

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

AN ACT to Clarify Capital Reimbursements.

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

Sec. 1. 34-A MRSA §1210, sub-§5, ¶¶C and D, as enacted by PL 1985, c. 821, §18, are amended to read:

C. Commodities:

- (1) Food;
- (2) Fuel; and
- (3) Supplies:
 - (a) Cleaning;
 - (b) Institutional; and
 - (c) Office; and

D. Capital expenditures to the extent that it reflects the actual increase in jail population resulting from net gain of prisoners under Title 17-A, section 1203, subsection 1 and section 1252, subsection 1, as amended:

- (1) Equipment:
 - (a) Furniture and fixtures; and
 - (b) ~~Vehicles; and~~
- (2) Buildings; and

Sec. 2. 34-A MRSA §1210, sub-§5, ¶E is enacted to read:

E. Capital expenditures, replacement:

- (1) Equipment:
 - (a) Furniture and fixtures; and
 - (b) Vehicles.

Effective September 29, 1987.

CHAPTER 336

H.P. 678 — L.D. 911

AN ACT to Encourage Investment in the Development of Potato Varieties.

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

7 MRSA §2103-A, as amended by PL 1983, c. 727, is repealed and the following enacted in its place:

§2103-A. Certification of seed potatoes

1. Certification required. Seed potatoes shall not be certified beyond 5 generations of the seed originally acquired from a nuclear seed generation source meeting criteria established by the department's rules. Seed potatoes imported into the State shall meet the State's certification standards and all import certificates shall designate the imported seed's generation, which shall equal and compare to a state certified seed designation. The imported seed shall "flush out" at the same rate as the equivalent state seed generation.

2. Winter tested. No seed potato may be certified which has not been winter tested. Seed shipped before winter test results are available shall be certified based on field certification.

3. Bacterial ring rot. The commissioner may withhold from certification for in-state sales for that year any seed potatoes grown on a farm on which bacterial ring rot has been detected.

4. Release to public. For the benefit of the Maine potato industry as a whole, only seed potatoes of a variety which has been released to the public, as provided in this subsection, may be certified, except that seed potatoes of a variety which are protected by patent or are otherwise not released to the public may be certified if the applicant for certification demonstrates that he has been authorized to propagate the variety by the patent holder or, if there is no patent, the registered breeder. Pursuant to the rule-making provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, the commissioner shall establish rules for the administration of this subsection, including, without limitation, procedures for demonstrating authorization from a patent holder or registered breeder and the establishment of a registry of bona fide breeders and patent holders of potato varieties. For purposes of this subsection, a potato variety shall be deemed to have been released to the public upon publication of a description of that variety for purposes of release in the North America Potato Variety Inventory, published by the Potato Association of America, or in the American Potato Journal or another equivalent scientific or technical journal.

5. Rules. The commissioner may adopt rules to provide for exemptions from any of the requirements of this section when the application of the requirements would work a hardship on the Maine potato industry, and seed potato quality would not thereby be jeopardized; provided that the commissioner may not waive the requirements of subsection 4 relating to the certification of seed potatoes of patented or nonreleased potato varieties.

6. Repeal. Subsection 4 is repealed January 1, 1994, subsection 7 is repealed July 1, 1988, and subsection 8 is repealed July 1, 1990.

7. Limitation. Notwithstanding any provision to the contrary, the commissioner may certify seed which would

otherwise flush out of the certification program, upon application for certification by the grower of the seed and when the commissioner finds the following:

- A. The variety has not been released to the public;
- B. The first application to the commissioner for certification and inspection of the variety was made prior to 1982;
- C. The grower now making application to the commissioner grew seed potatoes of this variety in this State which seed was certified in this State in 1986;
- D. The seed for which application is now made meets all other requirements and standards of the certification program; and
- E. The grower's only source of seed of the variety is through the granting of the waiver.

8. Grower's own seed. Any potato grower in this State, who is propagating seed stock pursuant to authorization for grower's own seed plot provided by the rules governing certification of seed potatoes in the State and whose application to the commissioner for certification and inspection of a variety that has not been released to the public was first made prior to 1982, is exempt from the requirement to comply with subsection 4 for seed potatoes grown in a grower's own seed plot; provided that the production from that seed is sold only as chip stock to be processed in this State.

Effective September 29, 1987.

CHAPTER 337

H.P. 1160 — L.D. 1586

AN ACT to Amend the Insurance Code Regarding Rates and Rating Organizations.

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

24-A MRSA §2308, as amended by PL 1973, c. 585, §12, is repealed and the following enacted in its place:

§2308. Excess rates

1. A rate in excess of that provided by a filing otherwise applicable may be used on any specific risk, providing that the following requirements are satisfied.

- A. The insured files a written application with the superintendent stating the reasons for the request.
- B. The superintendent assents to the use of an excess rate for the specific risk.
- 2. To promote the availability of coverage in lines of

insurance when coverage is difficult to obtain or unavailable, a form more restrictive than that provided by filings otherwise applicable may be used on any specific risk, provided that the following requirements are satisfied.

- A. The restrictive form and applicable rates are filed with the bureau.
- B. A disclosure statement detailing the nature of the restriction or restrictions contained in the form and the manner in which the provisions of the restrictive form differ from an otherwise applicable filing is provided to and acknowledged by the applicant for insurance.
- C. A copy of the disclosure statement and the written application for insurance submitted by the applicant are submitted to the bureau.
- D. The superintendent does not disapprove the use of the restrictive form in the specific case.

The period during which a restrictive form may be employed, consistent with this subsection, is for the maximum period of one year. At any subsequent policy renewal, the provisions of this subsection must again be satisfied.

Effective September 29, 1987.

CHAPTER 338

H.P. 1161 — L.D. 1587

AN ACT Relating to Refusal to Appear and Taxable Wages under the Employment Security Law.

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

Sec. 1. 26 MRSA §1043, sub-§19, ¶C, as amended by PL 1985, c. 348, §2, is further amended to read:

C. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this paragraph, the term "previously uncovered services" means services:

- (1) Which were not employment as defined in subsection 11, and were not services covered pursuant to section 1222, at any time during the one-year period ending December 31, 1975; and
- (2) Which:
 - (a) Are agricultural labor, as defined in subsection 11, paragraph A-2 or domestic service as defined in subsection 11, paragraph A-3, or