

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 650

H.P. 1483 - L.D. 2095

An Act to Replace Criminal Penalties with Civil Penalties for Violations of Weights and Measures Laws

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

Whereas, current laws provide for criminal penalties for violations of weights and measures laws; and

Whereas, enforcement of the laws would be enhanced by appropriate civil penalties; and

Whereas, full enforcement of these laws is important; 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. 10 MRSA §2751, as amended by PL 1973, c. 654, §2, is further amended to read:

§2751. Offenses and penalties

~~Any A person who violates the following enumerated provisions or any provision of this chapter or regulations promulgated rules adopted pursuant thereto, for which a specific penalty has not been prescribed, shall be guilty of a misdemeanor and upon a first conviction thereof shall be punished by a fine of not less than \$50 or more than \$500, or by imprisonment for not more than 3 months, or by both commits a civil violation for which a forfeiture must be adjudged in an amount not less than \$50 nor more than \$2,000. Upon a subsequent conviction thereof, he shall be punished by a fine of not less than \$100 or more than \$1,000, or by imprisonment for up to one year, or by both:~~

No A person shall may not:

1. Use or have in possession. Use or have in possession for use in commerce any incorrect weight or measure;

2. Remove tag, seal or mark. Remove any tag, seal or mark from any weight or measure without specific written authorization from the proper authority;

3. Hinder or obstruct. Hinder or obstruct any weights and measures official in the performance of his that official's duties;

4. Use of scale. Use any scale ~~which that~~ requires permanent installation ~~which that~~ has been relocated without first having the same tested and approved by the state sealer or a sealer;

5. Sale of less quantity represented. Sell, or offer or expose for sale, less than the quantity ~~he the person~~ represents of any commodity, thing or service;

6. Take more quantity as buyer. Take more than the quantity ~~he the person~~ represents of any commodity, thing or service when, as a buyer, ~~he the person~~ furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined; or

7. Commodity in unlawful condition. Keep for the purpose of sale, advertise or offer or expose for sale, or sell any commodity, thing or service in a condition or manner contrary to law or regulation rule.

Sec. 2. 10 MRSA §3004 is amended to read:

§3004. Penalties

~~Any A person, firm or corporation who shall fail fails, neglect neglects or refuse refuses to comply with any of the provisions of this chapter, or the rules and regulations issued thereunder adopted under this chapter, shall be punished by a fine of not more than \$100 for the first offense, nor more than \$200 for each subsequent offense commits a civil violation for which a forfeiture not to exceed \$1,500 may be adjudged.~~

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

Effective March 9, 1992.

CHAPTER 651

S.P. 851 - L.D. 2164

An Act to Continue Modified Rate Regulation for Small Consumer-owned Electric Utilities

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

35-A MRSA §3505, as amended by PL 1987, c. 571, is repealed.

See title page for effective date.