

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
AT THE
SPECIAL SESSIONS

October 2-3, 1967
January 9-26, 1968
September 18, 1968

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

R. S., T. 15, § 1314-A, additional. Title 15 of the Revised Statutes is amended by adding a new section 1314-A, to read as follows:

§ 1314-A. Compelling evidence in criminal proceedings; immunity

In any criminal proceeding before a court or grand jury, if a person refuses to answer questions or produce evidence of any kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing, and with the written approval of the Attorney General, requests the court to order that person to answer the questions or produce the evidence, and the court after notice to the witness and hearing shall so order, unless it finds to do so would be clearly contrary to the public interest, that person shall comply with the order. After complying, and if, but for this section, he would have had the right to withhold the answers given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any transaction, matter or thing concerning which, in accordance with the order, he gave answer or produced evidence. Failure to answer questions or produce evidence as ordered by the court following notice and hearing shall constitute contempt of court. He may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing or failing to produce evidence, in accordance with the order.

Effective April 26, 1968

Chapter 527

AN ACT to Allow Research in Irish Moss.

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

Sec. 1. R. S., T. 12, § 3703, amended. Section 3703 of Title 12 of the Revised Statutes is amended to read as follows:

§ 3703. Research by private interests

Any person or corporation interested in scientific research relating to shellfish, or other fish over which the commissioner has supervision, or in the cultivation and development of the shellfish industry or the seaweeds, including but not limited to Irish moss, for economic purposes, may apply to the commissioner setting forth the desire to make experiments relative to the cultivation and, conservation and harvesting of particular marine species or seaweeds. Upon receipt of the application by the commissioner, the following procedure must be followed:

1. Commissioner to be satisfied certain requirements are met before notice of hearing. The commissioner shall give notice of a hearing on the application if he is satisfied that all the following provisions are met:

A. That the application contains sufficient information to show that the applicant is entitled to the certificate provided in this section;

B. That information contained in the application is true;

C. That the applicant either owns, or has consent, so far as the same can be granted, from the owner of the flats, shore rights or waters where the work is to be undertaken; and

D. That the granting of the certificate provided in this section will not unreasonably interfere with navigation.

2. **Notice of hearing; how; contents.** The commissioner shall then give notice of the hearing as follows:

A. The commissioner shall cause the notice to be published once a week for 2 consecutive weeks in some newspaper published in the county where the proposed location is situated.

B. The commissioner shall state in the notice the time and place of the hearing, the name of the applicant and the general area where the work is to be undertaken.

3. **Commissioner may issue certificate to set area apart upon hearing.** If, upon hearing, the commissioner is satisfied that the interests of the State will be promoted by the experiments, he shall issue a certificate setting apart so much of such shores, flats and water privileges, not exceeding one acre in extent to any one applicant, for such length of time, not exceeding a period of 6 years, as in his judgment may be necessary and proper to accomplish the ends sought. The commissioner may set aside areas on the submerged lands or reefs within the jurisdiction of the State, for experiments with the cultivation, conservation and harvesting of seaweeds, including Irish moss. No one applicant shall be entitled to more than 3 such areas and no single area shall exceed more than one square mile, but any areas so set aside shall not be closer to the low water mark on the adjacent shore than 25 feet, and all of said areas for such experiments shall be east of 69° 45' west longitude. The total area set aside for all applicants for experiments with seaweed shall not exceed, at any one time outstanding, 10 square miles; width of any area shall be not less than 1/4 mile.

4. **Applicant to record certificate.** The applicant shall record the certificate in the registry of deeds of each county where the flats or waters are located.

5. **Applicant to give public notice of certificate.** The applicant shall cause public notice of the issuance of the certificate by publishing the certificate ~~once in a newspaper published in the county~~ once in a daily newspaper of general circulation in the county and once in a weekly newspaper of general circulation in the county where the area to be used is located, by posting a copy of the certificate in a conspicuous place near that area and by recording a copy of the certificate with the clerk of the municipality where the area is located.

6. **Applicant to mark area.** The applicant shall place stakes or other monuments upon the adjoining upland so as to designate the area set apart as specified by the commissioner in the certificate.

7. Revocation. The commissioner may revoke the certificate so granted, after notice and hearing to the holder thereof, for the following reasons: The holder has not within the year last passed conducted any experiments in said area or the experiments conducted have been injurious to the marine species in said area.

Sec. 2. R. S., T. 12, § 3704, amended. Section 3704 of Title 12 of the Revised Statutes is amended to read as follows:

§ 3704. Interference or unlawful taking

It is unlawful for any person, during the period that any shores, flats or waters are taken or used under this chapter, for scientific research relating to shellfish or other fish, to take, dig, fish or in any manner destroy any marine species within the area used or taken, or to interfere with the shores, flats and waters so used or taken.

It shall be unlawful for any person, during the period that any shores, flats or waters are taken or used under this chapter for the cultivation, conservation or harvesting of seaweeds, to take, dig or sever or in any manner destroy any seaweeds, within the area used or taken, but it shall be lawful for any person to take, dig, fish or in other manner take marine species, in said area, provided it is lawful to do so.

1. Penalty. Whoever violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$100 for each offense, or by imprisonment for not more than 90 days.

Effective April 26, 1968

Chapter 528

AN ACT Relating to Hearings Before Water and Air Environmental Improvement Commission.

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

Sec. 1. R. S., T. 38, § 451, sub-§ 2, repealed and replaced. Subsection 2 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is repealed and the following enacted in place thereof:

2. Hearing and order for violation. Whenever it appears to the commission after investigation that there is a violation of this subchapter, the commission shall:

A. Notify the alleged violator in writing setting forth any act done or omitted to be done which is claimed to be in violation of this subchapter and at the written request, within 10 days of receipt of said notice, of the