

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

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PUBLIC LAWS
OF THE
STATE OF MAINE

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may occur prior to the commencement and commission of termination proceedings set forth in this section, the board may apply for injunctive relief.

Effective October 24, 1977

CHAPTER 392

AN ACT to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment.

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

4 MRSA § 164, sub-§ 15 is enacted to read:

15. Fisheries and Wildlife Bureau. The Chief Judge shall establish in each division a Fisheries and Wildlife Bureau. The Chief Judge shall appoint the clerks of the District Court in each division as violations clerk for the Fisheries and Wildlife Bureau in their respective divisions.

The violations clerk shall accept written appearances, waiver of trial, plea of guilty and payment of fine and costs in fisheries and wildlife offense cases, subject to the limitations hereinafter prescribed. The violations clerk shall serve under the direction and control of the judge of the court for which he is appointed.

A. A fisheries and wildlife offense shall mean any violation of any provision of Title 12, Part 3, any provision of law enumerated in Title 12, section 2001, or any regulation promulgated by the Commissioner of Inland Fisheries and Wildlife pursuant thereto.

B. The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the fisheries and wildlife offenses within the authority of the violations clerk, except that such offenses shall not include any offense for which a mandatory minimum term of imprisonment is provided by law. The court shall establish schedules, within the limits prescribed by law, of the amount of fines to be imposed for such offenses. The order of the court establishing the schedules shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid to, receipted by and accounted for by the violations clerk in accordance with these provisions.

C. Any person charged with any fisheries and wildlife offense within the authority of the violations clerk may file an appearance in person or by mail before the violations clerk and enter a plea admitting the infraction charged and waiver of trial and pay the fine established for the infraction charged, and costs. Any person so entering a plea admitting the infraction charged shall be informed of his rights, including his right to stand trial, that his signature to a plea admitting the infraction charged will have the same effect as a judgment of the court and that the record of adjudication will be sent to the Commissioner of Inland Fisheries and Wildlife.

D. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one or more previous fisheries and wildlife offenses subject to this subsection within a 12 month's period shall not be permitted to appear before the violations clerk unless the court shall, by order, permit such appearance. Each waiver of hearing filed under this subsection shall recite on the oath or affirmation of the offender whether or not he has been previously found guilty of or to have committed or has previously signed a plea of guilty to, admitting or admitting with an explanation to one or more fisheries and wildlife offenses within a 12 month's period. Any person swearing falsely to such statement shall, upon conviction, be subject to a fine of not more than \$50.

E. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or his delegate, may authorize such forms and procedures as he deems appropriate to carry out this subsection.

Effective October 24, 1977

CHAPTER 393

AN ACT to Prohibit Otter Trawling for Scallops in the Penobscot River.

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

12 MRSA § 4406 is enacted to read:

§ 4406. Dragging scallops by otter trawl; Penobscot River

It is unlawful to fish for or take scallops by use of an otter trawl inside and up-river of a line drawn from the lighthouse on Dice Head, Castine, to Turtle Head on Islesboro and thence to the town wharf at Bayside, Northport.

Effective October 24, 1977

CHAPTER 394

AN ACT Concerning an Exemption from the Real Estate Transfer Tax.

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

36 MRSA § 4641-C, sub-§ 10 is enacted to read: