

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 TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

A. "Canned food" means any food commercially processed and prepared for human consumption.

B. "Perishable food" means any food which may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. It includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shells, fresh fruits and vegetables and foods which have been packaged, refrigerated or frozen.

2. Immunity for donor. Notwithstanding any other provision of law, a good faith donor of canned or perishable food, which is apparently fit for human consumption at the time it is donated, to a bona fide charitable or not-for-profit organization for free distribution, is immune from civil liability arising from injury or death due to the condition of the food, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the donor.

3. Immunity of distributor. Notwithstanding any other provision of law, a bona fide charitable or not-for-profit organization and any employee or volunteer of that organization who in good faith receive and distribute food, which is apparently fit for human consumption at the time it is distributed, without charge, are immune from civil liability arising from an injury or death due to the condition of the food, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the organization.

4. Application. This section applies to all good faith donations of perishable food which is not readily marketable due to appearance, freshness, grade, surplus or other conditions, but nothing in this section restricts the authority of any appropriate agency to regulate or bar the use of that food for human consumption.

Effective September 18, 1981

CHAPTER 301

H. P. 767 — L. D. 903

AN ACT to Amend the Provisions for Election as Voter Member of a County Charter Commission.

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

Sec. 1. 21 MRSA § 491, 2nd and 3rd sentences, as repealed and replaced by PL 1977, c. 425, § 2, are amended to read:

A person may file as a candidate for any federal, state or county office either by

primary election or nomination petition, but not by both, **except that a candidate for membership in a county charter commission shall be nominated only by petition.** A person may not file, whether by primary election or nomination petition, as a candidate for more than one federal, state or county office at any election, **except that this sentence shall not apply to candidates for membership in a county charter commission.**

Sec. 2. 21 MRSA § 494, sub-§ 5, ¶¶ F and G, as amended by PL 1979, c. 276, are further amended to read:

F. For a candidate for the office of State Senator, at least 200 and not more than 300 voters; ~~and~~

G. For a candidate for the office of State Representative, at least 50 and not more than 80 voters; ~~and~~

Sec. 3. 21 MRSA § 494, sub-§ 5, ¶ H is enacted to read:

H. **For a candidate for the office of county charter commission member, at least 50 and not more than 80 voters.**

Sec. 4. 21 MRSA § 494, sub-§ 9, as amended by PL 1979, c. 359, § 3, is further amended to read:

9. **Filed with Secretary of State.** The petition shall be filed in the office of the Secretary of State by or before 5 p.m. on April 1st of the election year in which it is to be used, **except that petitions for county charter commission members shall be filed 45 days following the order of county officers under Title 30, section 1551, subsection 1 or the receipt of a certificate of sufficiency under Title 30, section 1551, subsection 4.**

Sec. 5. 21 MRSA § 496, sub-§ 2, ¶ F is enacted to read:

F. **Only a voter of the county establishing a charter commission may challenge the nomination petition for county charter commission member. The challenge shall be in writing and shall set forth the reasons for the challenge. The Challenge shall be filed in the office of the Secretary of State by or before 6 p.m. on the 55th day following the order of the county officers under Title 30, section 1551, subsection 1 or the receipt of a certificate of sufficiency under Title 30, section 1551, subsection 4.**

Sec. 6. 30 MRSA § 1551, sub-§ 5, first sentence, as amended by PL 1979, c. 671, § 7, is further amended to read:

Within 30 days after the adoption of an order under subsection 1 or the receipt of a certificate or final determination of sufficiency under subsection 4, the county officers shall by order submit the question for establishment of a charter commission to the voters of the county at the next regular or special statewide election **held not less than 155 days from the date of this order.**

Sec. 7. 30 MRSA § 1552, sub-§ 1, ¶ A, first sentence, as enacted by PL 1977, c. 486, is repealed and the following enacted in its place:

Voter members shall be nominated as provided in Title 21, sections 491, 492, 494, 495 and 496, and shall be nominated and elected by district if the county officers are elected by district.

Sec. 8. 30 MRSA § 1552, sub-§ 1, ¶ A, as amended by PL 1979, c. 671, §§ 8, is amended by adding after the first sentence 3 new sentence to read:

The number of voter members from each district shall be apportioned equally. When equal apportionment is not possible, one or more voter members may be nominated and elected at large. They shall be nominated and elected without party designation.

Sec. 9. 30 MRSA § 1552, sub-§ 1, ¶ B, first sentence, as repealed and replaced by PL 1979, c. 671, § 9, is amended to read:

Appointive members shall be residents of the county but, **unless impossible due to the composition of the county's districts and the residences of any of those eligible under this paragraph to be appointive members**, no person ~~shall~~ may be appointed who is a resident of a municipality in which another member resides.

Effective September 18, 1981

CHAPTER 302

H. P. 840 — L. D. 1006

AN ACT to Clarify Institutions Eligible for Free Fishing Permits.

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

12 MRSA § 7076, sub-§ 8, as enacted by PL 1979, c. 420, § 1, is repealed and the following enacted in its place:

8. **Patients and inmates in certain state institutions. The commissioner may issue free fishing permits covering:**

A. Groups of inmates or patients or inmates at any state institution under the control of the Department of Mental Health and Corrections, except:

- (1) The Maine Correctional Center;
- (2) The Maine State Prison; and