

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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Sec. 6. R. S., T. 12, § 3705, repealed and replaced. Section 3705 of Title 12 of the Revised Statutes, as enacted by chapter 60 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 3705. Marine resources research

The department, under the direction of the commissioner, is authorized to conduct, or sponsor, a program or programs for research and development of commercial fishery resources and other marine resources of the State which may include, but not be limited to, biological, chemical, technological, hydrological processing, marketing, financial, economic and promotional research and development. The department may carry out such a program or programs within the department or in cooperation with other state agencies, and federal, regional and local governmental entities.

The department is authorized to receive funding and undertake programs in conformity with Federal Public Law 88-309 and other federal programs concerned with marine resources and public health programs associated with marine resources; to seek and expend matching federal funds for the purposes of this section; and to seek and receive funding or accept donations from other public or private sources for the purpose of this section.

Effective October 3, 1973

CHAPTER 433

AN ACT to Insure that Citizens are Granted Due Process of Law by Governmental Agencies.

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

Sec. 1. R. S., T. 1, § 402, amended. Section 402 of Title 1 of the Revised Statutes is amended to read as follows:

§ 402. Public proceedings defined

The term "public proceedings" as used in this subchapter shall mean the transactions of any functions affecting any or all citizens of the State by any administrative or legislative body of the State, or of any of its counties or municipalities, or of any other political subdivision of the State ~~which body is composed of 3 or more members~~ with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

Sec. 2. R. S., T. 1, § 404-A, additional. Title 1 of the Revised Statutes is amended by adding a new section 404-A, to read as follows:

§ 404-A. Decisions

1. Written record. Every state, quasi-state, county, municipal and quasi-municipal office, agency, department, bureau, district, commission or other entity thereof, hereinafter in this subchapter called "agency," shall make a written record of every decision involving the approval, granting or denial of

an application, license, certificate or any other type of permit. Such written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it.

2. Denial. Whenever an agency denies approval of an application submitted to it, or denies a license, certificate or any other type of permit, or issues its approval or grants such license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued, the agency shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for such decision.

3. Approval or issuance. Whenever an agency approves an application submitted to it, or grants a license, certificate or any other type of permit, without conditions, other than those specifically required by the statute, ordinance or regulation pursuant to which the approval or grant is issued, and such approval or issuance is discretionary in nature, the agency shall set forth, in writing, its findings that the applicant has met each of the criteria of the statute, ordinance or regulation pursuant to which the approval or grant is issued.

Effective October 3, 1973

CHAPTER 434

AN ACT Relating to Criminal Contempt for Failure to Pay Alimony and Support of Children.

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

Sec. 1. R. S., T. 19, § 722, amended. The 4th, 5th and 6th sentences of section 722 of Title 19 of the Revised Statutes, as amended by section 5 of chapter 408 of the public laws of 1971, are repealed and the following enacted in place thereof:

At the time of making a final decree in any divorce action, the court may order that execution and such reasonable attorney's fee as the court shall order shall issue against any party to the action charged with the payment of support of minor children or payments of alimony or a specific sum in lieu thereof, upon default of any payment, the court shall enforce said payment by criminal contempt and order that the clerk of said court shall issue execution in sum due. When the husband or father is committed to jail, having been found in criminal contempt of any payment due upon decree of alimony, or for payment of money instead thereof, or for the support of his minor children, or for support pending the divorce action, or for payment of counsel fees, the county having jurisdiction of the process shall bear the expense of his support and commitment. The court, upon finding a husband, ex-husband or father in contempt of its order shall impose the following sentences: For the first offense, up to 10-day commitment to the county jail; for the 2nd offense, up to 30-day commitment to the county jail and for any subsequent offense, up to 90-day commitment to the county jail. Failure to pay any payment ordered for the support of minor children or