

# 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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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

of the  
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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5. Compensation of commissioners. Members of the commission shall be reimbursed for actual expenses incurred in the performance of their duties but shall receive no compensation for their services.

Sec. 9. Terms. The terms of the present members of the Blueberry Industry Advisory Board shall expire upon the effective date of this Act. The terms of the present members of the Blueberry Industry Advisory Committee shall continue until their expiration.

Effective October 24, 1977

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## CHAPTER 534

### **AN ACT to Eliminate Tax on Marine Worms and Replace it With a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities.**

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

Whereas, the taking and selling of marine worms is a significant fishing industry in this State; and

Whereas, some regulation of this industry is vital to its well-being; and

Whereas, additional research is crucial to a greater understanding of the industry and to the development of conservation measures to preserve the industry; and

Whereas, the present regulation of the industry and the funding research is inadequate; and

Whereas, the new fiscal year will begin shortly, as will the height of the digging season; 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 § 4301-C, 1st ¶, is repealed and the following enacted in its place:

All license fees received from licenses issued under sections 4301-A and 4301-B and all fees allocated under section 4301-D are allocated to the Marine Worm Fund established by this section.

Sec. 2. 12 MRSA § 4301-D is enacted to read:

§ 4301-D. Marine worm sale and inspection

1. Packaging and labeling. Every marine dealer shall furnish facilities for the storing, protection and security of trays, containers and worms belonging to diggers. Such facilities shall be constructed and located on the dealer's premises in accordance with regulations established by the commissioner.

All diggers shall count all marine worms sold to dealers and shall place such worms in containers provided by the dealer. The digger shall seal and conspicuously label all such containers in accordance with regulations established by the Commissioner of Marine Resources.

All dealers shall seal and label all containers of marine worms in accordance with regulations established by the commissioner prior to such worms being offered, sold or transported for sale. Such labeling shall include a statement as to the quantity of marine worms contained therein and the name of the dealer.

The commissioner may promulgate such rules and regulations as he deems necessary to achieve the purposes of this subsection.

2. Fee and records. Each marine worm dealer shall pay a fee of 5¢ per 100 marine worms sold by him to other than a licensed dealer.

Every dealer shall keep as part of his records a record of purchases and sales and such records shall be open for inspection at all reasonable times by the commissioner or his duly authorized agents. Every dealer shall render a report to the commissioner by the 15th of the month, stating the quantity of marine worms purchased for the preceding calendar month, and with such report each dealer shall forward payment of the fee due.

3. Fee allocation. Thirty percent of all fees received under this section shall be paid into the Marine Worm Fund. The remaining percentage of fees shall be paid into the General Fund.

4. Penalties. Any violation of this section or any rule or regulation promulgated hereunder shall be a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Whenever any dealer shall fail to pay any fee due under this section, the Attorney General shall enforce payment of the fee by civil action against the dealer.

5. Inspection. The commissioner shall cause periodic inspections of marine worm dealers facilities and operations to insure compliance with this section. The commissioner or his duly authorized agents shall have free access, ingress and egress, at all reasonable hours, to any establishment where marine worms are held and may open any container of marine worms as may be required to make a proper inspection.

Sec. 3. 36 MRSA c. 706, as amended, is repealed.

**Sec. 4. Appropriation.** There is appropriated from the General Fund to the Department of Marine Resources the sum of \$38,500 to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78	1978-79
MARINE RESOURCES, DEPARTMENT OF		
Personal Services	(1) \$13,500	(1) \$14,200
All Other	2,300	2,600
Capital Expenditures	5,900	
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	\$21,700	\$16,800

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

Effective July 21, 1977

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## CHAPTER 535

### AN ACT to Remove the Commercial License of Smelt Fishermen.

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

**Sec. 1.** 12 MRSA § 3801, 1st ¶, as amended by PL 1977, c. 134, § 1, is further amended to read:

It is unlawful for any resident of the State of Maine to engage in commercial fishing, unless he has a current written license from the commissioner as provided in this section, except that any person may fish for or take halibut by use of line trawl or finfish by use of spear gun, dip net, hand-line or rod and reel for consumption by himself or by members of his family, or smelts by use of hook and line through the ice for any purpose, without having a license as provided in this section.

**Sec. 2.** 12 MRSA § 3802, 1st ¶, as repealed and replaced by PL 1977, c. 134, § 2, is amended to read:

It is unlawful for a nonresident of the State of Maine to engage in commercial fishing, unless he has a current written license from the commissioner as provided in this section, except that any person may fish for or take halibut by use of line trawl or finfish by use of spear gun, dip net, hand-line or rod and reel for consumption by himself or by members of his family, or smelts by use of hook and line through the ice for any purpose, without having a license as provided in this section.

Effective October 24, 1977