

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth 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.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1971

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
**One Hundred and Fourth Legislature**

AT THE  
**SPECIAL SESSION**

January 6, 1970  
to  
February 7, 1970

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## Chapter 512

### AN ACT Relating to Authority of State Employees Appeals Board.

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

R. S., T. 5, § 678, amended. Section 678 of Title 5 of the Revised Statutes, as repealed and replaced by section 2 of chapter 539 of the public laws of 1967, is amended to read as follows:

#### § 678. Dismissal and disciplinary action

An appointing authority may dismiss, suspend or otherwise discipline an employee for cause. This right is subject to the right of appeal and arbitration of grievances set forth in sections 751 to 753; and said sections 751 to 753 shall apply only to any employee who has attained permanent status in such employment.

Effective May 9, 1970

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## Chapter 513

### AN ACT to Improve Sanitary Standards to Stop Unlawful Sales of Shucked Shellfish.

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

Sec. 1. R. S., T. 12, § 4302, sub-§ 2, §§ C, D, additional. Subsection 2 of section 4302 of Title 12 of the Revised Statutes is amended by adding 2 new paragraphs, C and D, to read as follows:

C. The licensee must have an intrastate shellfish shucking permit as provided by section 4307 if he removes clams, quahogs, oysters or mussels from the shell for sale to stores, restaurants or other dealers in the intrastate trade.

D. A licensee must have either a current intrastate shellfish shucking permit or have a current seafood dealer's license with a current special authorization under section 4302-A to sell shucked shellfish to stores, restaurants or other dealers in the intrastate trade.

Sec. 2. R. S., T. 12, § 4302-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 4302-A, to read as follows:

§ 4302-A. Special authorization to sell shucked shellfish

The holder of a wholesale seafood dealer's license or any applicant for such license who wishes to be authorized to sell shucked shellfish to stores, restaurants or other dealers in the intrastate trade may apply to the commissioner for such authorization pursuant to this section.

1. Application. The commissioner shall provide the blank application forms and the completed application must contain the following:

A. It must be signed by the applicant;

B. It must show the exact location where the shellfish will be stored, if any, and it must give a description including serial numbers, if any, of all the vehicles, boats or aircraft which will be used to transport the shellfish to be sold.

2. Issuance of special authorization. The commissioner may issue the authorization if he is satisfied that the premises where the shellfish are to be stored, if any, and the vehicles, boats and aircrafts to be used to transport said shellfish conform to the sanitary standards recommended by the United States Public Health Service and conform to the laws and regulations of the State of Maine, and if he is satisfied that the shucked shellfish to be sold will conform to the standards of purity and quality recommended by the United States Public Health Service and conform to the laws and regulations of the State of Maine.

A. The commissioner shall adopt regulations, after public hearing, setting forth the minimum standards and requirements consistent with necessary standards for the premises where said shellfish shall be stored and vehicles, boats or airplanes on which they will be transported under this section. Notice of the public hearing must be published once at least 7 days before the hearing in the state paper. The regulations adopted after the hearing must be published in the state paper 7 days before they become effective. They may be amended or repealed at any time by the commissioner after like notice and publication.

3. Contents of special authorization. If the commissioner grants a special authorization he shall grant same in written form which form shall bear the name of the licensee, his wholesale seafood dealer's number, the location of the premises where the shellfish are to be stored and a description of the vehicles, boats or airplanes authorized to transport same.

4. Expiration of special authorization. The special authorization offer provided in this section expires at the same time as the wholesale dealer's license for which it was issued, unless sooner revoked or suspended.

5. Suspension of special authorization. The commissioner may suspend for any period of time any special authorization issued by him pursuant to

this section, or the right to obtain such a special authorization whenever he determines that any of the provisions of law or regulations governing the sale, shipment or transportation of clams, quahogs, oysters or mussels or the provisions of law regulating or governing the premises where the shucked shellfish are stored have been violated.

A. The commissioner may suspend any special authorization issued under this section under the procedure set forth in section 4309, subsection 5, as amended.

6. Authorization of holder. The special authorization entitles the holder to sell shucked shellfish to stores, restaurants or other dealers in the intrastate trade, provided that the shucked shellfish were purchased from the holder of an intrastate shellfish permit as provided in section 4307.

Sec. 3. R. S., T. 12, § 4307, amended. Section 4307 of Title 12 of the Revised Statutes is amended by adding after the 2nd paragraph, a new paragraph, as follows:

It is unlawful for any person, firm or corporation to sell shucked clams, quahogs, oysters or mussels to any store, restaurant or dealer, in the intrastate trade, or cause the same to be done, without having either a current intrastate shellfish permit as provided in this section or a current wholesale seafood dealer's license with a current shucked shellfish authorization pursuant to section 4302.

Effective May 9, 1970

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## Chapter 514

### AN ACT Amending the Liquor Laws.

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

Whereas, commercial airlines and ferry services require complete eating facilities including supplies of spirituous and vinous liquors at points of departure on national and international flights and ferry trips; and

Whereas, the lack of this service under existing law will result in a substantial loss of revenue and the rerouting of flights to states where such service can be obtained; and

Whereas, the 103rd Legislature in regular session enacted chapter 165 of the private and special laws of 1967 whereby provision was made for the official observance of the 150th anniversary of the formation of the State of Maine and whereby the Maine State Sesquicentennial Commission was established; and