

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

- (1) The commissioner may require the licensee, who has been accused or found guilty after a hearing of insufficient payment or nonpayment of debts owed a producer, to formulate a schedule of payments to the producer that is satisfactory to the commissioner. The schedule of payments shall not exceed a 30-day period.
- (2) The licensee accused of or found by a hearing to be in default of payment to a producer shall submit a payment schedule to the commissioner within one week from the commissioner's request for a payment schedule. In the event that the schedule of payment is not satisfactory to the commissioner, the commissioner shall establish the schedule of payment not to exceed a 30-day period.
- (3) The commissioner shall suspend the license of any licensee who fails to conform to the payment schedule established in this section until the producer is paid the total claim to which the producer is entitled.
- (4) A licensee found guilty of insufficient payment or nonpayment of debts owed a potato producer may appeal the decision in accordance with the procedure defined in section 1021. The licensee shall post a bond sufficient to cover the total claim owed the producer on the date on which the licensee files an appeal as established in this subsection. The bond required for an appeal procedure may be waived by the commissioner in the event that the bond required in paragraph A is valid and sufficient to cover the total claim owed the producer.
- (5) Nothing in this section shall be construed to prohibit a producer from seeking redress for insufficient payment or nonpayment from licensees in any court or in accordance with any federal procedure established to obtain redress.

Effective July 29, 1976

CHAPTER 714

AN ACT to Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund.

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

12 MRSA § 4404, sub-§ 6 is repealed and the following enacted in place thereof:

6. Lobster Fund and Boat Fund. Five dollars of each license fee received for lobster and crab fishing licenses shall be allocated to the Lobster Fund, as heretofore established, and the Boat Fund, herein established as follows:

A. Five dollars of each lobster and crab fishing license fee shall be allo-

cated to the Lobster Fund for the purpose of purchasing seed lobsters from Maine lobster pound owners. Fees allocated to the fund in any one year and not obligated or expended by December 31st of that year shall be paid over to the Boat Fund as herein established.

The commissioner shall expend the money in the Boat Fund for the purpose of purchasing suitable boats for the use of Maine coastal wardens in the performance of their duties.

The Boat Fund shall not lapse. Fees allocated in any year not used in that year may be used in any succeeding year. If the boats purchased replace boats presently owned by the department for the use of coastal wardens, funds received from the sale of these boats shall be allocated to the Boat Fund.

Effective July 29, 1976

CHAPTER 715

AN ACT to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State.

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

Whereas, the investigation and prosecution of fraud perpetrated against the State is currently carried out by several state agencies in a fragmented and inefficient manner; and

Whereas, the efficient investigation and prosecution of all types of fraud against the State is a matter requiring immediate attention; 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. 5 MRSA §§ 200-C and 200-D are enacted to read:

§ 200-C. State Fraud Division

1. **Establishment.** The Attorney General is authorized to create a State Fraud Division, hereinafter referred to in this section as the "division," within the Department of the Attorney General.

2. **Purpose.** The purpose of the division shall be to investigate and prosecute, including actions for civil recovery, any act of fraud or attempted fraud