

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 Seventh Legislature

1975

to reach the dam or other artificial obstruction whether owned by the owner of the dam or other artificial obstruction or another. If the commissioner must enter upon the land of another, he shall notify that owner of the purpose of such entry and the duration of time necessary to complete the changes provided in the final order. Every effort shall be made to preserve the land on which the commissioner enters. The land entered upon shall be restored to the grade and condition found prior to said entry as near as practicable.

5. Tampering with, destroying or injuring fishways. Whoever, without authority from the commissioner, tampers with a fishway, closes a fishway to fish migration, introduces foreign objects into a fishway, or damages or destroys a fishway, shall be subject to the penalties provided in section 4504.

6. Notice to commissioner of building a dam. No person shall build any dam or other obstruction within any of the tidewaters of the State without filing written notice with the commissioner accompanied by the plans for construction, the location and time when such dam or other obstruction will be built. The commissioner shall reply to said person within 30 days of receipt of such notice stating whether or not he will require a fishway to be provided in the dam or other obstruction. If the commissioner has determined that he will require a fishway to be provided in any dam or other obstruction, he shall, within 60 days of said notice, specify to the person building such dam or other artificial obstruction how and where such fishway shall be provided and the times it shall be kept open.

Effective October 1, 1975

CHAPTER 216

AN ACT to Amend the Alewife Fishing Laws Relating to Municipalities.

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

Sec. 1. 12 MRSA § 3708, sub-§ 1, ¶ B, first sentence, as repealed and replaced by PL 1973, c. 343, § 2, is amended to read:

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~~ shall, with the advice of the commissioner if requested, provide for ~~regulations compatible with good conservation practices~~ an alewife harvesting plan, to govern the time when and the manner in which alewives shall be taken therein.

Sec. 2. 12 MRSA § 3708, sub-§ 1, ¶ C, as last amended by PL 1973, c. 513, § 22, is repealed and the following enacted in place thereof:

C. Any municipality engaged in the harvesting of alewives shall submit in writing a proposed harvesting plan to the Commissioner of Marine Resources prior to April 1st of each calendar year. All harvesting plans must set forth in detail the exact conditions under which alewives may be taken, all in accordance with good conservation practices. After consultation with the appropriate municipal officers, the commissioner shall approve or modify

as he deems necessary the harvesting plan for the conservation of alewives and other anadromous fish and shall file a copy of the approved plan with the clerk of the appropriate municipality.

It shall be unlawful for any municipality or purchaser of the privilege or lessee of a municipality to take alewives in any manner, except as provided for in an alewife harvesting plan approved by the Commissioner of Marine Resources.

Sec. 3. 12 MRSA § 3708, sub-§ 1, ¶ E, as last amended by PL 1973, c. 513, § 22, is further amended to read:

E. If, after thorough investigation, it is the opinion of the Commissioner of Marine Resources that the municipality is not following ~~sound conservation principals in its management of the fishery~~ its alewife harvesting plan, said commissioner shall notify the municipal officials of his findings and they shall take immediate corrective measures to prevent ~~destruction~~ misuse of the fishery. Refusal or neglect to take corrective measures within 48 hours of notification shall be punishable by the loss of alewife fishing privileges for that calendar year. However, if the corrective measures are carried out, the municipality shall notify the commissioner who shall permit the alewife harvesting to continue for the season. Upon written notification by the commissioner of loss of alewife fishing privileges, the town or its agents shall cease all fishing activities and immediately remove all traps, weirs, seines or other fishing gear from their alewife fishing waters to provide for unrestricted movement of alewives into upstream spawning areas.

Effective October 1, 1975

CHAPTER 217

AN ACT to Clarify Market and Public Opinion Research Services under the Unemployment Compensation Law.

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

26 MRSA § 1043, sub-§ 11, ¶ F, sub-¶ (30) is enacted to read:

(30) Services performed by a contract interviewer engaged in marketing research or public opinion interviewing, when such interviewing is conducted in the field or over the telephone on premises not used or controlled by the person for whom such contract services are being provided.

Effective October 1, 1975

CHAPTER 218

AN ACT to Revise the Maine Medical Laboratory Act.

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

Whereas, medical laboratories provide essential health services to the people of the State; and