

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

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Sec. 4. 32 MRSA §1868, sub-§2, as repealed and replaced by PL 1979, c. 703, is amended to read: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

graph A, and to whom a law enforcement officer is authorized to deliver a summons pursuant to subsection 1, who intentionally fails or refuses to provide to that officer reasonably credible evidence of his name and address is guilty of a Class E crime, provided that he persists in the failure or refusal after having been informed by the officer of the provisions of this subsection. If that person furnishes the officer evidence of his name and address and the evidence does not appear to be reasonably credible, the officer shall attempt to verify the evidence as quickly as is reasonably possible. During the period the verification is being attempted, the officer may require the person to remain in his presence for a period not to exceed 2 hours. During this period, if the officer reasonably believes that his safety or the safety of others then present so requires, he may search for any dangerous weapon by an external patting of that person's outer clothing. If in the course of the search he feels an object which he reasonably believes to be a dangerous weapon, he may take such action as is necessary to examine the object, but he may take permanent possession of any such object only if it is subject to forfeiture. The requirement that the person remain in the presence of the officer shall not be deemed an arrest. After informing that person of the provisions of this subsection, the officer may arrest the person either if the person intentionally refuses to furnish any evidence of his name and address or if, after attempting to verify the evidence as provided for in this subsection, the officer has probable cause to believe that the person has intentionally failed to provide reasonably credible evidence of his name and address.

3. If, at anytime subsequent to an arrest made pursuant to subsection 2, it appears that the evidence of the person's name and address was accurate, he shall be released from custody and any record of that custody shall show he was released for that reason. If, upon trial for violating subsection 2, a person is acquitted on the ground that the evidence of his name and address was accurate, the record of acquittal shall show that was the ground.

4. Any person who fails to appear in court, as directed by a summons served on him pursuant to subsection 1, is guilty of a Class E crime. Upon failure to appear, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear was neither intentional nor knowing.

Effective September 29, 1987.

CHAPTER 376

S.P. 602 — L.D. 1765

AN ACT to Amend the Law Pertaining to the Department of Corrections' Responsibility to Pay the Board, Care and Mental Health Treatment Costs of State Agency Clients in Residential Placements.

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

34-A MRSA §1206, sub-§4, as enacted by PL 1985, c. 789, §§6 and 9, is amended to read:

4. Payment for state agency clients. The commissioner shall authorize payment of approved board, care and mental health treatment costs for all state agency clients in the care or custody of the department who are placed for other than educational purposes in residential placements, as defined in Title 20-A, section 1, subsection 24-A, to the extent of funds appropriated by the Legislature for this purpose. In no event may those payments be authorized in excess of funds appropriated for those costs.

Effective September 29, 1987.

CHAPTER 377

H.P. 1282 — L.D. 1755

AN ACT to Ensure that Salaries, Perquisites and Other Compensation of Executives of Regulated Utility Companies are Just and Reasonable and do not Unfairly Increase Utility Rates.

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

35-A MRSA §301, sub-§4, ¶B, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

B. May consider whether the utility is operating as efficiently as possible and is utilizing sound management practices, including the treatment in rates of executive compensation.

Effective September 29, 1987.

CHAPTER 378

H.P. 1283 — L.D. 1756

AN ACT Concerning Wholesale Power Purchases by Consumer-owned Electric Utilities.

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

Sec. 1. 35-A MRSA §3133, sub-§7-A is enacted to read:

7-A. Consumer-owned electric utilities. Extensions of existing wholesale power purchase arrangements by consumer-owned electric utilities, as defined in section 3501, subject to Federal Energy Regulatory Commission