

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth 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
1973

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

1973

~~Almanac~~ as computed and established for Augusta, Maine, by the Nautical Almanac Office of the United States Naval Observatory for the particular day involved converted to the legal standard of time in force in this State on that day.

Effective October 3, 1973

CHAPTER 342

AN ACT Relating to Number of Lobster Traps on Trawls in Saco Bay and Westerly, Cumberland County.

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

R. S., T. 12, § 4464, amended. Section 4464 of Title 12 of the Revised Statutes is amended to read as follows:

§ 4464. —Saco Bay; Cumberland County

It is unlawful to have on any trawl more than 3 lobster traps on one warp and buoy in ~~that~~ any part of Saco Bay ~~west of and westerly of~~ a line running ~~150° true from the center of Spurwink River in Scarborough~~ the active lighthouse at Two Lights in Cape Elizabeth to the Hue and Cry Buoy.

Effective October 3, 1973

CHAPTER 343

AN ACT to Authorize the Commissioner of Sea and Shore Fisheries to Exercise Additional Authority in the Management of Alewife Fisheries, Shad, Smelt and Eels.

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

Sec. 1. R. S., T. 12, § 3708, amended. The first paragraph of section 3708 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 254 of the public laws of 1969, is repealed and the following enacted in place thereof:

The Commissioner of Sea and Shore Fisheries is authorized to develop, manage or lease alewife fishing rights in accordance with this section.

Sec. 2. R. S., T. 12, § 3708, sub-§ 1, repealed and replaced. Subsection 1 of section 3708 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 254 of the public laws of 1969, is repealed and the following enacted in place thereof:

1. Alewife rights. The commissioner shall grant the right to take alewives, exclusive or otherwise, to any municipality entitled to such rights on January 1, 1974 and may grant the right to take alewives to any municipality, provided:

A. Any municipality that has had the right to the taking of alewives, exclusive or otherwise, or is granted the right by the department, must take action through its legislative body on those rights and file a copy of such action with the Commissioner of Sea and Shore Fisheries prior to April 1st of any calendar year or lose the right to the taking of alewives during that calendar year and for the following calendar year. Rights in existence on January 1, 1974 which are not exercised for 3 consecutive years shall lapse.

B. The municipality, at its annual meeting, may determine by vote whether the alewife fishing in previously designated waters shall be operated by the municipality through its elected officials or a committee appointed for that purpose, or the privilege offered for sale by said officials or committee; and likewise may provide for regulations compatible with good conservation practices, to govern the time when and the manner in which alewives shall be taken therein. There shall be a 24-hour weekly closed season on alewives in all such waters from sunrise on each Saturday morning until sunrise on the following Sunday morning and traps, weirs or other fishing gear used for the taking of alewives will be modified to provide for upstream movement of alewives during that period. Municipalities which make other provisions, approved by the commissioner, for escapement of spawning alewives shall be exempt from the 24-hour closure.

C. Whenever such regulations are thus provided for, they shall be promulgated by the elected officials of the municipality and a copy of the same filed immediately with the clerk of said municipality and the Commissioner of Sea and Shore Fisheries.

D. If in any years a municipality that has had the rights on January 1, 1974 fails to act as provided for, the taking of alewives in said waters shall be in accordance with the provisions of the general laws of the State and any regulations adopted under authority of this section shall be enforced by the municipal officers of the town.

E. If, after thorough investigation, it is the opinion of the Commissioner of Sea and Shore Fisheries that the municipality is not following sound conservation principles in its management of the fishery, said commissioner shall notify the municipal officials of his findings and they shall take immediate corrective measures to prevent destruction of the fishery.

Sec. 3. P. & S. L., 1959, c. 154, c. B, § 1, repealed. Section 1 of chapter B of chapter 154 of the private and special laws of 1959 is repealed.

Sec. 4. P. & S. L., 1959, c. 155, amended. Sections 6, 7, 10, 35, 37, 39, 41, 44, 45, 55, 56, 62, 63, 65-67, 76, 77, 79, 104, 105, 107, 110-112, 115, 124 and 125, all of chapter 155 of the private and special laws of 1959 are repealed.

Sec. 5. P. & S. L., 1959, c. 155, amended. Section 36-A, as enacted by chapter 26 of the private and special laws of 1963 and as amended; the first 4 paragraphs of section 42, as amended; section 44-A, as enacted by chapter 55 of the private and special laws of 1965; section 67-A, as enacted by chapter 43 of the private and special laws of 1961 and as amended by chapter 39 of the private and special laws of 1969; section 76-A, as enacted by chapter 11 of the private and special laws of 1967; section 78, as amended by chapter 166 of the private and special laws of 1961; section 103-A, as enacted by chapter 167 of the private and special laws of 1965; section 108, as repealed and re-

placed by chapter 179 of the private and special laws of 1961; and section 108-A, as enacted by chapter 58 of the private and special laws of 1965, all of chapter 155 of the private and special laws of 1959 are repealed.

Sec. 6. Regulations. The commissioner shall make regulations governing the taking of shad, smelts and eels in accordance with the Revised Statutes, Title 12, sections 3504 and 3505.

Sec. 7. Effective date. This Act shall take effect on January 1, 1974.

Effective January 1, 1974

CHAPTER 344

AN ACT Relating to Tread Depth of Motor Vehicle Tires.

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

R. S., T. 29, § 137I-A, additional. Title 29 of the Revised Statutes is amended by adding a new section 137I-A, to read as follows:

§ 137I-A. Tread depth of motor vehicle tires

1. **Tire requirements.** No motor vehicle shall receive an inspection sticker unless it is equipped with tires in safe operating condition in accordance with requirements established by this chapter. No tire mounted on a motor vehicle shall be deemed to be in safe operating condition unless it meets the visual and tread depth requirements set forth in this section.

A. Definitions.

(1) "Tread depth" shall mean the amount of tread design on the tire. Tread depth includes both original, retread and recap tread design; and, in respect to special mileage commercial tires, recut, regrooved and siped tread design.

(2) "Special mileage commercial tire" shall mean a tire manufactured with an extra layer of rubber between the cord body and original tread design, which extra layer is designed for the purpose of recutting or regrooving, and which tire is specifically labelled as a special mileage commercial tire.

B. Visual requirements. No tire shall be deemed to be in safe operating condition if such tire has:

(1) A fabric break, or a cut in excess of one inch in any direction as measured on the outside of the tire and deep enough to reach the body cords, or has been repaired temporarily by the use of blowout patches or boots; or

(2) Any bump, bulge or knot related to separation or partial failure of the tire structure; or