

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND NINTH LEGISLATURE
1979

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:

7 MRSA § 403, as enacted by PL 1973, c. 574, § 1, is amended by inserting at the end the following new paragraph:

There is created a Maine Trustees Advisory Board to assist and advise the commissioner in fulfillment of the department's responsibilities under this section. The board shall consist of 5 members who are not employees of the State of Maine chosen from Region 1 trustees of the Eastern States Exposition Board of Trustees, representing the various interests of the State. They shall be named by the Region 1 chairman who shall serve as an ex officio member of the board. These board members shall serve 5-year terms, except that initially members shall be named by classes of 1, 2, 3, 4 and 5 years. No member who has served a full 5-year term shall succeed himself. In case of vacancies, new members shall be named by the Region 1 chairman to fill unexpired terms. Should a board member cease to be a Region 1 trustee during his term, his position on the board shall be declared vacant. The board shall meet at least once a year and at other times as deemed necessary, and upon the call of the commissioner. It shall name its own chairman.

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

Effective June 15, 1979

CHAPTER 462

H. P. 623 — L. D. 765

AN ACT Relating to Determination of Refund Values on Beverage Containers.

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

Whereas, the present language of the bottle law authorizes manufacturers to determine the deposit and refund value on nonrefillable beverage containers; and

Whereas, that language promotes the establishment of recycling centers by manufacturers instead of by distributors; and

Whereas, the advantage given to manufacturers substantially increases the

likelihood that recycling centers will be established outside of the State of Maine; and

Whereas, the establishment of the out-of-state recycling centers has occurred under similar provisions of the Michigan bottle law; and

Whereas, the Legislature has information that centers are likely to be established in the very near future outside of Maine to recycle bottles sold in Maine; and

Whereas, the establishment of the out-of-state recycling centers would create a serious hardship for the people of Maine in that it would result in a significant loss of jobs and revenue for the people of Maine; and

Whereas, it is necessary to proceed immediately to rectify a law which promotes the loss of jobs and revenue for Maine people; 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. 32 MRSA § 1862, sub-§ 9-A is enacted to read:

9-A. Nonrefillable. "Nonrefillable" means a beverage container which, after being used by a consumer, is not to be reused as a beverage container by a manufacturer.

Sec. 2. 32 MRSA § 1862, sub-§ 12-A is enacted to read:

12-A. Refillable. "Refillable" means a beverage container which, after being used by a consumer, is to be reused as a beverage container at least 5 times by a manufacturer.

Sec. 3. 32 MRSA § 1863, as enacted by PL 1975, c. 739, § 16, is amended to read:

§ 1863. Refund value

Every beverage container sold or offered for sale to a consumer in this State shall have a refund value. ~~The~~ **For nonrefillable beverage containers, the deposit and the refund value shall be determined by the manufacturer and initiated by the distributor** according to the type, kind and size of the beverage container, but shall not be less than 5¢. **The refund value on refillable beverage containers shall be determined by the manufacturer according to the type, kind and size of the**

beverage container but shall not be less than 5c.

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

Effective June 15, 1979

CHAPTER 463

H. P. 234 — L. D. 280

AN ACT Concerning the Profession of Public Accountancy.

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

Sec. 1. 32 MRSA § 3986, sub-§ 1, as enacted by PL 1967, c. 344, § 1, is amended to read:

1. **Application.** Who makes application to the board ~~prior to the 30th day of June, 1974, and;~~

Sec. 2. 32 MRSA § 3986, sub-§§ 6 and 7, as enacted by PL 1967, c. 344, § 1, are amended to read:

6. **Education and experience.** Who meets the requirements of education and experience specified by the regulations issued by the board ~~which shall be no less stringent than those applicable to certified public accountants under section 3981, subsection 5; and~~

7. **Examination.** Who shall have passed **Parts I and II of the "Examination in Accounting Practice" portion of the Uniform Certified Public Accountant Examination prepared by the Board of Examiners of the American Institute of Certified Public Accountants and also shall have passed a written examination in other applicable subjects in the field of accounting, such as auditing, theory of accounts, practical accounting problems, commercial law as it affects accountancy, federal and state taxation, and such other subjects pertinent to accounting as the noncertified members of the board deem necessary.**

Effective September 14, 1979

CHAPTER 464

H. P. 1423 — L. D. 1628

AN ACT to Incorporate Standards in the Motor Vehicle Inspection Law and to