

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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. 30 MRSA §5152, sub-§9 is enacted to read:

9. Interest or dividend exemption from state taxation. Interest or dividends paid on general obligation securities issued under this section shall be exempt from taxation within the State, whether or not such income is subject to taxation under the United States Internal Revenue Code, as amended.

Sec. 2. 30-A MRSA §5772, sub-§9 is enacted to read:

9. Interest or dividend exemption from state taxation. Interest or dividends paid on general obligation securities issued under this section shall be exempt from taxation within the State, whether or not such income is subject to taxation under the United States Internal Revenue Code, as amended.

Sec. 3. Application. Section 1 of this Act is repealed effective March 1, 1989. Section 2 shall take effect March 1, 1989.

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

Effective September 19, 1988.

CHAPTER 874

H.P. 1977 — L.D. 2675

AN ACT to Provide for Pooling of Certain Over-Order Premiums Under the Maine Milk Pool.

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

Whereas, because escalating feed prices and other factors have contributed to a short supply of milk in the Northeast and intense competition by dealers for supplies of milk has resulted in payment of premiums by dealers; and

Whereas, in order to provide for an equitable redistribution of over-order premiums established by the Maine Milk Commission which are not attributable to the activities of an eligible marketing cooperative, and to account properly for the presence of premiums paid to Boston market producers in the face of unforeseeable changes in the price of milk in southern New England; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution 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 §2901, sub-§§15-B and 15-C are enacted to read:

15-B. Light eggnog. "Light eggnog" means the clean, wholesome food product made from the same ingredients and prepared in the same manner as eggnog, except that light eggnog shall contain by weight not more than 3% milk fat, not less than 1% of egg yolk solids and not more than 0.5% of stabilizer. A package containing light eggnog shall bear the label upon which shall appear a statement of the grams of fat and the number of calories per serving.

15-C. Light sour cream. "Light sour cream" means sour cream which contains not more than 9% milk fat nor less than 6% milk fat; provided that, in computing the minimum milk fat content, the minimum percentage may be based on the weight remaining after subtracting the weight of any nutritive sweeteners or bulky flavoring ingredients present in the product. In no case may light sour cream contain less than 4.2% milk fat. A package containing light sour cream shall bear a label upon which shall appear a statement of the grams of fat and the number of calories per serving.

Sec. 2. 7 MRSA §3153, sub-§2, ¶E is enacted to read:

E. Notwithstanding the provisions of paragraph D, that portion of the minimum price for August 1988 and September 1988, as established by the Maine Milk Commission, which exceeds the sum of the base minimum price and the over-order premium attributed to the activities of an eligible marketing cooperative on raw milk purchased by a Maine dealer in August 1988 and September 1988 shall be pooled and redistributed on an equal basis between eligible Maine market producers and eligible Boston market producers, except that the commissioner shall credit an amount determined under subsection 5, paragraph C-1, against the redistribution to Boston market producers.

Sec. 3. 7 MRSA §3153, sub-§5, ¶C-1 is enacted to read:

C-1. With respect to the pooling of the over-order premium for August and September 1988, the commissioner shall redistribute any over-order premium paid into the Maine Milk Pool which the commissioner has determined is not attributable to the activity of an eligible marketing cooperative on an equal basis to eligible Maine market producers and eligible Boston market producers; except that, if any Maine market producer or Boston market producer receives an additional premium, the commissioner shall credit that additional premium against the redistribution to which

that producer would otherwise be entitled under this paragraph in order to avoid potential inequities arising from equal redistribution of the pool. For purposes of this paragraph, "additional premium" means such part of the price of milk paid by a dealer:

(1) To a Maine market producer which exceeds the base minimum price and is not part of an over-order premium established by the Maine Milk Commission and which the commissioner determines is not based on the performance of that producer as determined on the basis of bona fide criteria relating to milk quality, milk production or milk composition; and

(2) To a Boston market producer which exceeds the appropriate federal order plant price, is not a part of a premium attributable to the activity of an eligible marketing cooperative and which the commissioner determines is not based on the performance of that producer as determined on the basis of bona fide criteria relating to milk quality, milk production or milk composition.

For purposes of calculating the credits for additional premiums under this paragraph, the terms "Maine market producer" and "Boston market producer" shall not include an agricultural cooperative that buys or handles milk from a producer and sells it to a dealer.

Sec. 4. Sunset. Sections 2 and 3 of this Act are repealed on October 31, 1988.

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

Effective September 19, 1988.

CHAPTER 875

S.P. 1021 — L.D. 2677

AN ACT to Clarify the Implementation of the Overboard Discharge Replacement Fund and the Overboard Discharge Assistance Fund.

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

Whereas, the 113th Legislature, during the Second Regular Session, enacted Public Law 1987, chapter 846, "AN ACT to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law"; and

Whereas, Public Law 1987, chapter 846, section 14 contains a technical error; and

Whereas, this error may cause uncertainty and confusion in interpreting legislative intent; and

Whereas, it is important that this uncertainty and con-

fusion be resolved in order to prevent any hardship to the citizens of Maine; 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:

PL 1987, c. 846, Sec. 14 is repealed and the following enacted in its place:

Sec. 14. Implementation. To the extent existing resources are available, the Finance Authority of Maine and the Maine State Housing Authority may begin to accept applications for and provide loans, loan guarantees and grants as provided in this Act. To the extent additional resources are required, the Finance Authority of Maine and the Maine State Housing Authority may begin to accept applications for loans, loan guarantees and grants as provided in this Act upon appropriation or allocation of funds by the Legislature for those purposes.

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

Effective September 23, 1988.

CHAPTER 876

H.P. 1983 — L.D. 2686

AN ACT to Return Surplus Revenues to the Taxpayers of Maine.

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

Whereas, it is the intent of the Legislature and the Governor to return \$60,000,000 in excess revenue collections to the people of the State of Maine as soon as possible; and

Whereas, it is necessary that the State Tax Assessor take certain action pursuant to this legislation prior to the expiration of the 90-day period; 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. 4 MRSA §118, as enacted by PL 1975, c. 383,