

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
One Hundred and Sixth Legislature

1973

placed by section 9 of chapter 609 of the public laws of 1971, and as amended, is further amended to read as follows:

The members of the board shall receive necessary expenses on the approval of the ~~director~~ Director of the Bureau of Labor and Industry.

Effective October 3, 1973

CHAPTER 459

AN ACT to Allow Coastal Wardens to Inspect Holders of Licenses or Permits.

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

Sec. 1. R. S., T. 12, § 3751, sub-§ 8, additional. Section 3751 of Title 12 of the Revised Statutes, as amended by section 2 of chapter 33 of the public laws of 1965, is further amended by adding a new subsection 8, to read as follows:

8. License holder consents to inspection. Whoever applies for and is issued any license or permit by the commissioner shall be deemed to have given consent to the inspection and search of all his boats, vehicles and buildings, and any box, bag, barrel, car or other container found in his possession and which may be used in connection with the business, act or activity covered by the license or permit, and shall be deemed to have given consent to the seizure of any contraband and evidence therein found. No dwelling house may be searched without a search warrant, and then only in the daytime.

If a person refuses, upon the request of a law enforcement officer, to permit the inspection and search as provided above, then the commissioner, upon the receipt of a written statement under oath of the law enforcement officer stating that such person had refused to permit such inspection and search, shall immediately notify the person, in writing, by registered or certified mail, return receipt requested, that his license or permit have been suspended. Such suspension shall be for a period of the remainder of the license period and one additional year.

If such person desires a hearing, he may notify the commissioner within 10 days of the receipt of notice of his revocation, in writing, of such desire. Any suspension shall remain in effect pending the outcome of such hearing. The scope of such a hearing shall cover whether the individual was the holder of a license or permit issued by the commissioner and whether he refused to permit inspection and search upon the request of a law enforcement officer. If it is determined after hearing that such person did not refuse to permit inspection and search, any suspension in effect shall be removed immediately. Such person shall have a right of appeal to the Superior Court in the county where he resides to review the order of suspension by the commissioner if such appeal is filed within 10 days of the commissioner's decision. Any suspension shall remain in effect pending the outcome of such appeal.

Sec. 2. R. S., T. 12, § 4551, sub-§ 1, ¶ A, additional. Subsection 1 of section 4551 of Title 12 of the Revised Statutes, as last repealed and replaced by chapter 301 of the public laws of 1971, is amended by adding a new paragraph A, to read as follows:

A. Whoever applies for and is issued any license or permit by the commissioner shall be deemed to have given consent to the inspection and search of all his boats, vehicles and buildings, and any box, bag, barrel, car or other container found in his possession and which may be used in connection with the business act or activity covered by the license or permit, and shall be deemed to have given consent to the seizure of any contraband and evidence, as defined in section 4552, therein found. No dwelling house may be searched without a search warrant, and then only in the daytime.

If a person refuses, upon the request of a law enforcement officer, to permit the inspection and search as provided above, then the commissioner, upon the receipt of a written statement under oath of the law enforcement officer stating that such person had refused to permit such inspection and search, shall immediately notify the person, in writing, by registered or certified mail, return receipt requested, that his license or permit have been suspended. Such suspension shall be for a period of the remainder of the license period and one additional year.

If such person desires a hearing, he may notify the commissioner within 10 days of the receipt of notice of his revocation, in writing, of such desire. Any suspension shall remain in effect pending the outcome of such hearing. The scope of such a hearing shall cover whether the individual was the holder of a license or permit issued by the commissioner and whether he refused to permit inspection and search upon the request of a law enforcement officer. If it is determined after hearing that such person did not refuse to permit inspection and search, any suspension in effect shall be removed immediately. Such person shall have a right of appeal to the Superior Court in the county where he resides to review the order of suspension by the commissioner if such appeal is filed within 10 days of the commissioner's decision. Any suspension shall remain in effect pending the outcome of such appeal.

Effective October 3, 1973

CHAPTER 460

AN ACT to Create a Department of Conservation.

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

Sec. 1. R. S., T. 12, § 501, repealed and replaced. Section 501 of Title 12 of the Revised Statutes, as repealed and replaced by section 20 of chapter 513 of the public laws of 1965 and as amended, is repealed and the following enacted in place thereof:

§ 501. Director of Bureau of Forestry

The Director of the Bureau of Forestry within the Department of Conservation shall not, when appointed nor while in office, be directly or indirectly concerned in the purchase of state-owned lands, nor of timber or grass growing or cut thereon, except in his official capacity.

The Director of the Bureau of Forestry shall possess all of the powers, duties, rights, responsibilities, liabilities and functions formerly possessed by