

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]

ing 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. 15-A. 12 MRSA § 4466, as enacted by PL 1969, c. 221, is amended to read:

§ 4466. Otter or beam trawls, seining or netting prohibited

It is unlawful for any person to fish for, catch or take any lobsters by use of an otter or beam trawl, seine or net or to have in possession any lobsters on board of any boat rigged for otter or beam trawling, seining or netting regardless of their source.

1. **Exception.** This section shall not apply to any person who catches or takes lobsters by use of an otter or beam trawl, seine or net provided said lobsters are liberated immediately alive when caught. This section shall not apply to any person who uses an otter or beam trawl, seine or net and who desires to fish for lobsters or crabs by pots or traps, providing all nets or seines are removed from the boat before fishing for lobsters.

It is unlawful to discard or abandon into the coastal waters of the State any net made of monofilament or of other materials which are not biodegradable.

The penalty for violating this section is stated in section 4504.

Sec. 16. 12 MRSA § 4504, as last amended by PL 1973, c. 318, § 3, is further amended to read:

§ 4504. General penalty

Whoever violates any provision of chapters 401 to 417, or any regulation authorized by chapters 401 to 417, or any rule and regulation authorized by the Revised Statutes of 1954, chapter 38, or any regulation adopted by the commissioner by legislative directive, excepting only those violations for which specific penalties are provided in the section or regulation establishing the violation, shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment for not more than 90 days one year, or by both.

Effective July 29, 1976

CHAPTER 744

AN ACT to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives.

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

Sec. 1. 32 MRSA § 3804-A, as enacted by PL 1971, c. 582, § 1, is amended to read:

§ 3804-A. Construction

Nothing in this chapter shall be construed to confer on any person licensed under this chapter any of the power and authority of sheriffs or police officers, except in cases of felony and offenses under ~~Title 17, chapters 61, 73, 73 and 75 and~~ Title 17, section 3104 and Title 17-A, chapter 15, sections 351 through 362 and chapter 39, sections 951 through 958.

Sec. 2. 32 MRSA § 3805, last sentence, as enacted by PL 1975, c. 579, § 19, is amended to read:

The Chief of the State Police shall process such applications and review the applicants to assure compliance with the provisions of this section and shall present such applications, with his findings, to the ~~Governor~~ Commissioner of Public Safety.

Sec. 3. 32 MRSA § 3806, 1st ¶, as enacted by PL 1971, c. 582, § 1, is amended to read:

The ~~Governor, with the advice and consent of the Council~~ Commissioner of Public Safety may grant to an applicant complying with section 3805 a license to engage in the private detective business or a license to engage in the business of watch, guard or patrol agency, provided that no such license shall be granted to any person who has been convicted in any state of the United States of a felony.

Sec. 4. 32 MRSA § 3806, last ¶, as enacted by PL 1971, c. 582, § 1, and as amended by PL 1975, c. 579, § 20, is further amended to read:

The ~~Governor, with the advice and consent of the Council~~ Commissioner of Public Safety may annually renew and may at any time for cause, after notice and hearing, revoke any such license. An application for a renewal shall be on a form furnished by the Chief of the State Police and the information contained in such application shall be reviewed by the chief for continued compliance with the provisions of section 3805 before such application is submitted to the ~~Governor~~ Commissioner of Public Safety.

Sec. 5. 32 MRSA § 3807, sub-§ 1, 2nd ¶, as enacted by PL 1971, c. 582, § 1, is amended to read:

Each resident licensed to engage in the private detective business or licensed to engage in the watch, guard or patrol agency business shall give to the ~~Governor~~ Commissioner of Public Safety a bond in the sum of \$5,000. All such bonds shall be executed by the licensee as principal and by a surety company authorized to do business as such in the State of Maine as surety. Such bond shall be in such form as the ~~Governor~~ Commissioner of Public Safety may prescribe, conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor union or association whether or not incorporated, injured by the willful, malicious, wrongful or negligent act of the licensee to bring in his own name an action on the bond.

Sec. 6. 32 MRSA § 3807, sub-§ 2, 3rd ¶, as enacted by PL 1971, c. 582, § 1, is amended to read:

Each nonresident licensed to engage in the private detective business shall give to the ~~Governor~~ **Commissioner of Public Safety** a bond in the sum of \$25,000; and each nonresident licensed to engage in the watch, guard or patrol agency business shall give to the ~~Governor~~ **Commissioner of Public Safety** a bond in the sum of \$25,000. All such bonds shall be executed by the licensee as principal and by a surety company authorized to do business as such in the State of Maine as surety. Such bond shall be in such form as the ~~Governor~~ **Commissioner of Public Safety** may prescribe, conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor union or association whether or not incorporated, injured by the willful, malicious, wrongful or negligent act of the licensee to bring in his own name an action on the bond.

Sec. 7. 32 MRSA § 3807, sub-§ 3 is enacted to read:

3. Expenses. The necessary expenses of administering this chapter shall be paid out of the fees received under this chapter.

Sec. 8. 32 MRSA § 3808, 3rd ¶, last sentence, as enacted by PL 1971, c. 582, § 1, is amended to read:

Such statements shall be kept on file by the licensee and furnished to the ~~Governor~~ **Commissioner of Public Safety** on demand.

Effective July 29, 1976

CHAPTER 745

AN ACT Correcting Errors and Inconsistencies in Motor Vehicle Related Laws.

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

Whereas, there are certain provisions of the laws which are difficult to enforce; and

Whereas, there are certain inequities in the law which require immediate change; 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. 6 MRSA § 14, 4th and 5th sentences, as last repealed and replaced by PL 1971, c. 404, § 16, are repealed and the following enacted in place thereof: