

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND THIRTEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**December 3, 1986 to June 30, 1987**

**Chapters 1-542**

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

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**Twin City Printery**  
**Lewiston, Maine**  
**1987**

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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Sec. 1. 10 MRSA §1703 is repealed.

Sec. 2. 36 MRSA §4693, as amended by PL 1985, c. 785, Pt. B, §173, is repealed and the following enacted in its place:

§4693. Sardine Council

1. Council established. The Maine Sardine Council, as established by Title 5, section 12004, subsection 9, shall consist of not more than 9 nor less than 5 members to be appointed by the Commissioner of Marine Resources. Fifty-one percent of the members of the council shall constitute a quorum and the affirmative vote of at least 51% of the members shall be necessary for the transaction of all business and the carrying out of the duties of the council. The members shall be sardine packers, operating within the State, who have been actively engaged in packing sardines for not less than 2 years and each shall be so actively engaged during his continuance in office. A person shall be considered actively engaged in packing sardines if he has derived, during the period, a substantial portion of his income from packing sardines, or has been the director or manager of an entity that derives a substantial portion of its income from packing sardines.

2. Alternates. Each council member may designate one alternate to represent him as a voting council member during any council meeting which that member can not attend. Each alternate council member shall be appointed by the Commissioner of Marine Resources. At no time may both a regular council member and that member's designated alternate vote on any matter which may be before the council during any meeting.

3. Appointments. Regular council member appointments and alternate council member appointments shall be for a term of 5 years and each member shall serve until his successor is duly appointed and qualified. In the case of a vacancy caused by death, resignation or otherwise, the vacancy shall be filled promptly by the Commissioner of Marine Resources for the unexpired period of the term.

4. Compensation. The members of the council shall be compensated according to the provisions of Title 5, chapter 379. Each council member's designated alternate shall also be reimbursed for expenses incurred in the performance of their duties, but at no time may a regular council member and that member's designated alternate be reimbursed for expenses incurred for attendance at the same meeting.

5. Executive director; staff. The council, in concurrence with the Commissioner of Marine Resources, may select and employ an executive director-advertising and merchandising manager to administer the advertising, merchandising, research and development program and fix his salary. The council may consult with the Commissioner of Agriculture, Food and Rural Resources consistent with Title 32, chapter 61. The executive director,

with the consent of the council, may engage, subject to the Civil Service Law, sufficient clerical personnel and other employees for the efficient performance of his duties.

6. Proceedings. Administrative proceedings of the council shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. Meetings and records of the council are subject to Title 1, chapter 13, subchapter 1, except all council records containing tax records filed in accordance with section 4697, including individual plant pack data; quality control information and inspection records compiled pursuant to section 4699, subsection 2, paragraph C, and Title 32, sections 4155, 4156 and 4157-A; and any other proprietary information obtained from individual processing plants, including information concerning packing technology, shall be confidential.

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

Effective June 17, 1987.

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## CHAPTER 334

S.P. 492 — L.D. 1500

### AN ACT to Amend the Law Concerning Activation of State Military Forces by the Governor in Human Health Emergencies.

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

37-B MRSA §183, sub-§1, as amended by PL 1983, c. 594, §8, is further amended to read:

1. Activation of state military forces. In the event of illness ~~or~~, injury, missing persons or loss of life, creating an emergency which requires specialized personnel or equipment of the state military forces to prevent human suffering, increased health risk or loss of life, the Governor, or his designee, may order into active service of the State or in aid of any civil authority the necessary personnel and equipment of the state military forces. Human health emergencies may include medical evacuation and search and rescue under Title 6, section 303 and Title 12, section 7035. Any person ordered into active service of the State, for the purposes of this subsection, shall be considered a state employee for purposes of the Maine Tort Claims Act and his liability shall be limited by that Act.

Effective September 29, 1987.

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## CHAPTER 335

S.P. 515 — L.D. 1558