

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
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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

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 R. S., T. 38, § 451, sub-§ 2, repealed and replaced. Subsection 2 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is repealed and the following enacted in place thereof: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

alleged violator, the commission shall at a time and place set by the commission hold a hearing; or

B. Schedule a hearing thereon and shall notify the alleged violator in writing of the time and place of such hearing and shall set forth in said writing the act done or omitted to be done which is claimed to be in violation of this subchapter.

At any hearing resulting from paragraph A or B the alleged violator may appear in person or by attorney and answer the allegations of violation and file a statement of the facts, including the methods, practices and procedures, if any, adopted or used by the alleged violator to comply with this subchapter and present such evidence as may be pertinent and relevant to the alleged violation.

Sec. 2. R. S., T. 38, § 451, amended. The next to the last paragraph 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:

After consideration of said evidence and argument or in the event of a failure of the alleged violator to request a hearing within 10 days under subsection 2, paragraph A, or in the event of a failure of the alleged violator to appear on the date set for a hearing, the commission shall, as soon thereafter as practicable, make findings of fact and, if it finds that a violation exists, it shall issue an order aimed at ending the violation.

Effective April 26, 1968

Chapter 529

AN ACT Increasing Hunting and Fishing Licenses.

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

Sec. 1. R. S., T. 12, § 2053, amended. The first sentence of the 4th paragraph of section 2053 of Title 12 of the Revised Statutes, as amended by section 4 of chapter 448 of the public laws of 1965, is further amended to read as follows:

A fee of ~~\$10~~ \$12.50 shall be paid annually for a resident guide's license.

Sec. 2. R. S., T. 12, § 2401, sub-§ 3, amended. The 2nd and 3rd paragraphs of subsection 3 of section 2401 of Title 12 of the Revised Statutes, as amended, are further amended to read as follows:

The license may be issued to a resident by the clerk or agent in the town in which the applicant resides, or if domiciled in an unorganized territory, then by the clerk or agent in the nearest town, upon payment of a fee of \$1 if the applicant is under 16 years of age and ~~\$3.75~~ \$4 if the applicant is 16 years of age or older,