

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 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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

Effective June 30, 1983.

CHAPTER 562

H.P. 1128 - L.D. 1483

AN ACT to Provide a Sales Tax Exemption
for Certain Church Affiliated Residential
Homes.

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

36 MRSA §1760, sub-§42 is enacted to read:

42. Certain church affiliated residential homes. Sale. to any church affiliated nonprofit organization which operates, under a charter granted by the Legislature, a residential home for adults.

Effective September 23, 1983.

CHAPTER 563

S.P. 545 - L.D. 1590

AN ACT to Provide a Comprehensive
Marketing Program for Maine Agricultural
Products.

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

Sec. 1. 7 MRSA §§401-A to 401-C are enacted to read:

§401-A. Legislative findings

The Legislature finds that the marketing of agricultural commodities produced in the State is crucial to the maintenance and expansion of the agricultural industry, to the preservation of rural life in the State and to the economic well-being of all of the state's people. The Legislature further finds that over the years, marketing issues have been inadequately addressed and some of the major agricultural

commodities of the State have lost substantial market shares to competitors. In addition, there is a lack of pertinent market information to assist in the development of new commodities to maximize their contribution to the state's agricultural economy. There exists a need for a comprehensive marketing program applicable to all agricultural products. Such a program will provide the necessary market information to enable Maine farmers to make wise short-term and long-term production decisions; establish standards for proper storage, packing and grading; and create adequate enforceable programs for quality assurance as well as for the effective coordination of promotion and advertising efforts. In order to ensure that these responsibilities are fulfilled, the Legislature finds it necessary to provide state assistance to agricultural marketing.

§401-B. Responsibilities of the commissioner

To further the purposes of this Part, the commissioner shall initiate and implement programs necessary to facilitate the effective, profitable marketing of Maine agricultural products. These programs shall include, but not be limited to the following.

1. Research. The commissioner, in conjunction with the Maine Agricultural Experiment Station and the Cooperative Extension Service, shall conduct, assist and foster research to improve the marketing, handling, storage, processing, transportation and distribution of agricultural products in order to develop new and wider markets and reduce distribution costs.

2. Information to producers. The commissioner, in conjunction with the Maine Agricultural Experiment Station and the Cooperative Extension Service and other public or private agencies, shall provide producers information regarding current market conditions and such other information as may be needed to maintain quality control and promote quality improvement for Maine agricultural products.

3. Information to consumers. The commissioner, in conjunction with the Cooperative Extension Service, shall provide for the dissemination of information to consumers about Maine agricultural products.

4. Organization. The commissioner shall aid Maine producers and consumers by assisting cooperative societies of buyers and sellers, encouraging direct marketing and by facilitating the efficient distribution of farm products.

5. Coordination and assistance. The commissioner shall consult with, coordinate and assist pro-

ducer and dealer organizations and other groups interested in the production, processing and packing, grading, promotion and sale of agricultural goods.

§401-C. Maine Agricultural Promotion Assistance Matching Fund

The commissioner shall establish a Maine Agricultural Promotion Assistance Matching Fund to be used to provide grants to individuals, firms or organizations for promotional efforts, which, in the judgment of the commissioner, promise to effectively expand or strengthen the markets of Maine agricultural products. He shall, by rule, promulgated in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, establish criteria for the allocation of grants, provided that in no case may the amount of any grant exceed 50% of the cost of a promotion project and provided that the amount granted in any fiscal year to a specific promotion project shall not exceed 25% of the moneys available in the fund during that year. He may credit to the fund moneys appropriated by the Legislature or received from other public and private sources. The fund shall be nonlapsing.

Sec. 2. 7 MRSA c. 101, sub-c. I-C is enacted to read:

SUBCHAPTER I-C

MARKET SERVICE

§431. Legislative findings and purpose

The Legislature finds that market demand information for Maine agricultural products is lacking in a readily usable form and the lack of this information makes production, grading and handling decisions particularly difficult; that market service information as to the handling of Maine-produced and competing products is lacking for many commodities, as is a system to ensure that this information is readily available to producers; that existing price data for many commodities may not be relevant to the needs of Maine producers; that long-term market projects and analyses of trends in market shares do not exist on a regular basis for many Maine commodities; and that analyses of market structure is lacking for many Maine products. This lack of relevant marketing data severely limits the ability of many Maine agricultural producers to market their products effectively.

The purpose of this subchapter is to establish a program to maintain a market information service in cooperation with the Maine Agricultural Experiment

Station, the Cooperative Extension Service and other state and federal agencies in order to provide information as to prices, available supplies of different farm products, consumer preferences, demand in local and foreign markets, freight rates and other data essential to assist Maine producers in making informed decisions in the marketing of their products.

§432. Market information

The commissioner shall collect relevant information from the market place, both directly and from appropriate secondary sources. This information may include product prices, both wholesale and retail, taking into account quantity, packaging, quality, specific market and time of year, purchasing habits of wholesale and retail buyers and preferences of consumers in terms of quantity, packaging, quality and season and availability of supplies of both directly competitive products and substitute products. In addition to these factors needed to make short-term marketing decisions, information may also be collected relevant to long-term marketing decisions, such as production costs, profitability and market structure.

§433. Preparation and distribution of information

The commissioner shall analyze and interpret relevant market information and shall develop a suitable means to distribute that information to Maine agricultural producers in cooperation with other state and federal agencies of like purpose, including the Cooperative Extension Service.

Sec. 3. 7 MRSA §441-A is enacted to read:

§441-A. Legislative purpose

The Legislature finds that Maine agricultural producers have, in many cases, tended to focus on production, with less attention to marketing, including the adoption of and adherence to quality standards. Consistent high quality of Maine agricultural products is essential to the maintenance and expansion of Maine markets and to the success of agriculture in the State. In order to assure that those quality standards are properly adopted, enforced and promoted, the Legislature finds it is necessary to provide state assistance in these aspects of marketing.

Sec. 4. 7 MRSA §448 is enacted to read:

§448. Quality assurance

The commissioner shall, in conjunction with the Maine Agricultural Experiment Station, the Cooperative Extension Service and other public or private agencies, maintain a program of quality assurance by the diligent enforcement of all provisions of this Part which pertain to grading, labeling, licensing and advertising of agricultural products, and by providing direct and indirect assistance to the industry in the adoption of those new technologies and methods of production which will improve the quality of Maine agricultural products.

Effective September 23, 1983.

CHAPTER 564

H.P. 1243 - L.D. 1657

AN ACT Relating to Joint Custody.

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

Whereas, the custody of children in domestic relations cases is an issue of fundamental importance to the people of the State; and

Whereas, the issue of child custody has been or is being examined by a number of states; and

Whereas, certain states have enacted laws dealing with the matter of joint custody in domestic relations cases; and

Whereas, 4 states have enacted legislation which creates a presumption favoring joint custody absent consent of the parents; and

Whereas, in the judgment of the Legislature the issue of the custody of children in domestic relations cases needs to be studied in depth in order to determine whether current Maine law in this area should be amended and, if so, in what ways the law should be amended; 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,