

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

Each licensed dealer shall pay to said commission an annual license fee of \$1 and the sum of 5¢ per hundredweight as monthly payments, based on quantity of milk purchased or produced in any market area, or purchased or produced in an uncontrolled area and sold in any market area. Two and one-half cents per hundredweight may be deducted by dealers from amounts paid by them to producers of such milk, except that the milk farm-processed into cream for the manufacture of butter shall not be subject to such sums of 5¢ per hundredweight.

Dealers shall file reports together with the prescribed hundredweight fees with the commission at its office in Augusta not later than the 20th of the following month, on forms provided for this purpose, of all matters on account of which a record is required to be kept and such other information or facts as may be pertinent and material within the scope of this chapter; except that dealers who sell less than 100 quarts of milk per day may file reports and pay the prescribed hundredweight fees every 3 months.

In case the same milk is handled by more than one dealer, the first dealer within the State dealing in or handling said milk shall be deemed to be the milk dealer within the meaning of this section. For the purpose of computing fees as provided, ½ pint of cream shall be considered the equivalent of one quart of milk.

Effective October 1, 1975

CHAPTER 518

AN ACT to Repeal the Lobster and Crab Fishing License Freeze.

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

Whereas, the lobster and crab fishing license moratorium was enacted because of the uncertainty of what the U. S. District Court's decision on the residency requirement for fishing would be; and

Whereas, the court has rendered its decision declaring the residency requirements of Title 12, section 4404 unconstitutional; and

Whereas, eligible Maine residents are unable to obtain lobster and crab fishing licenses and hardships have developed; 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. 12 MRSA § 4404, sub-§ 4, first sentence, as amended by PL 1973, c. 397, is repealed and the following enacted in place thereof:

Any person domiciled in the State of Maine may apply to the commissioner for a lobster and crab fishing license.

Sec. 2. 12 MRSA § 4404, sub-§ 7, is amended to read:

7. **Certain persons considered as fishing.** Any person, assisting or helping another in lobster or crab fishing, either by operating the boat or in attending to lobster or crab traps or pots, is considered as fishing and must have a current license under this section or as provided in section 4404-A.

Sec. 3. 12 MRSA § 4404, sub-§ 9, as enacted by PL 1973, c. 784, § 1, is repealed and the following enacted in place thereof:

9. **Application.** The applicant shall apply for a license on forms provided by the commissioner. The application shall require such information as may be necessary in order to demonstrate a fulfillment of the requirements of the license, including evidence of domicile in the State of Maine. The commissioner shall not issue a license unless all of the questions on the application are fully answered.

Sec. 4. 12 MRSA § 4404, sub-§§ 10, 11, 12 and 13, are enacted to read:

10. **Issuance of licenses.** The commissioner may issue a license upon receipt of a completed application. The applicant shall be notified when an application is determined to be complete. The commissioner shall have 30 days from the date of receipt of a completed application in which to review the application before issuing a license.

11. **Licenses to be exhibited on demand; prima facie evidence.**

A. Any person holding a license shall, at all times when engaged in the activity licensed, exhibit the license issued to him upon demand of any coastal warden or any other authorized agent of the commissioner.

B. Failure to exhibit the requested license shall be prima facie evidence that the person failing is unlicensed.

12. **Authority to deny license; hearing upon request.**

A. The commissioner may deny a license when he determines that the requirements therefor are not satisfied.

B. The applicant may request a hearing within 15 days of notice of denial of a license.

C. The commissioner shall notify the person denied the license, within 30 days of receipt of the request for a hearing, of the time, the location, the nature of the hearing and a short and plain statement of the issues.

D. Opportunity shall be granted to all parties to respond and to present evidence on the issues involved.

E. After hearing, the commissioner shall either issue the license or deny the license stating the reasons for denial.

13. **Judicial review.** Any person denied a license after hearing shall have a right to appeal to the Superior Court in the county in which he is domiciled.

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

Effective June 17, 1975

CHAPTER 519

AN ACT Relating to Occupational Safety and Health in Public Employment.

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

Sec. 1. 26 MRSA § 1, sub-§ 2, is amended to read:

2. **Person.** "Person" means an individual, corporation, partnership, company or association and includes the State, state agencies, counties, municipal corporations, school districts and other public corporations or political subdivisions.

Sec. 2. 26 MRSA § 1, sub-§ 4, is enacted to read:

4. **Workplace.** "Workplace" means any plant, yard, premises, room or other place where an employee or employees are engaged in the performance of labor or service over which the employer has the right of access or control.

Sec. 3. 26 MRSA § 2, first sentence, as last amended by PL 1971, c. 620, § 13, is further amended to read:

The person in charge of any ~~factory, workshop, construction activity, or other industrial establishment~~ workplace as defined in section 1 provided by the State, state agency, county, municipal corporation, school district, or other public corporation or political subdivision shall, within 48 hours, exclusive of weekends and holidays, after the occurrence, report in writing or by telephone to the Director of the Bureau of Labor and Industry all deaths or serious physical injuries requiring immediate hospitalization sustained by any person therein or on the premises, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by said director, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings.

Sec. 4. 26 MRSA § 44, as last amended by PL 1971, c. 620, § 13, is further amended to read:

§ 44. Right of access

The director as state factory inspector, and any authorized agent of the bureau, may enter any ~~factory or mill, construction activity, workshop, private works or state institutions which have shops or factories~~ workplace as