

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

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
1975

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
AT THE
SPECIAL SESSION
January 2, 1974
to
March 29, 1974

The Treasurer of State may negotiate the sale of such bonds only as authorized by special Act of the Legislature and by direction of the State Board of Education subject to the approval of the Governor and Council; but no such bond shall be loaned, pledged or hypothecated in behalf of the State.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 1, 1974

CHAPTER 784

AN ACT to Provide for a Moratorium on the Issuance of Lobster and Crab Fishing Licenses.

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

Whereas, the lobster fishing license statute has recently been challenged and the resolution of that dispute will not occur until after this Legislature has adjourned; and

Whereas, the unresolved controversy regarding the statute has created uncertainty regarding the future efficacy of that statute; and

Whereas, the licensing statute has been essential to the conservation of the lobster resource and the annual decline of the landings of that resource indicates the serious overfishing of that resource; and

Whereas, this Legislature will not have opportunity to undertake the deliberations necessary to resolve these matters before adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 12, § 4404, sub-§ 9, additional. Section 4404 of Title 12 of the Revised Statutes, as amended by section 2 of chapter 67 of the public laws of 1967 and by chapter 397 of the public laws of 1973, is further amended by adding a new subsection 9 to read as follows:

9. License freeze. On and after May 15, 1974, lobster and crab fishing licenses shall be issued only to license holders of record with the Department of Marine Resources, which were issued for the calendar year ending December 31, 1973 and which were issued in 1974 prior to May 15, 1974.

Sec. 2. Limitation. This Act shall remain in effect until December 31, 1975.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 1, 1974

CHAPTER 785

AN ACT Relating to Conflicts of Interest and Purchases by Governmental Units.

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

Sec. 1. R. S., T. 17, § 3104, amended. Section 3104 of Title 17 of the Revised Statutes, as amended by section 1 of chapter 247 of the public laws of 1967, is further amended to read as follows:

§ 3104. Conflicts of interest; purchases by the State

No trustee, superintendent, treasurer or other person holding a place of trust in any state office or public institution of the State ~~or any officer of a quasi-municipal corporation~~ shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the State or of the institution ~~or of the quasi-municipal corporation~~ in which he holds such place of trust, and any contract made in violation hereof is void. If such officer or person ~~or an official of any political subdivision of the State or an officer of a quasi-municipal corporation~~ receives any drawbacks, presents, gratuities or secret discounts to his own use on account of such contracts, or from the profits in any materials, supplies or labor furnished or done for the State or such institution ~~or such political subdivision or such quasi-municipal corporation~~, he shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months. This section shall not apply to purchases of the State by the Governor and Council under authority of Title 1, section 814.

~~In the absence of actual fraud, no officer of a quasi-municipal corporation shall be deemed to be pecuniarily interested directly or indirectly in any contracts made in behalf of the quasi-municipal corporation of which he is an officer merely because he is an officer, employee or stockholder of a private corporation contracting with the quasi-municipal corporation, unless such officer of a quasi-municipal corporation is directly or indirectly the owner of at least 10% of the stock of the private corporation~~

Sec. 2. R. S., T. 30, § 2250, additional. Title 30 of the Revised Statutes is amended by adding a new section 2250 to read as follows:

§ 2250. Definitions

As used in section 2251, the following terms shall have the following meanings, unless the context otherwise indicates.

1. **Body.** "Body" means the governing unit of a municipality or county, and any subunit of government of a municipality or county, including, but not limited to, agencies, authorities, boards, commissions and offices.

2. **Official.** "Official" means any elected or appointed member of a municipal or county government or of a quasi-municipal corporation.