

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

within each region;

D. Assisting the department in carrying on a program of testing emergency medical services' persons within each region, subject to availability of financial resources for the testing;

E. Developing a certification and decertification process for advanced emergency medical services' persons within each region; and

F. Nominating 2 or more candidates from each council for a position on the Emergency Medical Services' Advisory Board, from whom the Governor may select a member.

§90. Appeals

Any person or organization, which is aggrieved by the decision of the department in refusing to issue or review a license, may claim a hearing pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

Whenever the department decides to revoke or suspend a license, it shall do so by filing a complaint with the Administrative Court pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. The department may seek an emergency suspension, to be in effect for no more than 30 days, from the Administrative Court pursuant to Title 4, section 1153.

Effective July 13, 1982.

CHAPTER 662

H.P. 2256 - L.D. 2104

AN ACT Concerning the Regulation of Atlantic Salmon.

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

Whereas, Atlantic salmon are returning to Maine rivers

in record numbers; and

Whereas, the number of persons fishing for Atlantic salmon has also increased dramatically, and this fishing pressure may endanger the restoration effort; and

Whereas, when the fishing season opens on May 1st, there will be no controls on taking Atlantic salmon in coastal waters, unless this legislation is enacted as an emergency; 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 §6504 is enacted to read:

§6504. Atlantic salmon

1. Stamp required. It is unlawful for any person to fish for Atlantic salmon from the areas indicated in subsection 2, or take, possess, ship or transport fish taken from these waters without a current Atlantic salmon stamp described in section 7152.

2. Limit of application. This requirement applies to all inland waters and to the following coastal waters, from the head of tide downstream to the line indicated:

A. Sheepscot River, above the Wiscasset-Edgecomb U.S. Route 1 bridge;

B. Dennys River, above the upstream side of the U.S. Route 1 bridge;

C. Kennebec River, above the upstream side of the Route 197 bridge between Richmond and Dresden;

D. East Machias River, above a line extending from Simpson's Wharf due south to the opposite shore on the Rim;

E. Machias River, above the upstream side of the Rim Bridge, lower-most bridge on the Machias River;

F. Pleasant River, above the upstream side on the main river bridge in Addison;

G. Narraguagus River, above the upstream side on the U.S. Route 1A bridge in Milbridge;

H. Union River, above a line extending from the southern extremity of the Ellsworth city boat launch ramp due west to the opposite shore of the Union River;

I. Penobscot River, above the upstream side of the Joshua Chamberlain Bridge in Bangor; and

J. Ducktrap River, above the 3 red posts set on the shores approximately 1,000 feet downstream from the U.S. Route 1 bridge.

Sec. 2. 12 MRSA §6553, sub-§§6 and 7 are enacted to read:

6. Bag limit. It is unlawful to take more than one Atlantic salmon in one day from inland waters or coastal waters designated in section 6504.

7. Tags. Any Atlantic salmon taken from inland waters or coastal waters designated in section 6504 must be identified with a tag bearing the stamp number of the person who caught the fish. Ten of these tags shall be issued with each Atlantic salmon stamp described in section 7152. It is unlawful for any person to have in his possession an Atlantic salmon that has not been so tagged while fishing on inland waters or coastal waters. This subsection is repealed March 1, 1984.

Sec. 3. 12 MRSA §7152, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Issuance. The commissioner shall issue, in the form of a stamp, an Atlantic salmon permit to fish for Atlantic salmon in inland waters and coastal waters designated in section 6504.

Sec. 4. 12 MRSA §7152, sub-§3, ¶¶A and B, as enacted by PL 1979, c. 420, §1, are amended to read:

A. The fee for an Atlantic salmon permit shall be \$1 \$4 for any resident 16 years of age or older.

B. The fee for an Atlantic salmon permit shall be \$15 \$30 for any nonresident 16 years of age or older.

Sec. 5. 12 MRSA §7152, sub-§§4 and 5, as enacted by PL 1979, c. 420, §1, are amended to read:

4. Use of permit fees. All The first \$10,000 of pro-

ceeds, except for necessary expenses for issuing, from permit fees shall be paid to the Atlantic Sea Run Salmon Commission for the purposes of developing the Atlantic Sea Run Salmon Restoration Program. The balance of the proceeds, less necessary expenses for issuing, shall be apportioned between the Department of Inland Fisheries and Wildlife and the Department of Marine Resources for the enforcement of Atlantic salmon fishing regulations.

5. Signing and affixing stamp. Immediately after issuance of an Atlantic salmon permit, the purchaser shall sign it across its face and affix it to the back of a current valid fishing license or a certificate for fishing designated coastal waters. This certificate shall be provided by the agent without additional charge.

Sec. 6. Termination. The fee increase in section 4 of this Act is repealed March 1, 1984.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that Title 12, section 6553, subsection 7, and Title 12, section 7152, subsection 3, paragraph A and B, shall take effect January 1, 1983.

Effective April 9, 1982, unless otherwise indicated.

CHAPTER 663

H.P. 2241 - L.D. 2101

AN ACT to Provide an Alternative With-
drawal Procedure from the Tree Growth
Tax Law for the 1982 Tax Year.

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

Whereas, the First Regular Session of the 110th Legislature enacted changes in the Tree Growth Tax Law; and

Whereas, substantial penalties are provided for withdrawal from tree growth classification and those penalties were intended to prevent taxpayers from taking advantage of