

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.

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:

§599. Broadcasting industry contract

1. Definition. As used in this section, unless the context otherwise indicates, "broadcasting industry contract" means an employment contract between a person and a legal entity that owns one or more television stations or networks or one or more radio stations or networks, excluding an employment contract with a sales representative.

2. Presumed unreasonable. A broadcasting industry contract provision that requires an employee or prospective employee to refrain from obtaining employment in a specified geographic area for a specified period of time following expiration of the contract or upon termination of employment without fault of the employee is presumed to be unreasonable.

See title page for effective date.

CHAPTER 407

H.P. 1115 - L.D. 1574

**An Act to Improve Access to
Education for Parents as Scholars
Program Participants**

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

Sec. 1. 22 MRSA §3790, sub-§3, as enacted by PL 1997, c. 530, Pt. B, §1, is repealed and the following enacted in its place:

3. Program requirements. An enrollee must participate in a combination of education, training, study or work-site experience for an average of 20 hours per week in the first 24 months of the program. Aid under this chapter may continue beyond 24 months if the enrollee remains in an educational program and agrees to participate in either of the following options:

A. Fifteen hours per week of work-site experience in addition to other education, training or study; or

B. A total of 40 hours of education, training, study or work-site experience.

The department shall present both options to enrollees and permit them to choose either option. For the purpose of this subsection, work-site experience includes, but is not limited to, paid employment, work study, practicums, internships, clinical placements, laboratory or field work directly related to the enrollee's employment goal or any other work activities that, as determined by the department, will enhance the enrollee's employability in the enrollee's

field. In the last semester of the enrollee's educational program, work-site experience may also include resume preparation, employment research, interviews and other activities related to job placement.

The department shall make reasonable adjustments in the participation requirements in this subsection for good cause. For the purpose of this subsection, "good cause" means circumstances in which the required participation would cause the enrollee to seriously compromise academic performance. "Good cause" includes, but is not limited to, a verifiable need to take care of a family member with special needs, a physical or mental health problem, illness, accident, death or a serious personal or family problem that necessitates reduced participation or time off from education, training or work. An enrollee receiving aid under this chapter must make satisfactory progress in the enrollee's educational program. The department shall adopt rules defining satisfactory academic progress. The department may not disapprove an educational plan based solely on the length of the educational program.

See title page for effective date.

CHAPTER 408

H.P. 1406 - L.D. 2011

**An Act to Amend the Laws
Regarding Asset Forfeiture**

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

Sec. 1. 15 MRSA §5822, sub-§4, ¶A, as amended by PL 1991, c. 461, §2, is further amended to read:

A. To the extent that the court finds it appropriate and with the written consent of the Attorney General, the court may order forfeiture of as much of the property as is appropriate to a municipality, county or state agency, or to the district attorneys budget within the Department of the Attorney General, that has made a substantial contribution to the investigation or prosecution of a related criminal case, subject to the requirements of section 5824.

When property is forfeited and transferred to a municipality in accordance with section 5824, the legislative body municipal officers of the municipality shall determine the disposition of the property. When property is forfeited and transferred to a county in accordance with section 5824, the county commissioners shall determine the disposition of the property.