

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.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

§ 415. Fees to towns and unorganized territories

Each town or unorganized township served may be assessed for the cost of the operation. Such costs shall be prorated on the basis of population, as determined by the last decennial census.

Effective September 23, 1971

Chapter 437

AN ACT Relating to Aiding Injured Persons and Reporting Hunting Accidents.

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

Sec. 1. R. S., T. 12, § 2954, repealed and replaced. Section 2954 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2954. Aiding injured persons; reporting hunting accidents

Any person who knows that he has inflicted injury or has reason to know that he may have inflicted injury to another person by the use of firearms or bow and arrow shall make himself known to the victim and shall render such first aid and assistance as he is capable of rendering under the circumstances, and shall thereupon give notice of the event by the quickest means to a state police officer, sheriff, game warden or other law enforcement officer nearest the place where the event occurred.

Any person violating this section shall, upon conviction, be punished by a fine of not more than \$1,000 or imprisonment for not more than 11 months, or by both, and in addition thereto shall be denied the right to hunt or trap anywhere in the State of Maine with or without license for a period of 10 years.

Sec. 2. R. S., T. 12, § 2955, repealed. Section 2955 of Title 12 of the Revised Statutes, as enacted by chapter 315 of the public laws of 1967, is repealed.

Effective September 23, 1971

Chapter 438

AN ACT Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products.

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

R. S., T. 7, c. 105, additional. Title 7 of the Revised Statutes is amended by adding a new chapter 105 to read as follows:

CHAPTER 105

PAYMENT OF DUES

§ 1090. Findings and purpose

The Legislature finds and declares that the agricultural industry as a whole is of significant economic and social importance to the State of Maine. The Legislature further finds and declares that the agricultural industry is subject to unique financial difficulties. Such difficulties include instability of prices, the general inflexibility of demand for farm products, rising costs to producers, dealers and processors, and the vagaries of nature.

Such financial difficulties have a direct effect on a significant portion of the people of the State who are not directly involved in agricultural activities or industries.

The Legislature further finds and declares that the relationships between agricultural producers and dealers or processors are also unique. The normal labor relationship of employer and employee does not ordinarily apply in the agricultural industry. In view of these facts, the Legislature has determined that it is in the best interests of those engaged in agriculture and agriculturally related industry, and of the people of the entire State to regulate the relationship of producers to dealers and processors by encouraging and facilitating the formation and operation of a cooperative agricultural marketing association. The Legislature in enacting this legislation intends to exercise the police power of the State to benefit the health and welfare of the agricultural industry and the people of the State.

§ 1091. Dues

If a member of a cooperative agricultural marketing association shall make a written assignment of dues to such association, such dues shall be paid out of funds due or to become due to such member for any farm product produced or to be produced by such member, or for any services performed or to be performed by such member in the production of farm products. Pursuant to a collective marketing contract any person who accepts or receives such product or services under such contract from the member is bound by such assignment after receiving written notice from the association and from the member, and such person shall withhold the assigned dues from amounts payable by him to the member thereafter during period of such assessment.

§ 1092. Assignment

No provision which is inserted in any contract that is prepared by a dealer or processor which makes an assignment of the dues described in section 1091 ineffective is valid.

§ 1093. —Funds available

Payment need not be made under any assignment of dues pursuant to section 1091 until the dealer or processor has available and under his control funds owing to the grower or producer that are sufficient in amount for

making the payment of the dues involved, at which time payments shall be made on a monthly basis.

§ 1094. —Liability

Any dealer or processor who pays any dues to an association pursuant to the assignment of dues governed by this chapter shall not be liable for such sums upon any seed lien, farm laborer's lien or any other lien or encumbrance which has priority by law upon the proceeds of the farm crop or product. Any lienholder who has priority upon the proceeds from such farm crop or product whose lien remains unsatisfied shall have the right to receive all sums paid to any association pursuant to the assignment of dues. Such association shall remit all dues paid pursuant to the assignment to the priority lienholder upon the receipt of notice and proof that a valid prior lien exists against such farm crop or product.

§ 1095. —Deduction

Any dealer or processor may deduct a sum not to exceed 2% of the total dues to be paid to an association for administrative expenses incurred by the payment of such dues under the assignment.

Effective September 23, 1971

Chapter 439

AN ACT Creating a New Business Corporation Act.

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

Sec. 1. R. S., T. 13-A, additional. The Revised Statutes are amended by adding a new Title to be numbered 13-A, to read as follows:

TITLE 13-A

MAINE BUSINESS CORPORATION ACT

CHAPTER 1

GENERAL PROVISIONS

§ 101. Short title

This Act shall be known and may be cited as the Maine Business Corporation Act.

§ 102. Definitions

As used in this Act, unless the context otherwise requires:

1. "Articles of incorporation" or "articles" means the original or restated articles of incorporation and all amendments thereto. It includes articles of