

# 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. 2. 12 MRSA §5031, sub-§4, as enacted by PL 1985, c. 453, is amended to read:

4. Vehicle fleet. The Commissioner of Conservation may transfer vehicles from existing department programs to the Vehicle Rental Agency.

Sec. 3. 12 MRSA §5031, sub-§§5 and 6, as enacted by PL 1985, c. 453, are repealed and the following enacted in their place:

5. Credits. The Vehicle Rental Agency shall develop a method of assigning credits to be used to reduce the charges to those programs from which vehicles are transferred to the Vehicle Rental Agency. These credits shall be calculated to assure adequate revenues to support the Vehicle Rental Agency and to reasonably compensate the programs.

6. Other departments and agencies. Other departments and agencies, including federal, county and municipal government agencies, may rent or lease vehicles from the Vehicle Rental Agency when vehicles are not being used by the Department of Conservation.

The department or agency heads may enter into agreements with the Vehicle Rental Agency, with the approval of the Commissioner of Conservation, to provide regular and ongoing vehicle rental and lease services and, in doing so, may transfer vehicles to the Vehicle Rental Agency. Credits shall be assigned to the departments or agencies in accordance with subsection 5.

The Vehicle Rental Agency may enter into a lease-purchase agreement for the purpose of acquiring suitable structures and grounds for the operation of the agency.

Sec. 4. 12 MRSA §5031, sub-§6-A is enacted to read:

6-A. Report requirement. The Commissioner of Finance shall evaluate the cost effectiveness of utilizing the "vehicle rental agency" concept for all of State Government and shall submit his findings, including legislation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 15, 1988.

Sec. 5. 12 MRSA §5032, as enacted by PL 1985, c. 453, is repealed.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>VEHICLE RENTAL AGENCY</u>		
Positions	(2)	(2)
Personal Services	\$ 40,095	\$ 41,809
All Other	62,525	70,787

Total	\$102,620	\$112,596
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**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 19, 1987.

## CHAPTER 372

S.P. 594 — L.D. 1751

### AN ACT to Establish an Exemption from the Waste Water Discharge Licensing Requirements for Owners and Operators of Marine Aquaculture Operations.

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

Whereas, the 90-day period may not terminate until the end of the summer; and

Whereas, aquaculture operations are already required to be licensed by the Department of Marine Resources; and

Whereas, the Department of Environmental Protection has received and continues to receive numerous applications from aquaculture operators for the licensing of activities that are more appropriately regulated by the Department of Marine Resources; and

Whereas, delays experienced by those applicants for waste water discharge licenses will constitute an undue hardship on aquaculture businesses; and

Whereas, review by the Department of Environmental Protection on any applications for the licensing of aquaculture operations received by the Department of Marine Resources assures that water quality protective measures will be fully considered; 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:

38 MRSA §413, sub-§2-E is enacted to read:

2-E. Exemption; aquaculture. No person may be considered in violation of this section if:

A. The discharge activity is associated with off-shore marine aquaculture operations in the estuarine and marine waters; and

B. As a condition of obtaining a leasehold from the Department of Marine Resources, the Department of Environmental Protection certifies that the aquaculture activities mentioned in this subsection will not have a significant adverse effect on water quality or violate the standards ascribed to the receiving waters' classifications.

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

Effective June 19, 1987.

## CHAPTER 373

H.P. 912 — L.D. 1224

### AN ACT to Ban the Use of Nondegradable Plastic Connectors for Containers.

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

Sec. 1. 7 MRSA §523, sub-§5 is enacted to read:

5. Container. "Container" means a glass, metal or plastic bottle, can, jar or other receptacle for holding liquids, powders or other materials, which has been sealed by a manufacturer and which, at the time of sale, contains less than one gallon or 231 cubic inches.

Sec. 2. 7 MRSA §524, as enacted by PL 1969, c. 325, is amended by adding at the end a new paragraph to read:

No person may sell, or offer for sale, containers connected to each other by a separate holding device constructed of plastic rings or other plastic holding device, unless this device decomposes by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements.

Sec. 3. 10 MRSA §1652-A is enacted to read:

§1652-A. Prohibition of nondegradable plastic carriers on lubricating oil containers

As set forth in Title 7, section 524, no person may sell, or keep for sale, lubricating oil containers less than one liter in size, connected by a separate holding device constructed of plastic rings.

Sec. 4. 32 MRSA §1868, sub-§2, as repealed and replaced by PL 1979, c. 703, is amended to read:

2. Connectors. With containers connected to each other by a separate holding device constructed of plastic rings or other any device or material, including plastic rings or other plastic holding device, which does not decompose by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements.

Sec. 5. **Effective date.** This Act shall take effect on July 1, 1988.

Effective July 1, 1988.

## CHAPTER 374

H.P. 1023 — L.D. 1381

### AN ACT to Strengthen the Laws Relating to Food Safety.

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

22 MRSA §2167, as enacted by PL 1979, c. 672, Pt. A, §54, is amended by adding at the end a new paragraph to read:

Any person, firm or corporation who violates this licensing requirement or any condition placed on any such license commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each offense and, in addition, the commissioner may suspend, revoke or refuse to renew any such license in accordance with Title 5, chapter 375, subchapter V.

Effective September 29, 1987.

## CHAPTER 375

H.P. 977 — L.D. 1324

### AN ACT to Provide for the Issuance of Summonses.

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

17-A MRSA §15-A is enacted to read:

§15-A. Issuance of summons for criminal violation

1. A law enforcement officer who has probable cause to believe a crime has been or is being committed by a person may deliver a written summons to that person directing him to appear in the District Court to answer the allegation that he has committed the crime. The summons shall include the signature of the officer, a brief description of the alleged crime, the time and place of the alleged crime and the time, place and date the person is to appear in court. A person who is issued a summons shall give a written promise to the issuing officer to appear. As soon as practicable after service of the summons, the officer shall cause a copy of the summons to be filed with the court.

2. Any person who a law enforcement officer has probable cause to believe has committed or is committing a crime other than one listed under section 15, para-