

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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Certificate of approval holders and bottlers shall give a 30-day written notice of price changes to the bureau and their respective wholesalers prior to the effective date and all wholesalers shall give a 15-day written notice of their price changes to the bureau prior to the effective date. All price changes shall be effective on the first day of a month.

Effective September 23, 1983.

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## CHAPTER 84

H.P. 572 - L.D. 720

AN ACT to Permit Real Estate Agents to be Considered Independent Contractors for Purposes of Workers' Compensation Insurance.

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

39 MRSA §2, sub-§5, ¶D is enacted to read:

D. The term "employee" does not include a real estate broker or salesman whose services are performed for remuneration solely by way of commission, provided that the broker or salesman has signed a contract with the agency indicating the existence of an independent contractor relationship.

Effective September 23, 1983.

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## CHAPTER 85

H.P. 869 - L.D. 1117

AN ACT to Increase the Sardine Inspection Tax.

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

Whereas, without increased revenues, the Maine sardine inspection program will be severely hampered; 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 §4156, first ¶, as amended by PL 1979, c. 731, §16, is further amended to read:

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, Food and Rural Resources, in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act, after consultation with the Maine Sardine Council to an amount not to exceed ~~12¢~~ 20¢ 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.

Sec. 2. 36 MRSA §4697, as amended by PL 1981, c. 614, §2, is further amended to read:

§4697. Reports of production and payment of tax

Every packer shall, on or before the 10th day of each month, report to the State Tax Assessor the quantity of sardines packed by him during the preceding calendar month, on forms furnished by the State Tax Assessor, and pay to the State Tax Assessor the tax of 30¢ per case on all sardines reported as packed. If the State Tax Assessor determines that overpayment of tax has been made, he shall make a refund. In making additional assessment or refund determinations, the State Tax Assessor shall rely on the records of the Department of Agriculture, Food and Rural Resources concerning the quantity of sardines packed in each sardine plant, for sale and suitable for human consumption. Any packer may pay to the State Tax Assessor in advance a sum of money based on an estimate of his tax for a given number of

months, and this sum shall be a credit against future monthly reports of that packer.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on June 1, 1983.

Effective June 1, 1983.

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## CHAPTER 86

H.P. 870 - L.D. 1118

### AN ACT Relating to the Use of Assumed Names by Corporations.

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

Sec. 1. 13-A MRSA §301, sub-§1, ¶B, as amended by PL 1981, c. 544, §1, is further amended to read:

B. Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State or any foreign corporation authorized to transact business or to carry on activities in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in this Act, or in Title 13-B, section 302, or the name of a corporation which has in effect a registration of its corporate name as provided in this Act, or in Title 13-B, section 303, or the assumed name of a corporation as provided for in section 307, or in Title 13-B, section 308, unless ~~such~~ the other corporation executes and files with the Secretary of State as provided in sections 104 and 106 proof of a resolution of its board of directors authorizing the use of a similar name by the corporation seeking to use ~~such~~ the similar name, or unless the corporation seeking to file under a similar or identical name executes and files with the Secretary of State, as provided in sections 104 and 106, proof of a resolution of its board of directors that it will not do business under that similar or identical name, but instead will do business under an assumed name, as provided for in section 307, which is not identical or similar to any corporate name or any reserved name, registered name or assumed name, or any ~~trademark or service mark~~ registered under Title 10, chapter 301-A; and