

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

4. Public education program. The department shall develop a coordinated public education program which shall target school children and involve extensive use of the media.

5. Research. The department shall encourage inter-nal research focused on the following statewide topics:

A. Lake vulnerability, particularly as it relates to noncultural features of the watershed;

B. The effectiveness and design of the best management practices to control phosphorous pollution; and

C. New lake and watershed diagnostic tools.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1988-89
<u>ENVIRONMENTAL PROTECTION,</u> <u>DEPARTMENT OF</u>	
Lake Restoration and Protection Fund	
Positions	(2 1/2)
Personal Services	\$75,000
All Other	175,000
Total	<u>\$250,000</u>
Provides funds which will support this program in the first of 3 fiscal years and to allow the department to contract with regional planning agencies to accomplish the purposes of this Act.	

Effective August 4, 1988.

CHAPTER 843

H.P. 1728 — L.D. 2371

AN ACT to Appropriate Funds to Conduct a Marine Pollution Monitoring Program.

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

Sec. 1. 38 MRSA c. 3, art. 1-E is enacted to read:

ARTICLE 1-E

MARINE ENVIRONMENTAL MONITORING PROGRAM

§410-F. Marine Environmental Monitoring Program

The Department of Environmental Protection in cooperation with the Department of Marine Resources shall establish the Marine Environmental Monitoring

Program. The initial purpose of this program shall be to design a monitoring program to examine the extent and effect of industrial contaminants and pollutants on marine and estuarine ecosystems and to determine compliance with and attainment of water quality standards under article 4-A. This study shall include, but not be limited to:

1. Sources. The sources, fates and biological availability of these contaminants;

2. Impact. The impact of these contaminants on marine and estuarine biota; and

3. Assessment. An assessment of the condition of marine and estuarine habitats.

§410-G. Report required

The Department of Environmental Protection in cooperation with the Department of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources and the joint standing committee of the Legislature having jurisdiction over marine resources during the first regular session of each Legislature. The initial report shall include recommendations regarding the design of the monitoring program and on the level of funding necessary to fully implement the program. The report shall be due on or before March 15th. The report shall address the problems or potential problems of marine and estuarine resources caused by industrial contaminants. The department also shall prescribe remedial steps to address problems identified in the report.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1988-89
<u>ENVIRONMENTAL PROTECTION,</u> <u>DEPARTMENT OF</u>	
Water Quality Control	
Positions	(1)
Personal Services	\$29,226
All Other	3,274
Capital Expenditures	1,000
Total	<u>\$33,500</u>
Provides funds for a Biologist II position to design the proposed Marine Environmental Monitoring Program.	

Effective August 4, 1988.

CHAPTER 844

H.P. 1880 — L.D. 2572

AN ACT to Provide for a State Trademark for Maine Products.

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

Sec. 1. 7 MRSA §443-B is enacted to read:

§443-B. Certification trademark for Maine products

1. Registration of trademark. The Commissioner of Agriculture, Food and Rural Resources shall, before December 31, 1988, apply to the United States Patent and Trademark Office for registration for a certification trademark or trademarks consisting of a seal in the form of the outline of the State, the word "Maine" and any other appropriate identifying words. Any certification trademark obtained may only be used on farm products produced within the State. Any certification trademark obtained may be registered with the State in accordance with Title 10, chapter 301-A.

2. Origin of product. For purposes of this section, the commissioner shall define, by rule, for each commodity group, the meaning of the term "produced within the State" and the minimum percent of the content of any package that must have actually been produced within the State to meet the requirements for use of any mark under this section.

The commissioner shall grant a waiver to the minimum content criteria when emergency market conditions arise which are abnormal to the historic flow of a specific commodity, with the degree of the waiver to be determined by the commissioner. The commissioner shall determine what constitutes an emergency condition.

3. Quality grades and standards. Any product bearing a certification trademark obtained under this section shall meet the official grades and standards established by the commissioner under section 443 for that commodity.

4. Promotion. The commissioner shall contract for services to promote the use of the proposed state trademark.

Sec. 2. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Marketing Services — Agriculture

Positions	(2)
Personal Services	\$44,000

Provides funds for the salaries of 2
Produce Inspector III positions.

DEPARTMENT OF AGRICULTURE,
FOOD AND RURAL RESOURCES
TOTAL

\$44,000

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Business Development

All Other (\$44,000)

DEPARTMENT OF ECONOMIC AND
COMMUNITY DEVELOPMENT
TOTAL

(\$44,000)

TOTAL APPROPRIATIONS

\$ 0

Effective August 4, 1988.

CHAPTER 845

H.P. 1694 — L.D. 2327

AN ACT to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities.

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

Sec. 1. 22 MRSA §7302, sub-§10, as enacted by PL 1981, c. 511, §1, is repealed and the following enacted in its place:

10. Severe disability. "Severe disability" means a disability which results in persons having severe, chronic physical, sensory or cognitive limitations which restrict their ability to carry out the normal activities of daily living and to live independently.

Sec. 2. 22 MRSA §7342, sub-§§1 and 2, as enacted by PL 1981, c. 511, §1, are repealed and the following enacted in their place:

1. Severe disability. Has a severe disability;

2. Need for services. Has a need for personal care assistance services or for an attendant at night, or both, which services are necessary to prevent or remove the adult from inappropriate placement in an institutional setting; and

Sec. 3. 22 MRSA §7343, sub-§4, ¶¶A to C, as enacted by PL 1981, c. 511, §1, are amended to read:

A. Personal health management to maximize personal well-being in relation to the adult's disability, provided by a registered nurse or other qualified person experienced in the rehabilitation of the severely physically disabled, including all aspects of prevention, maintenance and treatment techniques;

B. Personal care assistant management, provided by a registered nurse experienced in the rehabilitation of the severely physically disabled, including training in recruiting, hiring and managing a personal care assistant; scheduling; potential problems; and