

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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A. The foam is manufactured using any fully halogenated chlorofluorocarbons found by the United States Environmental Protection Agency to be an ozone-depleting chemical; and

B. A substitute for fully halogenated chlorofluorocarbon blowing agents is available and found to meet public health and safety standards by all applicable federal and state agencies.

3. Compliance. All distributors engaged in the sale or distribution of extruded polystyrene foam products in Maine which are manufactured using chlorofluorocarbons shall certify to the Department of Environmental Protection by January 31, 1989, their compliance with subsection 1, or their scheduled compliance with subsection 2.

Effective August 4, 1988.

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## CHAPTER 753

H.P. 1584 — L.D. 2162

### AN ACT to Amend the Regulation of Lobster Parts.

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

**Sec. 1.** 12 MRSA §6858, sub-§5-B is enacted to read:

5-B. Exception for certain packages. This section shall not apply to frozen or canned lobster meat if the person possessing it:

A. Is not the first person offering it for sale in this State and maintains records indicating from whom the lobster meat was purchased; and

B. Did not pack the container or know that it contains lobster meat in violation of subsection 1 or 2.

**Sec. 2.** 12 MRSA §6862, sub-§5, as reenacted by PL 1985, c. 805, is amended to read:

5. Report; repeal. The department shall report in writing to the joint standing committee of the Legislature having jurisdiction over marine resources on the activities conducted under this section. The report shall be submitted no later than ~~January 15, 1988~~ January 1, 1989. This section is repealed on ~~August 1, 1988~~ March 1, 1989.

Effective August 4, 1988.

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## CHAPTER 754

H.P. 1618 — L.D. 2211

### AN ACT to Improve the Potato Marketing Improvement Fund.

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

Whereas, provisions of this bill are urgently needed both as an enforcement tool and to protect the integrity of the Maine Bag 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 §973, as amended by PL 1987, c. 319, §2, is further amended to read:

#### §973. Potato Marketing Improvement Fund

There is created a fund to be known as the Potato Marketing Improvement Fund, to which shall be credited all funds received by the commissioner from any source for the development and implementation of an improved storage, packing and marketing program. Any money credited to the Potato Marketing Improvement Fund from the issuance of bonds on behalf of the State for agricultural development shall be used only for the purposes of state loans as prescribed by section 974-A, to provide assistance to farmers ~~on technical aspects of the design and construction~~ for the design, construction, improvement, support and operation of storage, packing and marketing facilities and to pay the administrative costs of processing loan applications, to the extent that the costs exceed the fee for administrative costs established by section 974-A, subsection 2. Repayment of these loans and interest thereon shall be credited to the Potato Marketing Improvement Fund to be available for making additional state loans for the same purposes.

A purchaser of a modern storage facility which was previously financed with a state loan from the Potato Marketing Improvement Fund may receive a loan under the conditions of this section. Mortgages obtained from the fund may be assumed by subsequent purchasers of the property. The department shall promulgate rules concerning the purchase of existing buildings. These rules shall include provisions that ensure that such purchases are in keeping with the purposes and intent of this article and of Private and Special Law 1981, chapters 65 and 75. They shall also include a definition of a modern storage facility.

**Sec. 2.** 7 MRSA §974-A, sub-§2, as enacted by PL 1987, c. 319, §4, is repealed and the following enacted in its place:

2. State loan interest rate. The interest rate for state loans shall be 5%. Loans current at the effective date of this subsection shall be renegotiated to an interest rate of 5%.

A fee for administrative costs, which shall be at a rate set by rule by the commissioner upon consultation with the Potato Marketing Improvement Committee, but which rate shall not exceed 1% of the loan, shall be charged on all loans made for projects, the total cost of which exceeds \$50,000. This fee shall be deposited in the fund.

Sec. 3. 7 MRSA §975 is enacted to read:

§975. Aroostook County office

The department shall maintain or arrange for the maintenance of an office in Aroostook County located in a town most convenient to the largest number of potential users of the Potato Marketing Improvement Fund and sufficiently close to any local office of the Maine Potato Board as to foster a close working relationship and provide a convenience to farmers who wish to visit both agencies. This office shall be staffed by a business development specialist whose responsibilities shall be as defined by the department. The business development specialist shall be available in the Aroostook County office on a regular basis.

Should the performance of the functions of the business development specialist be contracted for, this contract shall be made by the agency managing the fund and shall be awarded through competitive bidding.

Sec. 4. 7 MRSA §1036, sub-§2, as enacted by PL 1981, c. 513, §§10 and 12, is repealed and the following enacted in its place:

2. Shipping. No packer, shipper, dealer or broker shall prepare for market, send to market or arrange for the sale of, or have possession or control of any potatoes in a Maine bag which have not been determined at point of origin by a duly authorized inspector to have met the standards required by this article. For the purposes of this subsection, the production of an unrestricted, original certificate of inspection covering the entire manifest, or an original or copy of a certificate of inspection positively identifying the actual bags or containers in question shall be deemed to satisfy the requirements of this subsection. The commissioner may promulgate rules consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, to designate other circumstances which will be deemed to satisfy the requirements of this subsection.

Sec. 5. 7 MRSA §1036, sub-§3, as enacted by PL 1981, c. 513, §§10 and 12, is repealed and the following enacted in its place:

3. Penalty. Any person who violates subsection 1 or 2-A is subject to section 957 and any person who vio-

lates subsection 2 is subject to the following civil penalties and administrative action:

- A. For the first violation, a forfeiture of \$500;
- B. For the 2nd violation, a forfeiture of \$1,000; and
- C. For the 3rd and subsequent violations, no less than \$1,000. After notice and opportunity for hearing are provided by the commissioner in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, for adjudicatory proceedings, the violator shall, for a period of one year from the date of the violation, be subject to mandatory inspection in the manner provided in section 446.

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

Effective April 21, 1988.

## CHAPTER 755

S.P. 297 — L.D. 847

### AN ACT Concerning Access Fees.

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

36 MRSA §574-A is enacted to read:

§574-A. Ineligibility

The Legislature finds that when the value of a recreational use lease exceeds the value of the tree growth which can be extracted on a sustained basis per acre as determined pursuant to section 576, then the land is no longer primarily used for the continuous growth of forest products. This finding is sufficient cause to remove from taxation under this subchapter those parcels that are more valuable in terms of recreation and are being leased on that basis. Therefore, notwithstanding sections 573 or 574, this subchapter shall not apply to any parcel of forest land that is leased for consideration to any individual or group of individuals to use for recreational purposes if that parcel of land exceeds 100 acres and if the consideration for that lease per acre exceeds the value of the growth which can be extracted on a sustained basis per acre as determined pursuant to section 576. The owner of the leased parcels shall submit a copy of the lease or leases on land subject to the provisions of this subsection to the State Tax Assessor for land in the unorganized territory and the municipal assessors in organized municipalities. The State Tax Assessor or the municipal assessor shall determine if the value of the lease exceeds the sustained growth value. If the value of the lease is determined to exceed the sustained growth value, the owner of the forest land shall have 10 days from the date of notification to either terminate the lease, amend the lease to comply with this section or withdraw