

# 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.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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Sec. 10. 13-A MRSA § 1301, sub-§ 4, last sentence, as enacted by PL 1971, c. 439, § 1, is amended to read:

Thereupon such corporation shall be excused from filing annual reports with the Secretary of State ~~and from the payment of the annual franchise tax~~ so long as the corporation in fact transacts no business.

Sec. 11. 13-A MRSA § 1301, sub-§ 5, last sentence, as enacted by PL 1971, c. 439, § 1, is amended to read:

A certificate executed and filed as provided in sections 104 and 106 setting forth that a shareholders' meeting was held, the date and location of same, and that a majority of the shareholders voted to resume transacting business shall authorize such corporation to transact business; and after such certificate is filed, it shall be required to file annual reports ~~and pay annual franchise taxes.~~

Sec. 12. 13-A MRSA § 1302, sub-2-A is enacted to read:

**2-A. A corporation while suspended shall not engage in business.**

Sec. 13. 13-A MRSA § 608, sub-§ 6 is enacted to read:

6. This section shall not apply to any mutual insurer as defined in Title 24-A, section 401.

Effective October 1, 1975

## CHAPTER 440

### AN ACT to Clarify the Laws Relating to Marine Resources.

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

Sec. 1. 12 MRSA § 3505, sub-§ 1, ¶ C, first sentence, as enacted by PL 1973, c. 513, § 11, is amended to read:

The Commissioner of Marine Resources may investigate or cause to be investigated conditions affecting marine resources in any coastal waters or flats of the State, and may on his own initiative, with the advice and consent of the advisory council, make or amend such regulations as he deems necessary to ~~conserve~~ promote the conservation of marine species or to promote their propagation to the extent provided in section 3504 and in accordance with the procedure provided in this section.

Sec. 2. 12 MRSA § 3751, sub-§ 5, ¶ B is enacted to read:

**B. Any bona fide crew member of a legally licensed operation, when the license provides for crew members, may carry out the duties of the licensee in his absence provided the license is in the crew member's possession.**

Sec. 3. 12 MRSA § 3751, sub-§ 7, is repealed.

Sec. 4. 12 MRSA § 4252, sub-§ 3 is repealed and the following enacted in place thereof:

3. **Penalty for ordinances.** Whoever violates any provision of a municipal ordinance authorized by this section shall be punished by a fine as provided by section 4504.

Sec. 5. 12 MRSA § 4401, sub-§ 5 is amended to read:

5. **Penalty for the taking, holding or possession of female lobsters.** Whoever takes, holds, transports, ships or has in his possession any female lobsters in violation of any provision of this section shall be punished by a fine of not less than ~~\$25~~ \$10, and in addition by a fine of ~~\$10~~ \$25 for each such female lobster involved, or by imprisonment for not more than 90 days, or by both.

Sec. 6. 12 MRSA § 4455, sub-§ 1, ¶ A, as last amended by PL 1965, c. 30, § 2, is further amended to read:

A. Whoever possesses any such tail section of lobster meat shall be punished by a fine of ~~\$25 and in addition by a fine of \$5 for each such tail section of lobster meat possessed~~ \$10 and in addition by a fine of \$5 for each such tail section involved, up to and including the first 5, and by a fine of \$25 for each such tail section in excess of 5, or by imprisonment for not more than 90 days, or by both.

Sec. 7. 12 MRSA § 4461 is amended to read:

§ 4461. **Unmarked lobster and crab pots and traps**

It is unlawful for any person to set, raise or haul in or, from the tidal waters of this State any pot or trap for any lobster or crab, or to cause the same to be done, without having it and the buoy attached thereto ~~plainly carved or branded~~ clearly marked with his lobster and crab fishing license number.

1. **Lobster cars to be marked.** It is unlawful for any person, firm or corporation to use or set in tidal waters of this State any car or other contrivance for the holding or keeping of lobsters, or to cause the same to be done, without having it ~~plainly carved or branded~~ clearly marked with the owner's lobster and crab fishing license number, retail seafood dealer's license number or wholesale seafood dealer's and processor's license number.

2. **Penalty.** Whoever violates any provision of this section shall be subject to the penalties provided in section 4504 and in addition ~~shall~~ may forfeit to the State the pot, trap, buoy, car or other contrivance not so marked, and any lobsters or crabs found therein.

Effective October 1, 1975

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## CHAPTER 441

### AN ACT Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children.

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

Whereas, the United States Department of Health, Education and Welfare can reduce federal matching funds available to a state for the Aid to Families with Dependent Children Program if the state's error rate in administering the program is greater than that provided for by federal guidelines; and