

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except that section of this Act that repeals the Maine Revised Statutes, Title 12, section 7463-A, subsection 3 takes effect October 15, 1999.

Effective June 4, 1999, unless otherwise indicated.

CHAPTER 403

S.P. 738 - L.D. 2088

An Act to Revise Certain Provisions of the Fish and Wildlife Laws

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

Whereas, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of the State; 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 §7071, sub-§9, as enacted by PL 1993, c. 459, §1, is amended to read:

9. Persons prohibited from possessing firearm. A person who is prohibited from possessing a firearm under Title 15, section 393, subsection 1 is not eligible to obtain or possess any license or permit issued by the department that authorizes a person to hunt with a firearm, unless that person possesses a valid permit in accordance with Title 15, section 393, subsection 2.

Sec. 2. 12 MRSA §7073, sub-§7 is enacted to read:

7. License must be signed. A license issued by the department must be signed by the licensee prior to use.

Sec. 3. 12 MRSA §7076, sub-§1, as repealed and replaced by PL 1995, c. 462, Pt. A, §33, is amended to read:

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section 7102-A or 7102-B, a pheasant hunting permit under section 7106-B and a muzzle-loading hunting license under section 7107-A, must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of their 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which they attain age 70. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. When the holder of a license issued under this subsection no longer satisfies the residency requirements set out in section 7001, subsection 32, the license is no longer valid and further use of the license for purposes of hunting, fishing or trapping constitutes a license violation under section 7371, subsection 3.

Sec. 4. 12 MRSA §7076, sub-§4-B, as enacted by PL 1997, c. 432, §14, is amended to read:

4-B. Resident disabled veteran. A resident disabled veteran may apply to the commissioner for one or more of the following complimentary permits and licenses: a license to hunt with a firearm, a license to fish, ~~an~~ archery hunting ~~license~~ licenses as provided in ~~section~~ sections 7102-A and 7102-B, a pheasant hunting permit as provided in section 7106-B and a muzzle-loading hunting license as provided in section 7107-A. The commissioner must issue the permit, license or licenses requested under this subsection if the commissioner determines the applicant is a resident disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "resident disabled veteran" means a person who:

A. Is a resident as defined in section 7001, subsection 32;

B. Is a veteran as defined in Title 37-B, section 505, subsection 1, paragraph A, subparagraph (5); and

C. Has a service-connected disability evaluated at:

- (1) One hundred percent; or
- (2) Seventy percent or more as a result of honorable military service and who has served in a combat zone during any armed conflict in which participants were exposed to war risk hazards as defined in 42 United States Code, Section 1711 (b).

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to satisfy the residency requirement in section 7001, subsection 32, and the permit or license is not revoked or suspended.

Sec. 5. 12 MRSA §7077, sub-§1-A, ¶E, as enacted by PL 1993, c. 136, §1, is repealed.

Sec. 6. 12 MRSA §7102-A, sub-§6, ¶B, as enacted by PL 1993, c. 24, §3 and affected by §7, is amended to read:

B. Except as provided in section 7377, subsection 1, an archery hunting license is required for persons 16 years of age or older to hunt ~~wild animals or wild birds~~ deer with bow and arrow during the special open season on deer established under paragraph C.

Sec. 7. 12 MRSA §7102-B, sub-§8, as enacted by PL 1997, c. 471, §2, is repealed.

Sec. 8. 12 MRSA §7105, sub-§2, as amended by PL 1993, c. 574, §10, is further amended to read:

2. Fee. The fee for a special commercial shooting area hunting license is ~~\$17 for 1994, \$18 for 1995 and \$19 for 1996 and every year after 1996, except that a person may purchase a one-day commercial shooting area hunting license for a fee of \$5.~~

Sec. 9. 12 MRSA §7107-A, sub-§5, ¶D, as enacted by PL 1985, c. 320, §2, is repealed.

Sec. 10. 12 MRSA §7133, sub-§5, ¶B, as enacted by PL 1987, c. 317, §8, is repealed.

Sec. 11. 12 MRSA §7231, sub-§1, ¶A, as amended by PL 1981, c. 12, §3, is further amended to read:

A. The commissioner may issue a wildlife exhibit permit to any person, permitting ~~him~~ that person to:

- (1) Keep wildlife in captivity for commercial exhibition;
- (2) Keep wildlife in captivity for the evident purpose of attracting trade;
- (3) Have any wildlife in ~~his~~ that person's custody or control for exhibition or for the evident purpose of attracting trade;
- (4) Purchase, sell and transport any wildlife kept by virtue of this section; and
- (5) Purchase moose and caribou from the commissioner, who may take moose and caribou into captivity and sell them to holders of a wildlife exhibit permit.

Sec. 12. 12 MRSA §7235-B is enacted to read:

§7235-B. Wildlife rehabilitation permit

The commissioner may issue a permit to a person to possess wildlife for the purpose of wildlife rehabilitation. There is no fee for a wildlife rehabilitation permit. Rules adopted to implement this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 13. 12 MRSA §7242, sub-§2, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 14. 12 MRSA §7311, sub-§2, as amended by PL 1993, c. 62, §1, is further amended to read:

2. Qualifications. In order to qualify for a guide license, a person must:

- A. Be at least 18;
- B. Pass the guide exam;
- C. If a first-time applicant for a guide license, be currently certified in first aid through completion of any standard first aid course that meets the criteria established by rule of the commissioner. For purposes of this paragraph, "first-time applicant" means any applicant who has not previously been issued a guide license in this State. Any person, other than a first-time applicant, who applies for a guide license shall submit satisfactory evidence, as determined by the commissioner, of having held a guide license in this State; and
- D. Meet all requirements established by rules of the commissioner.

A person prohibited from possessing a firearm pursuant to Title 15, section 393, subsection 1 is not

eligible to obtain or possess the specialized hunting guide license defined by rule of the commissioner.

Sec. 15. 12 MRSA §7318, as enacted by PL 1987, c. 742, §7, is amended to read:

§7318. Violations by clients

A guide who has knowledge of a violation by a client of any of the provisions of chapters 701 to 721 shall, within 24 hours, ~~or as soon as safely possible,~~ inform a person authorized to enforce those chapters.

Sec. 16. 12 MRSA §7352-A, sub-§2, as enacted by PL 1991, c. 642, is amended to read:

2. Expiration. All licenses issued under this section are valid for a period commencing ~~October~~ September 1st and ending December 31st of the year in which the license is issued.

Sec. 17. 12 MRSA §7377, sub-§4, ¶C, as amended by PL 1997, c. 432, §39, is further amended to read:

C. A person licensed or otherwise entitled to fish in Maine waters may take suckers for that person's use in all rivers, brooks and streams that are open to fishing between April 1st and June 30th of each calendar year by the use of a hand spear, bow and arrow or by snagging. If suckers are taken by bow and arrow, the arrow must have a barbed or prong point and must be attached to the bow with a line;

Sec. 18. 12 MRSA §7406, sub-§9-A, as enacted by PL 1997, c. 796, §5, is amended to read:

9-A. Shooting from a motor vehicle or motorboat or possessing a loaded firearm in a motor vehicle. Except as provided in subsection 20, paragraph A, a person is guilty of shooting from a motor vehicle or motorboat or having a loaded firearm in or on a motor vehicle if that person:

A. Shoots while in or on a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle; or

B. While in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, has any firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed-ignition device or mechanism.

Sec. 19. 12 MRSA §7406, sub-§20, ¶A, as amended by PL 1983, c. 797, §10, is further amended to read:

A. Notwithstanding the provisions of subsection ~~8~~ 9-A:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) A person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by ~~such~~ that permit; and

(3) Paraplegics and single or double amputees of the legs may hunt from motor vehicles ~~which~~ that are not in motion.

Sec. 20. 12 MRSA §7452, sub-§8, ¶C, as amended by PL 1979, c. 723, §18, is further amended to read:

C. Fails to notify a warden within ~~42~~ 18 hours of the location of the bear and the circumstances necessitating ~~his~~ leaving the bear.

Sec. 21. 12 MRSA §7455, first ¶, as amended by PL 1985, c. 718, §9, is repealed.

Sec. 22. 12 MRSA §7458, sub-§9, ¶B, as enacted by PL 1993, c. 156, §1, is amended to read:

B. ~~Hunts~~ Except as provided in subsection 15, paragraph H, hunts from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer.

Sec. 23. 12 MRSA §7458, sub-§15, ¶G, as repealed and replaced by PL 1983, c. 186, is amended to read:

G. Notwithstanding the provisions of subsection 4-A:

(1) A person on a hunting trip in an unorganized township and staying at a temporary place of lodging may keep an unregistered deer at that temporary place of lodging for a period not to exceed 7 days or until ~~he~~ that person leaves the woods, whichever comes first; and

(2) A person may leave an unregistered deer in the woods if ~~he~~ that person notifies a warden within ~~42~~ 18 hours as to the location of the deer and the circumstances necessitating ~~his~~ leaving the deer in the woods.

Sec. 24. 12 MRSA §7464, sub-§3, ¶B, as amended by PL 1987, c. 696, §12, is further amended to read:

B. The moose tag portion of the permit bearing the name and address of the person who killed the moose is not securely attached to the moose; or

Sec. 25. 12 MRSA §7464, sub-§3, ¶C, as amended by PL 1981, c. 118, §4, is further amended to read:

C. The person who killed the moose does not accompany the moose while it is being moved or transported; or

Sec. 26. 12 MRSA §7464, sub-§3, ¶D, as enacted by PL 1981, c. 118, §4, is repealed.

Sec. 27. 12 MRSA §7464, sub-§5-A, as enacted by PL 1981, c. 118, §7, is amended to read:

5-A. Keeping an unregistered moose. A person is guilty of keeping an unregistered moose if ~~he~~ that person keeps an unregistered moose at ~~his~~ home, or any place of storage except at an official moose registration station or at the office of an inland fisheries and wildlife warden, for more than ~~42~~ 18 hours. A person may leave an unregistered moose in the woods if ~~he~~ that person notifies a warden within ~~42~~ 18 hours as to the location of the moose and the circumstances necessitating ~~his~~ leaving the moose in the woods.

Sec. 28. 12 MRSA §7553, sub-§1, ¶C, as amended by PL 1989, c. 493, §43, is further amended to read:

C. At the so-called ice control dam on the Naraguagus River in the Town of Cherryfield, the area within 100 feet of the dam ~~shall~~ must closed to fishing at all times; ~~and~~

Sec. 29. 12 MRSA §7553, sub-§1, ¶D, as enacted by PL 1989, c. 493, §44, is amended to read:

D. At East Outlet Dam in Sapling Township (T1R7) in Somerset County and in Big Squaw Township (T2R6) in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway ~~shall~~ must be closed to fishing at all times; ~~and~~

Sec. 30. 12 MRSA §7553, sub-§1, ¶E is enacted to read:

E. There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County.

Sec. 31. 12 MRSA §7558 is enacted to read:

§7558. No special fishing regulations on Big Machias River

Only the general fishing laws set forth in the open water fishing regulations for 1998-1999 and 2000-2001, as adopted by the commissioner pursuant to section 7035, may be enforced on the Big Machias River in Aroostook County from its confluence with the South Branch of the Machias River in T10R7 WELS to the Aroostook River in Ashland. This section is repealed September 1, 2001.

Sec. 32. 12 MRSA §7653, sub-§4, as amended by PL 1995, c. 455, §39, is further amended to read:

4. Fees. The commissioner may establish reasonable fees for admission to the ~~Fish and Wildlife Visitors' Center at Gray, Cumberland County, Maine Wildlife Park~~ and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island.

Sec. 33. 12 MRSA §7735-A, as enacted by PL 1991, c. 528, Pt. KK, §2 and affected by c. 528, Pt. RRR and enacted by c. 591, Pt. KK, §2, is amended to read:

§7735-A. Maine Wildlife Park Fund

1. Establishment. There is established the ~~Visitors' Center at Gray Maine Wildlife Park~~ Fund, referred to in this section as the "fund." The fund receives all funds collected by the department from the operation of the ~~Visitors' Center at Gray Maine Wildlife Park~~, including gate fees, the proceeds of any sales at the ~~Visitors' Center at Gray Maine Wildlife Park~~ and any donations, grants or other funds presented to the department for the benefit of the ~~Visitors' Center at Gray Maine Wildlife Park~~. All money deposited in the fund and the earnings on the money remain in the fund to be used for the management and maintenance of the ~~Visitors' Center at Gray Maine Wildlife Park~~. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward to the next fiscal year to be used for the same purposes.

2. Report. By February 1st of each year the commissioner shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The report must detail the amount of money collected in the fund over the course of the prior year and the expense of managing and maintaining the ~~Visitors' Center at Gray Maine Wildlife Park~~. The commissioner shall make recommendations concerning how the fund may be increased or expenses reduced or both so that the ~~Visitors' Center at Gray Maine~~

Wildlife Park becomes increasingly financially self-sustaining.

Sec. 34. 12 MRSA §7798-B is enacted to read:

§7798-B. Personal watercraft rental agent certificate

1. Registration and issuance. Except as provided in this section, a person or business may not rent or lease a personal watercraft after January 1, 1999 unless that person or business:

A. Registers with the department as a personal watercraft rental agent and is issued a personal watercraft rental and leasing agent certificate from the commissioner;

B. Obtains a Maine certificate of number for each personal watercraft being offered for rent or lease in the name of the person or business holding that certificate; and

C. Provides each person who rents or leases a personal watercraft with written instructions on how to operate the personal watercraft.

2. Fee. The fee for a personal watercraft rental and leasing agent certificate is \$25. The certificate is valid from January 1st to December 31st.

3. Revocation of certificate. The commissioner may revoke a personal watercraft rental and leasing agent certificate if the commissioner determines that the certificate holder:

A. Rented or leased a personal watercraft that was unsafe; or

B. Failed to instruct a person intending to rent or lease a personal watercraft on personal watercraft safety. The department shall provide each certificate holder with written materials and instructional guidelines on personal watercraft safety that the certificate holder shall review with each personal watercraft renter or lessor before that person operates that personal watercraft.

4. Exception. This section does not apply to:

A. Campgrounds licensed by the Department of Human Services that offer the personal watercraft owned by that campground exclusively for use by campground clientele;

B. Commercial sporting camps. For the purposes of this section, "commercial sporting camp" means a business consisting of primitive lodging facilities that offers the public the opportunity to pursue primitive hunting, fishing, boating or snowmobiling activities;

C. A person lawfully engaged in guiding activities under section 7311 who accompanies others on guided trips that include the use of personal watercraft; or

D. A property owner who offers a person renting or leasing that property the use of a personal watercraft registered to the property owner.

Sec. 35. 12 MRSA §7824, sub-§2-B, as enacted by PL 1997, c. 227, §3, is amended to read:

2-B. Antique snowmobile registration fee. A resident who owns a snowmobile that is more than 25 years old and that is substantially maintained in original or restored condition may register that snowmobile under this subsection as an antique snowmobile. An antique snowmobile registration authorizes that snowmobile to be operated only for the purpose of traveling to, returning from and participating in an exhibition, parade or other event of interest to the public or for occasional personal use. The fee for an antique snowmobile registration is \$30. An antique snowmobile registration is valid until the ownership of that antique snowmobile is transferred to another person. Upon the transfer of ownership, the new owner may reregister that snowmobile as an antique snowmobile by paying the \$30 antique snowmobile registration fee. The registration fee for an antique snowmobile is allocated according to subsection 3, paragraph A.

Sec. 36. 12 MRSA §7825-C, as reallocated by PL 1999, c. 127, Part A, §31, is repealed.

Sec. 37. 12 MRSA §7825-B, as enacted by PL 1997, c. 614, §1 and c. 739, §7, is repealed and the following enacted in its place:

§7825-B. Snowmobile rental agent certificate

1. Registration and issuance. Except as provided in this section, a person or business may not rent or lease a snowmobile unless that person or business:

A. Registers with the department as a snowmobile rental agent and is issued a snowmobile rental agent certificate from the commissioner;

B. Obtains a Maine certificate of number for each snowmobile being offered for rent or lease in the name of the person or business holding that certificate; and

C. Instructs each person who rents or leases a snowmobile how to operate the snowmobile, including how to use the brake, throttle and kill switch, and provides to that person a pamphlet describing proper hand signals.

2. Fee. The fee for a snowmobile rental agent certificate is \$25. The certificate is valid from July 1st to June 30th.

3. Exception. This section does not apply to a person lawfully engaged in guiding activities under section 7311 who accompanies others on guided trips that include the use of snowmobiles, except that those persons must provide those operators of snowmobiles with instructions equivalent to those described in subsection I, paragraph C.

Sec. 38. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 7825-C applies retroactively to January 1, 1999.

Sec. 39. Allocation. The following funds are allocated from the Federal Expenditures Fund for the fiscal years ending June 30, 2000 and June 30, 2001 to carry out the purposes of this Act.

	1999-00	2000-01
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Enforcement Operations - Inland Fisheries and Wildlife		
Personal Services	(\$6,262)	(\$6,580)
All Other	6,262	6,580
Restores funding deallocated in the Part 2 budget to reflect correct line item allocations for a position pursuant to the Part I budget.		
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
TOTAL	\$0	\$0

Sec. 40. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal years ending June 30, 2000 and June 30, 2001 to carry out the purposes of this Act.

	1999-00	2000-01
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Support Landowners Program		
Positions - Legislative Count	(-1,000)	(-1,000)
Personal Services	(\$12,528)	(\$13,160)
All Other	12,528	13,160
TOTAL	\$0	\$0

Restores funding deallocated in the Part 2 budget to reflect correct line item allocations for a position pursuant to the Part I budget.

Whitewater Rafting - Inland Fisheries and Wildlife

Personal Services	(\$6,263)	(\$6,580)
All Other	6,263	6,580
TOTAL	\$0	\$0

Restores funding deallocated in the Part 2 budget to reflect correct line item allocations for a position pursuant to the Part I budget.

Whitewater Rafting - Inland Fisheries and Wildlife

Positions - Legislative Count	(1,000)	(1,000)
Positions - FTE Count	(-0.423)	(-0.423)
Personal Services	\$27,648	\$28,903
All Other	(27,648)	(28,903)
TOTAL	\$0	\$0

Provides for the allocation of funds to reorganize one seasonal Game Warden Assistant position to one full-time Game Warden Specialist position to oversee the Whitewater Rafting program.

Endangered Nongame Operations

Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$37,919	\$39,722
All Other	(37,919)	(39,722)
TOTAL	\$0	\$0

Provides for the allocation of funds for the establishment of a new Biologist I position in the Wildlife Habitat Group to digitize and compile habitat data.

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

TOTAL	\$0	\$0
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 4, 1999.

CHAPTER 404

S.P. 269 - L.D. 762

An Act to Amend the Requirement that the Employment Rehabilitation Fund Reimburse Employers and Insurers for Benefits Paid pursuant to the Benefits Adjustments

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

Sec. 1. 39-A MRSA §213, sub-§4, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

4. Extension of 260-week limitation. Effective January 1, 1998 and every January 1st thereafter, the 260-week limitation contained in subsection 1 must be extended 52 weeks for every year the board finds that the frequency of such cases involving the payment of benefits under section 212 or 213 is no greater than the national average based on frequency from the latest unit statistical plan aggregate data for Maine and on a countrywide basis, adjusted to a unified industry mix. The 260-week limitation contained in subsection 1 may not be extended under this subsection to more than 520 weeks. ~~Reimbursement For payments relating to injuries occurring before January 1, 2000, reimbursement~~ to the employer, insurer or group self-insurer for the payment of all benefits for additional weeks payable pursuant to this subsection must be made from the Employment Rehabilitation Fund.

See title page for effective date.

CHAPTER 405

H.P. 718 - L.D. 1008

An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin

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

Sec. 1. 7 MRSA §524-A is enacted to read:
§524-A. Produce packed in State

When produce that was grown or raised in a foreign country is packed in this State, the label must identify the country in which the produce was grown in letters as large or larger than the letters identifying the name and place of business of the packer.

Sec. 2. 7 MRSA §530, sub-§1, as enacted by PL 1989, c. 527, §1, is amended to read:

1. Label required. Fresh produce ~~imported from a foreign country~~ must be labeled in accordance with this section ~~in order to protect the health, safety and welfare of Maine citizens from the dangers of pesticides used or applied in a manner or at a rate disallowed in the United States.~~

A. Fresh produce sold or offered for retail sale in this State that was grown or raised in a foreign country ~~designated by the Commissioner of Agriculture, Food and Rural Resources by rule under subsection 2~~ must be identified by labeling with the country of origin as provided in paragraphs B to D.

B. Except as provided in paragraph D, each item of fresh produce offered for retail sale as an individual unit must be individually labeled in accordance with subsection 3.

C. Except as provided in paragraph D, fresh produce packaged in consumer units must be labeled in accordance with subsection 3 and section 524-A. For purposes of this section, banana and grape clusters are a consumer unit.

D. Fresh produce that is not labeled in accordance with paragraph B or C may be sold at retail if the labeling information required by subsection 3 appears on a bin label or placard contiguous to the produce being displayed for retail sale or on the original shipping container if it contains the produce offered for sale.

Sec. 3. 7 MRSA §530, sub-§2, as enacted by PL 1989, c. 527, §1, is repealed.

See title page for effective date.

CHAPTER 406

S.P. 616 - L.D. 1781

An Act Relative to Freedom of Employment in the Broadcasting Industry

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

Sec. 1. 26 MRSA §599 is enacted to read: