

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
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

ter to insure the coordination of services to meet the needs of persons with AIDS, ARC and viral positivity.

§19206. Civil liability

Any person violating sections 19203 and 19204 is liable to the subject of the test for actual damages and costs plus a civil penalty of up to \$1,000 for a negligent violation and up to \$5,000 for an intentional violation.

Any person may bring an action for injunctive relief for a violation of sections 19203 and 19204 in addition to or instead of the penalties provided in this section. The applicant for injunctive relief under this section shall not be required to give security as a condition upon the issuance of the injunction.

§19207. Civil liability

Any person violating sections 19203 and 19204 is liable to the subject of the test for actual damages and costs plus a civil penalty of up to \$1,000 for a negligent violation and up to \$5,000 for an intentional violation.

Any person may bring an action for injunctive relief for a violation of sections 19203 and 19204 in addition to or instead of the penalties provided in this section. The applicant for injunctive relief under this section shall not be required to give security as a condition upon the issuance of the injunction.

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

Effective June 26, 1987.

CHAPTER 444

H.P. 1337 — L.D. 1827

AN ACT to Create an Agricultural Market Research and Development Fund Program.

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

7 MRSA §401-D is enacted to read:

§401-D. Agricultural Market Research and Development Fund

1. Agricultural Market Research and Development Fund. In order to provide greater returns to the State's agricultural economy through improved marketing of Maine agricultural products, the Agricultural Market Research and Development Fund is established to encourage careful and thorough analysis of market potential and more extensive development of markets for Maine agricultural products. This fund shall be nonlapsing and include money appropriated by the Legislature for this purpose and money received from other public or private sources.

2. Fund uses and limitations. The fund shall be used to provide grants to individuals, firms or organizations to conduct market research or to undertake market development activities for the purpose of expanding existing markets and developing new markets for Maine agricultural products. At least 25% of the total cost of any project shall be funded by the applicant or applicants and at least 10% of the total cost shall be funded from nonpublic sources. No single grant may exceed 20% of the total funds available to be granted in a given year. Preference shall be given to projects targeted to markets in which Maine products do not already have a significant presence.

3. Applications. In the case of market research proposals, an application for a grant shall include an appropriate market research design. In the case of market development proposals, an application for a grant shall include a marketing plan which reflects an understanding of the target market addressed and a clearly articulated marketing strategy. The Department of Agriculture, Food and Rural Resources shall provide, upon request from a potential applicant, assistance with application preparation.

4. Rules. The commissioner shall establish, by rule, in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, criteria for the allocation of grant money, application requirements consistent with the provisions of this section, a schedule for accepting and reviewing applications, reporting requirements on grant expenditures and project results and any other administrative requirements necessary for the efficient implementation of this program.

5. Proprietary information. Information relative to market research or development activities provided to the department prior to formal application, included in grant applications or provided to the department to fulfill reporting requirements, is confidential information and shall not be publicly disclosed by the department, provided that:

A. The person to whom the information belongs or pertains has requested that it be designated as confidential; and

B. The department has determined that the information gives the person making the request opportunity to obtain business or competitive advantage over another person who does not have access to the information or will result in loss of business or other significant detriment to the person making the request if access is provided to others.

Effective September 29, 1987

CHAPTER 445

S.P. 610 — L.D. 1800

AN ACT to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities.

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

Whereas, the voters of the State have ratified a \$16,000,000 General Fund bond issue for construction and renovation of correctional facilities; and

Whereas, the legislation which authorized this bond issue specifically requires allocation of the proceeds of the sale of the bonds by the 113th Legislature; and

Whereas, a special legislative corrections committee has thoroughly reviewed and adopted a proposed plan for utilizing the proceeds from the sale of bonds; and

Whereas, it is deemed to be in the best interests of the people of the State to begin to undertake the recommended new construction and renovations in as timely a manner as possible in order to address long-standing needs of the correctional system of the State; 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. 34-A MRSA §1205, sub-§3, ¶C is enacted to read:

C. The commissioner shall pay for additional expenses incurred by the counties in providing security and transportation services to committed offenders who commit new offenses while serving their sentences in state correctional facilities. The effective date of this paragraph is July 1, 1989.

Sec. 2. Allocation of proceeds of the sale of General Fund bonds for construction and renovation of Correctional Facilities. The proceeds of the sale of bonds authorized by Private and Special Law 1985, chapter 142, section 6, are allocated and shall be expended as designated in the following schedule, except that up to 10% of the amount identified for any one category may be transferred to supplement any other categories subject to the limitation that no one category may be increased more than 10% in the aggregate.

Amount

Construction of free-standing, separate maximum security prison in Warren, Maine.	\$11,000,000
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Renovations to key areas of the existing Maine State Prison	600,000
Construction of a 50-bed minimum security addition to the existing Bolduc Unit	1,400,000
Construction of 100 minimum security beds at the Maine Correctional Center	2,000,000
Construction of a new building at the Charleston Correctional Facility which will house 50 minimum security inmates	1,000,000
Total	<u>\$16,000,000</u>

Sec. 3. Requirement to meet waste water discharge standard. Notwithstanding Title 1, section 302, with respect to increased volume of waste water discharges from existing prison facilities and proposed additions, the Department of Corrections is required to meet the standards established at the time of construction by the Board of Environmental Protection and the Department of Marine Resources, regulating waste water discharges into inland and coastal surface waters of Maine.

Sec. 4. Site location. The free standing maximum security prison to be constructed in Warren, Maine, pursuant to this Act, may not be located between the St. George River and Route 97. The term "prison" means buildings and the secured compound surrounding prison buildings, but it does not include service systems and utilities.

Sec. 5. Site Selection Advisory Committee. A Site Selection Advisory Committee shall be formed to review site plans and the construction of the prison at Warren and it shall advise the Commissioner of Corrections. The committee shall be comprised of 2 citizens of the Town of Warren, recommended by the selectmen and appointed by the Governor and, one Senator appointed by the President of the Senate, who shall come from the geographic area surrounding the Warren site and 2 Representatives, appointed by the Speaker of the House, who shall also come from the geographic area.

Each person required to make an appointment or appointments pursuant to this Act shall make the appointment by July 31, 1987, and shall notify the Commissioner of Corrections.

When the appointment of all commission members is completed, the Commissioner of Corrections shall call the advisory committee together for its first meeting, no later than August 15, 1987. The members of the Site Selection Advisory Committee shall elect a chairman from among its membership at its first meeting.

Sec. 6. Compensation. The members of the advisory committee shall receive reimbursement, for expenses only, upon application to the Executive Director of the Legislative Council.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

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Site Selection Advisory Committee

All Other \$6,250

These funds shall not lapse, but shall be carried forward to be expended for the same purpose.

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

Effective June 26, 1987.

CHAPTER 446

H.P. 775 — L.D. 1047

AN ACT to Repeal the Mandatory Brucellosis Vaccination for Cattle.

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

Whereas, Maine is a brucellosis-free State and has been free from brucellosis for several years;

Whereas, the requirement to vaccinate cattle is unnecessary, costly and causes hardship for dealers buying and selling cattle to support Maine farmers; and

Whereas, the requirement must be lifted immediately to eliminate the unnecessary restriction of interstate trade; 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 §1812, 2nd ¶, as amended by PL 1985, c. 545, is repealed.

Sec. 2. 7 MRSA §1812, 3rd ¶, as enacted by PL 1981, c. 197, § 2, is repealed and the following enacted in its place:

Female cattle brought into the State may enter without having been vaccinated for brucellosis, provided they are imported from brucellosis-free states and countries. In order to import female cattle over 120

days of age from class A and B states as defined in the 9 Code of Federal Regulations, Part 78, those cattle must be vaccinated for brucellosis before entering the State.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Act.

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AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Bureau of Agricultural Production

Personal Services (\$5,000) (\$5,000)

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

Effective June 26, 1987.

CHAPTER 447

H.P. 1274 — L.D. 1741

AN ACT to Better Accommodate Over-order Milk Pricing.

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

Whereas, the status of any over-order premium under the milk pooling law is uncertain; and

Whereas, a producer marketing cooperative proposes to implement an over-order premium on milk throughout the northeastern states, which over-order premium may be inaugurated prior to 90 days after adjournment; and

Whereas, the implementation of an over-order premium without this legislation in effect may result in an excess amount of the over-order premium paid by Maine milk dealers on Maine milk being actually received by milk producers in other states; 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 §2954, sub-§1, as amended by PL 1977, c. 694, §140, is repealed and the following enacted in its place:

1. Commission empowered to establish prices; pub-