

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.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

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AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
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1987

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Sec. 4. 7 MRSA §1036, sub-§2, as enacted by PL 1981, c. 513, §§10 and 12, is repealed and the following enacted in its place: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

the land covered by the lease from the tree growth taxation under this subchapter. In the case of withdrawal, such action shall be subject to section 581 of this subchapter.

Effective August 4, 1988.

CHAPTER 756

S.P. 929 — L.D. 2440

AN ACT Concerning the Penobscot Tribal Court.

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

Sec. 1. 30 MRSA §6209, sub-§1, ¶A, as enacted by PL 1979, c. 732, §1, is amended to read:

A. Criminal offenses against a person or property for which the maximum potential term of imprisonment does not exceed 6 months and the maximum potential fine does not exceed \$500 and which are committed on the Indian reservation of the respective tribe or nation by a member of either tribe or nation against another member of either tribe or nation or against the property of another member of either tribe or nation;

(1) The Penobscot Nation shall also have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which are committed on the Penobscot Indian Reservation by a member of the Penobscot Nation against another member of the Penobscot Nation or against the property of another member of the Penobscot Nation.

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Penobscot Nation and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary concerning the effect of this subparagraph;

Sec. 2. **Effective date; certification.** This Act shall take effect October 1, 1989, provided that, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation that the Penobscot Nation has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives.

Certification of this Act was received by the Secretary of State, from the Penobscot Indian Nation, on June 21, 1988, which was within the 60 day period following adjournment.

Effective October 1, 1989, unless otherwise indicated.

CHAPTER 757

H.P. 1721 — L.D. 2360

AN ACT to Encourage the Efficient Use of Electrical Energy.

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

5 MRSA §§5013 and 5014 are enacted to read:

§5013. State energy efficacy standards for fluorescent lighting

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Ballast" or "fluorescent lamp ballast" means a device used to start and operate a fluorescent lamp by providing a starting voltage and current and limiting the current during normal operation.

B. "Ballast efficacy factor" means the relative light output divided by the power input of a fluorescent lamp ballast.

C. "F40T12 lamp" means a tubular fluorescent lamp which is a nominal 40 watts, with a 48-inch tube 1 1/2 inches in diameter. These lamps conform to American National Standards Institute standard C.78.1-1978 (R1984).

D. "F96T12 lamp" means a tubular fluorescent lamp which is a nominal 75 watts, with a 96-inch tube 1 1/2 inches in diameter. These lamps conform to American National Standards Institute standard C.78.3-1978 (R1984).

E. "F96T12HO lamp" means a tubular fluorescent lamp which is a nominal 110 watts, with a 96-inch tube 1 1/2 inches in diameter. These lamps conform to the American National Standards Institute standard C.78.3-1978 (R1984).

F. "Input current" means the root-mean-square current in the amperes delivered to a fluorescent lamp ballast, as determined in accordance with the test procedures specified in the American National Standards Institute standard C82.2-1984.

G. "Luminaire" means a complete lighting unit consisting of a fluorescent lamp, or lamps, together with parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply through the ballast.

H. "Manufacturer" means any person or business entity engaged in the original production or assembly of a fluorescent light tube or ballast.