

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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PUBLIC LAWS
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~~Except as herein provided, it~~ It shall be unlawful for any licensee or any applicant for license, directly or indirectly, to receive any money, credit, thing of value, indorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person, association or corporation within or without the State, if such person, association or corporation shall be engaged, directly or indirectly, in the manufacture, distribution, sale, storage or transportation of liquor; or if such person, association or corporation shall be engaged in the manufacture, distribution, sale or transportation of any commodity, equipment, material or advertisement used in connection with the manufacture, distribution, sale, storage or transportation of liquor.

Sec. 2. 28 MRSA § 304, 3rd sentence, as repealed and replaced by PL 1975, c. 672, § 2, is repealed and the following enacted in its place:

No Maine retail liquor licensee shall have any interest, direct or indirect, in any Maine manufacturer's or wholesaler's license or certificate of approval issued to an out-of-state manufacturer or foreign wholesaler of malt liquor or table wine; and no out-of-state manufacturer or foreign wholesaler having a state certificate of approval, nor any state wholesaler or manufacturing licensee, shall have any interest, direct or indirect, in any state retail liquor license.

Effective September 14, 1979

CHAPTER 25

H. P. 941 — L. D. 1096

AN ACT to Establish a Moratorium on Issuing Commercial Fishing Licenses.

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

Whereas, the Federal Government has severely limited the quotas of fish that may be taken in waters under the Fishery Conservation and Management Act; and

Whereas, many fishermen have had their fishing activities in waters under federal jurisdiction severely restricted as a result of the quotas and closures; and

Whereas, these restrictions do not apply to the waters within the state's jurisdiction; and

Whereas, the Department of Marine Resources has received a great number of inquiries and applications for commercial fishing licenses in the last few days; and

Whereas, it appears that this sudden increase in applications is part of a concerted effort to circumvent the federal regulations; and

Whereas, there are presently no statutory provisions that permit the Commissioner of Marine Resources to distinguish the genuine and legitimate applications from others; and

Whereas, issuing licenses to all these applicants will either seriously deplete fish stocks or provide a subterfuge for evading federal regulations; and

Whereas, a moratorium on the issuing of licenses will allow time to consider revisions in our statutes to meet this serious and immediate threat; 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:

12 MRSA § 6501, sub-§ 7 is enacted to read:

7. **License freeze.** On or after the effective date of this section, commercial fishing licenses shall be issued only to persons who are recorded by the Department of Marine Resources as having held a commercial fishing license, a lobster and crab fishing license or a scallop license between January 1, 1977 and January 1, 1979.

This subsection shall be repealed on June 1, 1979.

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

Effective March 14, 1979

CHAPTER 26

H. P. 128 — L. D. 133

AN ACT Amending the Sardine Tax Law.

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

Sec. 1. 32 MRSA § 4152, first sentence is amended to read:

The Commissioner of Agriculture after such consultation with members of the industry as he regards desirable shall appoint **not more than 9 or less than 7** practical sardine packers as defined in Title 36, section 4693 to a board to be known as the Sardine Industry Advisory Board.

Sec. 2. 36 MRSA § 4692, sub-§ 1, as amended by PL 1975, c. 656, is repealed and the following enacted in its place: