

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
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

1985

7. Assets. Upon substitution pursuant to this section, each affiliated bank shall deliver to the subsidiary trust company all assets held by the affiliated bank as fiduciary, except assets held in capacities with respect to which there has been no substitution pursuant to this section, and upon substitution all such assets shall become the property of the subsidiary trust company without the necessity of any instrument of transfer or conveyance. Notwithstanding any provision in this Title to the contrary, after a substitution of existing fiduciary capacities pursuant to this section, an affiliated bank shall remain jointly liable with the subsidiary trust company which has been substituted for it in respect of each of the existing fiduciary relationships as to which the substitution has been ordered, but the affiliated bank shall be entitled to a right of indemnification against the subsidiary trust company for all amounts paid by the affiliated bank as a result of the joint liability.

§687. Applicable laws and regulations

To the extent not inconsistent with this chapter, a subsidiary trust company shall be subject to the laws of this State generally applicable to trust companies. Nothing in this chapter may be deemed to affect in any way the powers of the superintendent to adopt, alter or amend rules with respect to trust companies, provided that no such rule may be applicable to a subsidiary trust company to the extent that it is inconsistent with or purports to limit the powers or rights of a subsidiary trust company expressly granted by this chapter.

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

Effective June 13, 1985.

CHAPTER 329

H.P. 1074 - L.D. 1563

AN ACT to Allow the Use of Botanical
Pesticides in the Production of Foods
Labeled or Advertised as Organic.

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

Whereas, the growing season is fast approaching and it is important to establish consistent standards for organic agriculture in Maine; and

Whereas, organic growers seeking and maintaining certification depend on consistent standards to follow in determining their production practices; 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. 7 MRSA §551, sub-§2, as enacted by PL 1979, c. 240, §1, is amended to read:

2. Raw agricultural commodity. "Raw agricultural commodity" means, an agricultural commodity which has not been colored or treated in the unpeeled form, except that it may have been rapidly heated or chilled, which has been produced, stored, processed and packaged without the use of synthetically compounded fertilizers, herbicides, fungicides or pesticides, with the exception of botanical and microbiological pesticides, for either:

A. Two years after the appearance of flower buds in the case of woody perennial crops; and 3 years prior to the harvest of herbaceous perennial crops; or

B. Three years prior to seeding in the case of annual crops.

Sec. 2. 7 MRSA §553, sub-§1, ¶A, as enacted by PL 1979, c. 240, §1, is amended to read:

A. A raw agricultural commodity. Microbiological products, botanical pesticides and materials consisting only of, or derived or extracted solely from, plant, animal or mineral-bearing rock substances may be used in the production, storing, processing or packaging of raw agricultural commodities in order to meet the requirements of this paragraph. For the purposes of this subsection, "synthetically compounded" means those products formulated by a process which chemically changes a material or substance extracted from naturally occurring plant, animal or mineral

sources, excepting microbiological processes. Microbiological products shall include, but are not limited to, raw manures, composted manures and inoculants and shall exclude chemically contaminated and uncomposted sludge. Botanical products shall include, but are not limited to, rotenone, ryania, pyrethrum, ground tobacco stems and leaves and other pesticides of plant origin;

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

Effective June 13, 1985.

CHAPTER 330

S.P. 585 - L.D. 1535

AN ACT Relating to Financial Regulation of Insurance Companies.

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

Sec. 1. 24-A MRSA §221-A is enacted to read:

§221-A. Financial audit requirements

1. Purpose. The purpose of this section is to provide the superintendent with a means of improved financial monitoring of insurers doing business in this State. This mechanism of increased financial surveillance of insurers shall not be a substitute for financial examinations required or authorized by this Title generally.

2. Definitions. As used in the section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Accountant" and "independent certified public accountant" mean an independent certified public accountant or firm licensed to practice in the State or in any state recognizing similar reciprocal licensing requirements and who is a member in good standing of the American Institute of Certified Public Accountants. It shall also mean, in the case of Canadian and British domiciled companies, a Canadian or British chartered accountant.