

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
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Sec. 2. 32 MRSA § 3602, first, 2nd and 4th sentences are amended to read:

The examiners shall hold regular meetings, one in March, one in July and one in November ~~upon the same dates and at the same places as are held the regular meetings of the Board of Registration in Medicine~~ and such additional meetings at such times and places as the said examiners may determine.

~~The chairman of the Board of Registration in Medicine shall~~ **One of the examiners shall be chosen by a majority of the examiners to act as chairman of the examiners for a term of 2 years.**

~~Said records or duplicates thereof shall be filed in the office of the Secretary of State~~ **secretary of the board** and shall always be open to inspection during regular office hours.

Sec. 3. 32 MRSA § 3651, first ¶, as last amended by PL 1971, c. 598, § 76, is further amended to read:

Except as otherwise provided in this chapter, any person before engaging in the practice of podiatry shall be examined as to his qualifications. Each applicant shall, at least ~~10~~ **60** days before the date of his examination, present to the secretary of the Board of Registration in Medicine an application for a license to practice podiatry on a form prescribed by the examiners and containing satisfactory proof that said applicant is at least 18 years of age, of good moral character and that he has received a certificate of graduation from a legally incorporated, regular established school of podiatry, recognized by the Council of Education of the ~~National Association of Chiropractors~~ **American Podiatry Association**, having a minimum requirement of not less than 4 consecutive years of 8 months each of scholastic attendance, nor shall such applicant be entitled to registration and certificate unless such applicant shall have had, prior to the beginning of his course in podiatry, as a minimum requirement, a ~~4-year~~ **2-year** course ~~in a recognized high school or its equivalent and one year in a legally recognized school or college of the liberal arts or of the sciences.~~

Sec. 4. 32 MRSA § 3655, sub-§ 4, ¶ ¶ B and C are amended to read:

B. John Doe, D. S. C. or D. P. M.;

C. John Doe, D. S. C. or D. P. M., Podiatrist (or Chiroprapist).

Sec. 5. 32 MRSA § 3655, sub-§ 5 is repealed.

Effective September 14, 1979

CHAPTER 62

H. P. 129 — L. D. 140

AN ACT Amending Certain Laws Relating to the Packing of Sardines.

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

Sec. 1. 32 MRSA § 4151, sub-§ 2, is repealed and the following enacted in its place:

2. **Cutting.** "Cutting" shall mean removing the heads of the fish packed by some implement or device operated by hand or by a machine or mechanical device operated by power. The operation of "cutting" shall not include the practice of beheading the fish by "snipping" or "pinching" with the fingers.

Sec. 2. 32 MRSA § 4155, 2nd ¶, 3rd sentence, is repealed and the following enacted in its place:

The code plan shall define "lot" as not more than the entire output of one packing plant for one day, or for one personnel shift, whichever is the shorter period of time.

Sec. 3. 32 MRSA § 4156, as last amended by PL 1977, c. 694, § 630, is repealed and the following enacted in its place:

§ 4156. Fees; disposition

Each packer shall pay monthly, not later than the 10th day of each month, 8¢ per case on the amount of sardines packed during the previous month, toward the cost of maintaining the inspection provided for in section 4155 and as a part of the fee for obtaining and retaining his license. The inspection fee provided for may be increased by the Commissioner of Agriculture, in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act, after consultation with the Sardine Industry Advisory Board to an amount not to exceed 12¢ per case, in the event the fee of 8¢ per case is not adequate to cover the cost of the inspection, but the increased fee shall be reasonable and shall cover as nearly as may be possible the cost of the inspection. All license fees and all money received under this chapter by the commissioner shall be paid by him to the Treasurer of State and the same are hereby appropriated for carrying out this chapter, and for no other purpose.

All products packed in hermetically sealed containers which are not classified as sardines, but have herring as their predominant contents are assessed at an amount not to exceed 2/3 of the fee for products classified as sardines with payment being made and disposal of the funds handled in the same manner and for the same purposes as set forth in the first paragraph.

Sec. 4. 32 MRSA § 4157, as last amended by PL 1977, c. 694, § 633, is repealed and the following enacted in its place:

§ 4157. Standards

1. **General standards.** The heads of all fish packed in cans shall be removed

by cutting. No broken fish shall be packed. In packing the following sized cans, these standards shall apply.

A. For the ¼ size can:

- (1) The minimum count of fish shall be 4, provided that, in cans packed with less than 8 fish, the tails shall be removed by cutting or shall be neatly trimmed; and
- (2) The feeding device shall deliver the packing medium at a rate of not less than 19.66 cubic centimeters per can, provided the can will hold that much.

B. For the #1 oval can, commonly known as a one pound or 15 ounce oval can:

- (1) The minimum count of fish shall be 4, provided that, in cans packed as a single layer, the tails shall be removed by cutting or shall be neatly trimmed; and
- (2) The feeding device shall deliver the packing medium at a rate of not less than 2 ounces per can.

C. For the 8-ounce oval can:

- (1) The minimum count of fish shall be 4, provided that, in cans packed as a single layer, the tails shall be removed by cutting or shall be neatly trimmed; and
- (2) The feeding device shall deliver the packing medium at a rate of not less than one ounce per can.

2. Packing mediums. In packing sardines, the packing medium shall meet the following minimum standards, if applicable to the type of packing medium used:

A. The quality of the vegetable salad oil shall be a pure, edible vegetable oil, which shall be clear and thoroughly refined. It shall be a deodorized oil free from rancidity and objectionable flavor and shall satisfactorily stand the 5 hour cold test, so-called. Its color shall not be darker than 7 lovibond units. The oil shall have a free fatty acid content of not more than .07% and shall retain a satisfactory flavor after heating to 400° fahrenheit.

B. The olive oil shall possess a typical greenish to light yellow color and shall possess a free fatty acid content, calculated as oleic, of not more than 1.4%. The olive oil shall be free of defects and possess a good typical odor and a good typical flavor.

C. The tomato sauce used shall possess a fairly good red tomato color and shall be free of defects and shall possess a fairly good tomato puree, tomato pulp, flavor. It shall have not less than 8.37% salt-free tomato solids and a specific gravity of not less than 1.035.

3. Grades. The commissioner may, in a manner consistent with Title 5, Part 18, and after public hearings, promulgate regulations establishing official grades for sardines packed within the State, and for the marking, branding or labeling of sardines and the use of the grades. The hearings shall be held in places reasonably convenient for the packers. Notice of the hearings and of the final action shall be sent, by registered mail, to all license holders under section 4153.

A. The grades may specify the number of fish per container, the amount, quality and nature of the packing medium or fill, the quality, appearance, odor, character, taste and texture of the fish packed, the style of pack, their workmanship and arrangement in the container, the quality of the substances contained in the container, the size and type of the container, and tolerances allowing for reasonable variation from grades.

B. In establishing the regulations, the commissioner may consider packing practices in Maine and in other jurisdictions, consumer expectancy, habits and desires, the types of fish available, conditions of sanitation, tastes and preferences of varying parts of the consumer public, marketing practices and market experience.

4. Labeling. Fish packed in accordance with this section and the regulations may be plainly and conspicuously marked "Maine Sardines." Fish which are packed in a manner inconsistent with this section and the regulations shall not be sold for consumption in the United States unless each can and case is plainly and conspicuously marked with the word "herring," and the word "sardine" does not appear.

5. Substandard grade. Sardines which are officially designated as substandard grade, for which a certificate is issued, shall not be sold for consumption in the United States unless each can in the lot has the words "Substandard Grade, Good Food-Not High Quality" so placed as to be easily seen when the name of the product or pictorial representation thereof is viewed and appear conspicuously enough to be seen under ordinary conditions of purchase. The words "Substandard Grade, Good Food-Not High Quality" shall be printed in 2 lines across the cover of all cans in letters not less than 1/8 of an inch in height and be enclosed in lines which are not less than 1/32 of an inch in width. This wording shall be printed on all wrappers, labels, cartons or other outer coverings of the cans with a permanent type of indelible ink, or by means of other approved procedure. The words "Substandard Grade" shall appear in letters not less than one inch in height on both ends of the shipping container.

6. Embargo. The commissioner, or any duly authorized agent of the commissioner, shall detain or place an embargo upon sardines officially designated as substandard grade, for which a certificate is issued, by marking or tagging the same and warning all persons not to remove or dispose of the same by sale or otherwise until permission for removal or disposal is given by the commissioner. These sardines shall be detained or placed under embargo until the goods are marked in accordance with this section or the commissioner has received a bond covering the export provisions of this section. Orders for

detention or embargo issued under this section shall not be considered to be licensing or an adjudatory proceeding, as those terms are defined by Title 5, Part 18.

Effective September 14, 1979

CHAPTER 63

H. P. 248 — L. D. 293

AN ACT to Clarify the Definition of Employer under the Workers' Compensation Act.

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

39 MRSA § 2, sub-§ 6, as last amended by PL 1973, c. 746, § 2, is further amended to read:

6. **Employer further defined.** "Employer" shall include corporations, partnerships, natural persons, the State, counties, water districts and all other quasi-municipal corporations of a similar nature, cities, and towns, **municipal school committees and union school committees**; and if the employer is insured, it includes the insurer unless the contrary intent is apparent from the context or it is inconsistent with the purposes of this Act.

Effective September 14, 1979

CHAPTER 64

S. P. 148 — L. D. 325

AN ACT Relating to Self Employee Workers' Compensation Insurance Coverage.

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

39 MRSA § 2, sub-§ 5, ¶ B, as enacted by PL 1977, c. 539, § 1, is amended by adding after the first sentence the following:

Such a person shall elect personal coverage by insuring and keeping insured the payment of compensation and other benefits under a workers' compensation insurance policy. The insurance policy shall clearly indicate the intention of the parties to provide coverage for the person electing to be personally covered. The