

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

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Twin City Printery
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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 3. 22 MRSA §8154, as enacted by PL 1985, c. 274, §2, is repealed and the following enacted in its place:

§8154. Residential Treatment Centers Advisory Group

The Residential Treatment Centers Advisory Group, as established by Title 5, section 12004, subsection 10, shall consist of a representative from each residential treatment center and 2 members who represent community mental health services. Additional members may be added at the request of the Children's Residential Treatment Committee. All members shall be selected annually by July 1st by the committee. The committee shall meet with the advisory group at least 4 times each year to review rate and placement policies and procedures.

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

Effective June 25, 1987.

CHAPTER 433

H.P. 885 — L.D. 1186

AN ACT to Require the Members of the Maine Turnpike Authority to be Confirmed.

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

Sec. 1. 23 MRSA §1965, sub-§2, ¶A, as amended by PL 1981, c. 698, §102, is further amended to read:

A. The authority shall consist of 4 members and, in addition, the Commissioner of Transportation shall be a member ex officio. The 4 members holding office on the effective date of this chapter shall continue in office until the expiration of the terms of office for which they were originally appointed, and until their successors are duly appointed and qualified. The authority shall consist of 4 members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over transportation and subject to confirmation by the Legislature. The Commissioner of Transportation shall be a member ex officio. Upon the expiration of the term of office of any member, the Governor shall appoint a new member who shall serve in office for a term of 7 years and until his successor is duly appointed and qualified, and any member of the authority shall be eligible for reappointment. In the event of a vacancy in the membership of the authority caused by the death, incapacity, resignation or removal of a member, the Governor shall appoint a member to fill that vacancy only for the unexpired term of office of the member whose death, incapacity, resignation or removal created the vacancy, but the newly appointed member may be reappointed at the end of the unexpired term in accordance with this subsection. In all events, no member may be appointed to the authority who is

not a resident of the State at the time of his appointment and qualification, or who has not been a qualified voter in the State for a period of at least one year next preceding his appointment.

Sec. 2. Application. Members of the Maine Turnpike Authority who are serving a term of office on the effective date of this Act are not required to have their terms renewed or confirmed by the Legislature.

Effective September 29, 1987.

CHAPTER 434

H.P. 1183 — L.D. 1613

AN ACT to Continue the Potato Marketing Advisory Program.

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

Whereas, the Potato Marketing Advisory Program requires immediate legislative action to extend the life of a critical program which provides price and market information on a timely basis to potato farmers; and

Whereas, the Potato Marketing Advisory Program has made a major contribution in strengthening the State's potato marketing system; and

Whereas, the Governor and the Commissioner of Agriculture, Food and Rural Resources and the agricultural community of the State support continuation of the Potato Marketing Advisory Program; 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:

Sec. 1. 7 MRSA §1008-A, sub-§8, as enacted by PL 1983, c. 582, §1, is repealed.

Sec. 2. 7 MRSA §1008-B, sub-§2, as enacted by PL 1983, c. 582, §1, is repealed and the following enacted in its place:

2. Nominations. Each member shall be appointed by the commissioner from a list of at least 3 nominees selected as follows.

A. For each vacancy on the board, the executive council for the assembly of dealers, established according to Title 36, section 4603, shall submit a list of at least 3 nominees at least 30 days before each new term of office begins or after any vacancy occurs.

B. For each vacancy on the board, the executive council for the assembly of tablestock growers, established according to Title 36, section 4603, shall submit a list of at least 3 nominees at least 30 days before each new term of office begins or after any vacancy occurs.

Sec. 3. 7 MRSA §1008-B, sub-§8, as amended by PL 1985, c. 295, §§24 and 25, is further amended to read:

8. Duties of the board. The board shall:

A. Prior to the beginning of each marketing year, study the existing supply of potatoes in the State and the existing and potential market for the potatoes and shall recommend to the commissioner a pricing strategy for the marketing year or any month or portion thereof. In developing this policy, the board shall consider economic and marketing information, including the estimated volume of Maine potatoes; the estimated volume of potatoes available in other areas; the past, present and prospective demand for Maine potatoes of various grades, sizes and varieties; and conditions under which a fair market value can not be determined. The board shall advise the commissioner of its findings along with recommendations for procedures to guide the determination of a daily fair market value; ~~and~~

B. Recommend to the commissioner a schedule for establishing premiums and discounts to reflect differences in quality, container type, transportation cost and such other factors as the board deems appropriate; and

C. Identify and report marketing information on broccoli and other rotational crops which play a role in determining the economic viability of the potato industry in this State.

Sec. 4. 7 MRSA §1008-G, as enacted by PL 1983, c. 582, §1, is amended to read:

§1008-G. Personal liability of board member

No member or alternate of the board, nor any employee or agent thereof, may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, ~~as~~ of such member, alternate or employee, except for acts of dishonesty.

Sec. 5. PL 1983, c. 582, §4, as amended by PL 1985, c. 450, is repealed.

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

Effective June 25, 1987.

CHAPTER 435

S.P. 559 — L.D. 1671

AN ACT to Establish the Aroostook Water and Soil Management Board.

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

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(1-A1) is enacted to read:

(1-A1)	<u>Agriculture</u>	<u>Aroostook Water and Soil Management Board</u>	<u>Expenses Only</u>	<u>7 MRSA §332</u>
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Sec. 2. 7 MRSA §1, as amended by PL 1985, c. 785, Pt. B, §42, is further amended to read:

§1. Department of Agriculture, Food and Rural Resources

The Department of Agriculture, Food and Rural Resources, as established and in this Title called the "department," shall be maintained for the improvement of agriculture and the advancement of the interests of husbandry, and shall consist of the Commissioner of Agriculture, Food and Rural Resources, in this Title called the "commissioner," and the following as created and established: The Aroostook Water and Soil Management Board, the Board of Pesticide Control, the Maine Dairy and Nutrition Council Committee, the Maine Dairy Promotion Board, the Maine Milk Commission, the Maine Potato Commission, the Seed Potato Board, the Soil and Water Conservation Commission, the Harness Racing Commission, the Board of Veterinary Medicine and the Animal Welfare Board. The commissioner shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture and to confirmation by the Legislature, and shall hold office during the pleasure of the Governor. He shall receive his actual expenses incurred in the performance of his official duties. He may employ such clerical labor as may be required, subject to the Civil Service Law, and he may expend such sums for postage, telephone, telegraph and other general office expenses as may be necessary in the performance of his duties, the same to be paid out of any money appropriated by the Legislature for such purpose.

Sec. 3. 7 MRSA Pt. 1-B, c. 11 is enacted to read:

PART 1-B

AROOSTOOK COUNTY WATER AND SOIL MANAGEMENT PROGRAM

CHAPTER 11

AROOSTOOK COUNTY WATER AND SOIL MANAGEMENT PROGRAM