilities, on such terms as he determines necessary.

The Director of Parks and Recreation shall determine where the facilities shall be located and which facilities shall be constructed by political subdivisions.

§ 326. Violation of rules and regulations

Whoever violates any of the rules and regulations or any notices posted by the Park and Recreation Commission in conformity with this subchapter or who willfully mutilates, defaces or destroys any monument or marker lawfully erected within the borders of said public facilities shall be punished by a fine of not more than \$50 and costs or by imprisonment for not more than 30 days, or by both.

§ 327. District and Superior Courts have concurrent jurisdiction

The District Court and the Superior Court shall have concurrent jurisdiction in all prosecutions under any provision of this chapter. Any person arrested as a violator of said chapter may be taken before the District Court in the division where the offense was committed, or in any adjoining division. Jurisdiction in such cases is granted to the District Court to be exercised in the same manner as if the offense had been committed in that division.

§ 328. Real estate acquired subject to Mill Act

All real estate acquired under this subchapter shall be and remain subject to flowage under the Mill Act, so called, or under any special charter heretofore or hereafter granted by this State, notwithstanding title thereto may be in the State.

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

Effective March 24, 1967

Chapter 104

AN ACT Controlling the Marketing, Grading and Labeling of Maple Products.

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

R. S., T. 7, c. 103, sub-c. VIII-B, additional. Chapter 103 of Title 7 of the Revised Statutes is amended by adding a new subchapter VIII-B, to read as follows: