

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

body, any decision to make no investment under subsection 1 or to assess under subsection 3 must first be endorsed by the municipal officers of the municipality or municipalities involved, prior to filing with the commission.

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

Effective April 16, 1986.

CHAPTER 717

H.P. 1585 - L.D. 2232

AN ACT to Provide Appropriate Penalties for
Violations of Milk Commission Statutes
and to Provide for Administrative
Enforcement.

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

Sec. 1. 7 MRSA §2951, sub-§4 is amended to read:

4. Dealer. "Dealer" means any person who purchases or receives milk for sale as the consignee or agent of a producer, or handles for sale, shipment, storage or processing within the State and shall include a producer-dealer and a sub-dealer, but shall not include a store other than an integrated operation.

Sec. 2. 7 MRSA §2951, sub-§4-A is enacted to read:

4-A. Integrated operation. "Integrated operation" means a person who is a dealer and who also sells at retail the milk which he handles for sale, shipment, storage or processing within the State.

Sec. 3. 7 MRSA §2954-C is enacted to read:

§2954-C. Applicability to integrated operation

The provisions of this chapter which apply to dealers, including, but not limited to, the provisions of section 2956, shall apply to the dealer

phase of the business of an integrated operation and those which apply to retail stores shall apply to the retail phase of the business of an integrated operation.

Sec. 4. 7 MRSA §2959 is repealed and the following enacted in its place:

§2959. Injunctions and civil penalties

1. Injunction. In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, order or decision of the commission, the Superior Court shall have jurisdiction upon complaint filed by the commission, or any person duly authorized to act for the commission, including, but not limited to, its executive secretary, to restrain or enjoin any person from committing any act prohibited by this chapter or prohibited by any rule, order or decision of the commission. If it is established upon hearing that the person charged has been or is committing any act declared to be unlawful by this chapter or is in violation of any rule, order or decision of the commission, the court shall enter a decree perpetually enjoining that person from further commission of that act or actions. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies shall be no defense to this proceeding. The commission or its authorized agent shall not be required to give or post a bond when making an application for an injunction under this section.

2. Civil penalties. Any person who violates any provision of this chapter or of any rule, order or decision of the commission shall be subject to the following civil penalties, to be collected by the commission in a civil action:

A. For the first violation, a civil penalty not to exceed \$1,000; and

B. For each subsequent violation, a civil penalty not to exceed \$2,000.

All penalties collected by the commission shall be paid to the Treasurer of State for deposit to the General Fund.

Sec. 5. 7 MRSA §2960, as repealed and replaced by PL 1977, c. 696, §100, is repealed.

Sec. 6. 7 MRSA §2962 is enacted to read:

§2962. Administrative enforcement

When the commission, after such investigation as it deems appropriate, believes that a violation of this chapter or of any rule, order or decision of the commission has occurred, it may order any person to cease that violation. Before issuing such an order, the commission shall afford any person who would be aggrieved by the order an opportunity for a hearing. In any such investigation or hearing, the commission may exercise all of the powers given to it by section 2953. Any person aggrieved by a final order issued under this section may obtain judicial review of the order in Superior Court by filing a petition in accordance with Title 5, section 11001, and the Maine Rules of Civil Procedure, Rule 80C. In responding to such a petition, the commission may seek enforcement of its order, including civil penalties for any violation found, and the court, if it upholds the order, may order its enforcement, including civil penalties.

Nothing in this section is intended to require that the commission take administrative enforcement action prior to seeking judicial relief for any violation of this chapter or of any rule, order or decision of the commission, nor intended to limit the commission's ability to bring an independent action to enforce any decision or order issued by it, including civil penalties for any violation found by it.

Effective July 16, 1986.

CHAPTER 718

S.P. 916 - L.D. 2286

AN ACT to Modify and Update Certain Laws
Pertaining to Inland Fisheries and
Wildlife.

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

Sec. 1. 12 MRS.A §7001, sub-§23-A, as enacted by PL 1981, c. 461, §1, is amended to read:

23-A. Muzzle-loading firearm. "Muzzle-loading firearm" means a ~~rifle~~ rifled or smooth-bored firearm that is: