

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
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1985

signed by the parties and presented to the court for approval as a court order. When agreement through mediation is not reached on any issue, the court must determine that the parties made a good faith effort to mediate the issue before proceeding with a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may refer the parties back to mediation order the parties to submit to mediation, may dismiss the action or any part of the action, may render a decision or judgment by default, may assess attorney's fees and costs or may impose any other sanction that is appropriate in the circumstances. The court may also impose an appropriate sanction upon a party's failure without good cause to appear for mediation after receiving notice of the scheduled time for mediation.

Sec. 5. PL 1983, c. 862, §103, as amended by PL 1985, c. 7, is repealed.

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

Effective March 31, 1985.

CHAPTER 54

H.P. 704 - L.D. 1014

AN ACT to Implement Procedures for Insuring the Safe Return and Proper Disposal of Restricted Pesticide Containers.

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

Whereas, by Public Law 1983, chapter 542, the Legislature required for certain limited and restricted use pesticide container deposits sufficient to promote return of the containers, identifying stickers to be affixed to the containers, triple rinsing or equivalent cleaning of the containers and provisions for refunding deposits; and

Whereas, the Legislature required that the provisions of that Act shall go into effect by April 1, 1985; and

Whereas, the statute must be clarified to provide for a constitutional method to collect deposits, provide for oversight of triple rinsing and provide for the refund of deposits on certain pesticide containers purchased out-of-state; 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. 22 MRSA §1471-Q, as enacted by PL 1983, c. 542, §§2 and 3, is amended to read:

§1471-Q. Return and disposal of limited and restricted use pesticide containers

1. Purpose. The purpose of this section is to insure the triple rinsing or equivalent of limited and restricted use pesticide containers in accord with the board's regulations, and provide an incentive through a deposit system for the return of triple rinsed pesticide containers. All limited and restricted use pesticide containers shall have a sticker supplied by the board. That sticker shall be used to identify those limited and restricted use pesticide containers for which a deposit is required.

2. Scope. This section applies to all limited and restricted use pesticide containers, excluding those packaged in a cardboard, fiberboard or paper container, which are sold, bartered or traded within the State, or ~~transported to the State for use in~~ which, though purchased out-of-state, are held for use or used within the State.

3. Deposit established. The board shall by ~~regulation~~ rule establish a deposit for restricted and limited use pesticide containers within the scope of this section which are sold, bartered or traded within the State, or ~~transported into the State for use in~~ which, though purchased out-of-state, are held for use or used within the State. The deposit amount should be sufficient to promote the return of the limited and restricted use pesticide containers.

These regulations adopted by the board in accordance with the Maine Administrative Procedure Act, Title 5,

chapter 375, shall thereafter be in effect until 90 days after the date of adjournment of the next regular session of the Legislature, unless the next regular session shall adopt by legislative enactment that regulation.

4. Deposits collected. ~~All~~ For pesticide containers within the scope of this section and purchased within the State, pesticide dealers shall, at the time of purchase, collect the deposit established by the board for each such pesticide container subject to this section, which is sold, bartered or traded within the State or transported into the State for use in the State. For pesticide containers within the scope of this section which, though purchased out-of-state, are held for use or used within the State, deposits established by the board shall be collected and held by the board or its agent, as provided by the board in its rules.

5. Stickers required. Upon the sale, trade or barter of any pesticide container subject to this section and purchased in the State, the pesticide dealer shall affix a sticker supplied by the board to identify those containers. For pesticide containers subject to this section which, though purchased out-of-state, are held for use or used within the State, the person who has ownership or control of the container within the State shall obtain and affix a sticker supplied by the board or its agent and shall pay a deposit to the board or its agent in accordance with procedures prescribed by the board by rule. The sticker shall indicate that the deposit has been paid and shall be designed so that it can be used to identify both the dealer and the purchaser in accord with the board's rules.

The board may charge a reasonable fee, in addition to the required deposit, to pay for the cost of producing and distributing stickers.

After April 1, 1985, it shall be unlawful for any person to possess a limited or restricted use pesticide container subject to this regulation section without a properly approved and affixed sticker, except pesticide dealers and distributors may hold containers if they are for sale and not for personal use.

6. Deposits refunded. Deposits will be refunded by pesticide dealers on all pesticide containers bearing the board's stickers at the place of business of the pesticide dealer who sold, bartered or traded

the restricted or limited use pesticide, or if purchased out-of-state, by the board or its agent, or at a place otherwise established by regulation, provided that the containers have been triple rinsed or the equivalent in accord with the board's regulations prior to return.

7. Authority to adopt rules. The board may promulgate rules and take such other actions as it deems necessary to carry out the provisions of this section.

Sec. 2. Adoption of rules. Pursuant to the Maine Revised Statute Title 22, section 1471-Q, subsection 3, the Legislature adopts the rules promulgated by the Board of Pesticides Control establishing the following deposits:

1. Containers of less than 30 gallons capacity, \$5 per container; and
2. Containers of 30 gallons capacity and over, \$10 per container.

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

Effective April 1, 1985.

CHAPTER 55

S.P. 147 - L.D. 414

**AN ACT to Restrict the Number of Advertising
Signs Which May be Displayed by
Licensed Retailers.**

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

28 MRSA §306, 2nd ¶ is amended to read:

No licensee ~~shall~~ may display from the inside of any licensed premises where it may be seen from the outside any electrically lighted sign advertising the fact that the licensee has for sale any liquor, unless the total area of such sign does not exceed 750