

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

received from the Federal Government or any of its instrumentalities, interest or dividends on obligations or securities of this State and its political subdivisions and authorities, workers' compensation and the gross amount of "loss of time" insurance, cash public assistance and relief, but not including relief granted under this chapter. Income does not include the first \$5,000 in the proceeds from a life insurance policy, whether paid in a lump sum or in the form of an annuity. Income does not include a rollover from an individual retirement account, pension or annuity fund or plan to an individual retirement account, pension or annuity fund or plan even if the amount of the rollover is includable in Maine adjusted gross income. Income also does not include gifts from nongovernmental sources or surplus foods or other relief in kind supplied by a governmental agency.

Sec. 55. Application. That section of this Act that enacts the Maine Revised Statutes, Title 36, section 1760, subsection 80 applies to all taxable periods that are open for purposes of assessment or for administrative or judicial review.

Sec. 56. Retroactive application. Those sections of this Act that amend the Maine Revised Statutes, Title 36, section 5215, subsection 3, paragraph B and repeal Title 36, section 5215, subsection 3, paragraph C are retroactive to July 9, 1998.

Sec. 57. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph E, applies to tax years beginning on or after January 1, 1996. That section of this Act that amends Title 36, section 5206-D, subsections 12 and 13, apply to tax years beginning on or after January 1, 1997. That section of this Act that amends Title 36, section 6201, subsection 9, applies to applications filed on or after August 1, 1998.

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

Effective June 5, 1999.

CHAPTER 415

H.P. 619 - L.D. 859

An Act to Require the State Planning Office to Report to the Committee on State and Local Government and the Committee on Natural Resources

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

Sec. 1. 3 MRSA §959, sub-§1, ¶M, as amended by PL 1999, c. 127, Pt. C, §14, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 1997;
- (2) State Civil Service Appeals Board in 1999;
- (3) State Claims Commission in 1999;
- (4) Maine Municipal Bond Bank in 2001;
- (5) Office of Treasurer of State in 2001;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in 2003;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and
- (9) State Planning Office in ~~2005~~ 2001.

Sec. 2. 5 MRSA §3304, sub-§1, as repealed and replaced by PL 1977, c. 674, §7, is amended to read:

1. Director. The executive head of the State Planning Office ~~shall be~~ is the director and ~~shall be~~ is appointed by the Governor to serve at the pleasure of the Governor. ~~The director shall be paid a salary fixed by the Governor.~~

Sec. 3. 5 MRSA §3304, sub-§3, ¶I, as amended by PL 1989, c. 501, Pt. DD, §7, is further amended to read:

I. Make reports at least annually to the Governor and to the joint standing committee of the Legislature ~~on~~ having jurisdiction over state and local government matters detailing the activities of the office and, after consultation with and approval by the Governor, submit such recommendations for legislative action as ~~deemed~~ determined necessary to further the purposes of this chapter;

Sec. 4. 5 MRSA §3304, sub-§3, ¶I-1 is enacted to read:

I-1. Make reports annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters detailing the activities of the office regarding land issues and, after consultation with and approval of the Governor, submit recommendations for legislative

action as determined necessary to further the purposes of this chapter;

See title page for effective date.

CHAPTER 416

H.P. 361 - L.D. 486

An Act Regarding Fish Stocking

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

Sec. 1. 12 MRSA §7013-A is enacted to read:

§7013-A. Fish stocking

1. Public comments. When the Department of Inland Fisheries and Wildlife, Bureau of Resource Management determines that there is a need to consider changing the long-term management objectives on a water or group of waters that supports a major fishery or major fisheries, the Department of Inland Fisheries and Wildlife shall provide information regarding such a proposal to any person at that person's request. The bureau shall conduct department-sponsored meetings to solicit public comments on those management objectives.

2. Department-sponsored meetings. Regional fisheries biologists must be available at department-sponsored meetings held pursuant to subsection 1 to review the management opportunities presented by the proposals to change long-term management objectives, as well as the information used to assess the opportunities, and to receive public comments concerning the proposals.

See title page for effective date.

CHAPTER 417

H.P. 694 - L.D. 961

An Act to Strengthen the State's Drug Laws

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

Sec. 1. 17-A MRSA §1105, sub-§1, ¶E, as amended by PL 1995, c. 65, Pt. A, §58 and affected by §153 and Pt. C, §15, is further amended to read:

E. A person violates section 1103 or 1106, and, at the time of the offense, the person is on a school bus or on or within 1,000 feet of the real property comprising a private or public elemen-

tary or secondary school. For purposes of this paragraph, "school bus" has the same meaning as set forth in Title 29-A, section 2301, subsection 5; or

Sec. 2. 17-A MRSA §1105, sub-§1, ¶F, as enacted by PL 1989, c. 924, §11, is amended to read:

F. A person violates section 1103 or 1106, and, at the time of the offense, the person enlists or solicits the aid of or conspires with a child who is, in fact, under 18 years of age, to traffick in or furnish any scheduled drug.

See title page for effective date.

CHAPTER 418

S.P. 281 - L.D. 799

An Act Requiring Labeling of Unpasteurized Milk Products

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

Sec. 1. 7 MRSA §2901, sub-§8-D, as enacted by PL 1997, c. 639, §1, is repealed and the following enacted in its place:

8-D. Farm cheese. "Farm cheese" means cheese manufactured within the State on the farm on which the milk is produced from milk that is heat-treated. "Heat-treated," for the purposes of section 2904-A, means the process of heating every particle of milk to a temperature of 145 degrees Fahrenheit for at least 30 minutes using a double boiler. "Farm cheese" does not include cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days.

Sec. 2. 7 MRSA §2902-B is enacted to read:

§2902-B. Sale of unpasteurized milk and milk products

It is unlawful for a person to sell unpasteurized milk or a product made from unpasteurized milk unless the label on that product contains the words "not pasteurized." It is unlawful for a person to sell unpasteurized milk or a product made from unpasteurized milk at an eating establishment as defined in Title 22, section 2491, subsection 7. This section does not apply to farm cheese or to cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days prior to sale.

Sec. 3. 7 MRSA §2904-A, as enacted by PL 1997, c. 639, §2, is amended to read:

§2904-A. Farm cheese