

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

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

- (1) ~~The initial state share as defined in section 15914, subsection 3, when the initial state share has been approved for current fiscal year funding;~~
- (2) Proceeds from insured losses;
- (3) Money from federal sources; and
- (4) Other noneducational funds, except gifts and money from federal revenue sharing sources.

Sec. 4. 20-A MRSA §15914, as amended by PL 1985, c. 248, §§11 and 12, is repealed.

Sec. 5. Effective date. This Act shall take effect on July 1, 1989.

Effective July 1, 1989.

CHAPTER 804

H.P. 1592 — L.D. 2178

AN ACT to Ban Disposable Polystyrene Foam Food and Drink Containers from Public Cafeterias.

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

38 MRSA c. 16-A is enacted to read:

CHAPTER 16-A

NONDEGRADABLE FOOD AND BEVERAGE CONTAINERS

§1651. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

- 1. Consumer. "Consumer" means an individual who purchases or accepts food or beverage for use or consumption.
- 2. Food service. "Food service" means an individual, sole proprietorship, partnership, association, corporation or agency of the State or a political subdivision of the State that sells, offers to sell, engages in the sale of or engages in the provision of food or beverages to consumers.
- 3. Political subdivision. "Political subdivision" has the meaning set forth in Title 14, section 8102, subsection 3.
- 4. State. "State" has the meaning set forth in Title 14, section 8102, subsection 4.

§1652. State and political subdivision facilities and functions

1. Prohibition. A food service providing or serving individual portions of food or a beverage at a facility or function of the State or of a political subdivision shall not provide or serve those portions in or on containers that are composed in whole or in part of polystyrene foam plastic.

2. Schools. A school or school administrative district shall comply with the provisions of this section except that a food service providing such services to satellite facilities at the school or school administrative district serviced by central kitchen facilities not at the same location is exempt.

3. Meals on wheels. A food service funded in whole or in part, directly or indirectly, by the Bureau of Maine's Elderly to provide meals at dispersed locations from central kitchen facilities is exempt.

§1653. Penalty

A violation of this chapter is a civil violation for which a forfeiture of not more than \$100 may be adjudged.

§1654. Effective date

This chapter is effective on January 1, 1990.

Effective January 1, 1990.

CHAPTER 805

H.P. 1727 — L.D. 2370

AN ACT to Establish Guidelines for Genetic Engineering Experimentation.

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

Whereas, the duties assigned to the Commission on Biotechnology and Genetic Engineering are complex; and

Whereas, the Joint Standing Committee on Agriculture desires to agree on a work plan with this commission during the First Regular Session of the 114th Legislature; and

Whereas, this commission must be appointed and confirmed before it can start its work; 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. 5 MRSA §12004, sub-§10, ¶A, sub-¶(22-A) is enacted to read:

| | | | | |
|--------|--------------------|--|--------------------------|------------------------|
| (22-A) | <u>Environment</u> | <u>Commission on Biotechnology and Genetic Engineering</u> | <u>Expenses Only</u> | <u>7 MRSA §231</u> |
|--------|--------------------|--|--------------------------|------------------------|

Sec. 2. 7 MRSA c. 8-C is enacted to read:

CHAPTER 8-C

COMMISSION ON BIOTECHNOLOGY AND

GENETIC ENGINEERING

§231. Commission established; membership; compensation

1. Members; terms. The Commission on Biotechnology and Genetic Engineering, as established in Title 5, section 12004, subsection 10, shall be composed of 9 members appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agriculture and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the commission, one person shall be appointed who has practical experience and knowledge in agricultural procedures, one who has practical experience and knowledge in environmental and conservation issues, a health care professional, a representative from the forest products industry, the Director of the Maine Agricultural Experiment Station, a representative from the marine fisheries industry, a person appointed to represent the general public, one practicing scientist who shall be a representative of industry and one practicing scientist who shall be a representative of the academic community. The terms shall be for 4 years, except that, of the initial appointees, 3 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and 2 shall serve a one-year term. Any vacancy shall be filled by an appointment for the remainder of the unexpired term.

2. Organization of the commission. The commission shall elect its own chairman and such other officers as it determines necessary from among the membership. The commission shall meet at the call of the chairman or at the request of any 3 members. Five members shall constitute a quorum and any action shall require the affirmative vote of the greater of either a majority of those present and voting or at least 3 members. The chairman and the other officers shall serve in such capacities for a period of one year following their elections.

3. Compensation of the commission. Each public member shall be compensated according to the provisions of Title 5, chapter 379.

4. Staff. During the fiscal year 1988-89 staff shall

be provided from existing department personnel. Staff needs after that period shall be requested through a work plan submitted to the joint standing committee of the Legislature having jurisdiction over agriculture.

§232. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Biotechnology. "Biotechnology" means the application of biological systems and organisms to technical and industrial processes, including genetic engineering and the use of micro-organisms to produce or enhance goods and services.

2. Genetic engineering. "Genetic engineering" means the technology of the manipulation or alteration of an organism's genetic material; including recombinant deoxyribonucleic acid, or DNA, research; recombinant ribonucleic acid, or RNA, research and cell fusion, but not including medical uses of this technology.

§233. Powers and duties

The commission shall serve as a resource and repository for expertise and information on biotechnology and genetic engineering that may be utilized by appropriate state agencies, and, in addition, shall have the following nonexclusive powers and duties:

1. Research. To conduct and encourage research designed to further new and more extensive uses of the resources of the State, and to promote and encourage the advancement of biotechnological and genetic research;

2. Federal regulations and state rules. To evaluate and determine the adequacy of federal regulations and state rules affecting biotechnology and genetic engineering;

3. Policies. To formulate and coordinate state policies affecting the biotechnology and genetic engineering industries;

4. Liaison. To serve as liaison between the State and federal agencies on matters affecting the biotechnology and genetic engineering industries;

5. Risks. To assess potential risks to the public, including moral, ethical and social, and to the environment created by those industries;

6. Release of by-products. To study, analyze and review federal and state laws governing the release of any by-products of these industries into the environment, as to their adequacy in safeguarding the public health, safety and welfare and, specifically, whether the relevant laws will prevent releases that will have any substantially deleterious effect on the population or environment of this State;

7. Establish standards. To establish standards for the issuance and renewal of permits for the release into the environment of these by-products; and

8. Rules. To adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, and take such other actions as it determines appropriate to carry out the purposes of this chapter.

§234. Confidential information

All information submitted to and received by the commission pertaining to any ongoing experiment shall be confidential unless the commission determines that there is a compelling reason to make the information public. The commission shall notify the person providing the information, who may request a hearing conducted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. If no request is made within 7 days of notification, the information may be made public.

§235. Enforcement

This chapter and the rules promulgated under it shall be enforced by such personnel of the department as the commission may designate.

§236. Penalties

Any person who violates any provision of this chapter or any order, rule, decision or permit issued by the commission shall be punished by a fine of not more than \$2,500 for the first offense, and not less than \$2,500 for each subsequent offense. Each day that a person so operates shall be considered a separate offense.

Sec. 3. Appointment; convening of commission. Appointment of the members of the commission shall be made by July 1, 1988. The Governor shall call the commission together for its first meeting no later than August 15, 1988.

Sec. 4. Work plan. By January 15, 1989, the commission shall issue a plan to the Joint Standing Committee on Agriculture in which a work plan, time schedule, and staffing and budget requirements for performing the duties outlined in the Maine Revised Statutes, Title 7, section 233 are provided.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

| | |
|---|---------|
| | 1988-89 |
| <u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u> | |
| Bureau of Agricultural Production | |
| All Other | \$4,000 |
| Provides funding for 6 meetings of the | |

9-member Commission on Biotechnology and Genetic Engineering and for departmental staffing.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved; except that those portions of the Act which enact the Maine Revised Statutes, Title 7, sections 233, 235 and 236 shall take effect April 15, 1990.

Effective April 28, 1988, unless otherwise indicated.

CHAPTER 806

H.P. 1718 — L.D. 2357

AN ACT to Improve the Linked Investment Program for Agricultural Loans.

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

Whereas, the Maine Revised Statutes, Title 5, section 135, paragraph 5, as enacted by Public Law 1985, chapter 816, authorizes a program of investing state funds in lending institutions at below market rates linked to loans of an equivalent amount to agricultural enterprises; and

Whereas, experience with the program has demonstrated that the program will not be able to continue to work effectively unless certain changes are made to the program; and

Whereas, if such changes are not enacted on an emergency basis, agricultural enterprises will not be able to get loans at reduced interest rates under the program in time to prepare for the 1988 planting season; 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. 5 MRSA §135, 5th ¶, as enacted by PL 1985, c. 816, §1, is amended to read:

The Treasurer of State may deposit an amount not to exceed \$4,000,000 ~~at any time in each calendar year~~ with responsible financial institutions authorized to do business in the State at a rate of return not more than 2% per year below the rate of return otherwise obtainable had the funds been invested ~~in accordance with the first paragraph of this section~~ with such financial institutions for a similar term, as determined by the treasurer, for periods not to exceed one year, provided that each such finan-