

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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

30-A MRSA §5702, first ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2, and c. 104, Pt. C, §§8 and 10; is further amended to read:

No municipality may incur debt which would cause its total debt outstanding at any time, exclusive of debt incurred for school purposes, for storm or sanitary sewer purposes, for energy facility purposes or for municipal airport purposes to exceed 7 1/2% of its last full state valuation, or any lower percentage or amount that a municipality may set. A municipality may incur debt for school purposes to an amount outstanding at any time not exceeding 10% of its last full state valuation, or any lower percentage or amount that a municipality may set, for storm or sanitary sewer purposes to an amount outstanding at any time not exceeding 7 1/2% of its last full state valuation, or any lower percentage or amount that a municipality may set, and for municipal airport and special district purposes to an amount outstanding at any time not exceeding 3% of its last full state valuation, or any lower percentage or amount that a municipality may set; provided, however, that in no event may any municipality incur debt which would cause its total debt outstanding at any time to exceed 15% of its last full state valuation, or any lower percentage or amount that a municipality may set.

See title page for effective date.

CHAPTER 214

H.P. 477 - L.D. 657

An Act to Discourage the Theft of Blueberries

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 that the penalties and provisions of this Act be available to deter stealing of blueberries this coming summer; 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. 36 MRSA §4302, sub-§§1-B, 1-C, 1-D, 1-E and 5 are enacted to read:

1-B. Crew leader. "Crew leader" means a person designated by an owner to supervise an organized crew.

1-C. Organized crew. "Organized crew" means a group of people working together under the supervision of a crew leader to harvest, pick, rake, possess or remove blueberries from the land of an owner.

1-D. Owner. "Owner" includes a landowner or leaseholder of land on which blueberries are grown and harvested for profit, or the landowner's or leaseholder's authorized agent, and includes a receiver of blueberries grown in Canada and purchased from Canadian sellers.

1-E. Permanent record. "Permanent record" means a written record which is kept and maintained for not less than 6 years.

5. Transportation permit. "Transportation permit" means an official permit on forms duly adopted and furnished by the Maine Blueberry Commission to owners.

Sec. 2. 36 MRSA §§4314 to 4318 are enacted to read:

§4314. Permit required

1. Possession or removal unlawful. It shall be unlawful for any person to harvest, pick, rake, possess or remove blueberries from the land of an owner without first securing written permission from the owner or the owner's authorized agent. This section shall not apply to members of an organized crew, provided the crew leader has first secured the written permission of the owner. Any person authorized to make inspections under this chapter may require any person on the land of an owner who has possession of blueberries or is found harvesting, raking, picking or removing blueberries to show a current written permit.

2. No effect on other laws. Nothing in this section may be construed:

A. To relieve any person of any obligation to obtain permission to enter upon the land or premises of another; or

B. To affect any criminal or civil liability which may exist for unauthorized entry, trespass, theft or conversion.

3. Violation. Any violation of this section is a Class E crime.

§4315. Transportation of blueberries

1. Transportation of blueberries without permit. It is unlawful for any person to transport blueberries in quantities exceeding 25 pounds without first obtaining a transportation permit on an official form to be furnished by the Maine Blueberry Commission. The Maine Blueberry Commission shall issue official transportation permit forms to owners who may issue the transportation permits to individuals. Each permit issued shall bear a different number and shall expire at the end of the calendar year. When an owner issues a transportation permit, the owner shall immediately send a copy to the Maine Blueberry Commission.

The commission shall keep a permanent record of all permits issued. The commission may promulgate rules establishing the form and content of transportation permits and governing the means of their issuance and establishing the record-keeping functions of the commission and the owners.

2. Permits subject to forgery laws. Every permit specified under this section is deemed to be a written instrument subject to the laws of forgery.

3. Violation. Any person who transports blueberries in violation of this section is guilty of a Class E offense. Any other violation of this section is a civil violation punishable by a fine of not more than \$500.

4. Exceptions. A person is not guilty of transporting blueberries without a transportation permit if:

A. The person is transporting blueberries that were not harvested in this State; or

B. That person purchased the blueberries at a store, farm stand, produce market or other retail outlet.

§4316. Receivers of blueberries

1. Record keeping required. Any person who receives blueberries must keep a permanent record of each lot or load of blueberries received. The record shall include the name of the driver of the vehicle used to deliver the blueberries, the date of delivery, the delivery point, the number of the transportation permit, the driver's license number and the total pounds of blueberries delivered.

2. Inspection of permit required. It shall be unlawful for any person to receive or accept delivery of any blueberries in lots of greater than 5 pounds without first inspecting the transportation permit of the driver of the vehicle used to deliver the blueberries and recording the transportation permit number in accordance with subsection 1 of this section.

3. Violation. The failure to keep the permanent records of blueberries received as required in this section or failure to inspect the transportation permit of a driver of a vehicle used to deliver blueberries is a civil violation punishable by a fine of not more than \$1,000.

4. Audits. The Maine Blueberry Commission may request the Department of Agriculture, Food and Rural Resources to conduct, through its staff, audits of the records kept pursuant to this section for the purpose of ascertaining compliance with this section. Any documents inspected or taken by the department in furtherance of the audit functions or any other information collected by the department pursuant to the audits shall be kept confidential notwithstanding anything to the contrary contained in Title 1, chapter 13, subchapter I. The confidential status shall not apply to any documents, records or information which become evidence in any criminal proceeding to enforce any law under this chapter or any other criminal law.

§4317. Authorized law enforcement

State police, county sheriffs and their deputies, municipal enforcement officers, state forest rangers and game wardens are authorized to make inspections, conduct investigations, make arrests and otherwise enforce this chapter.

§4318. Sunset provision

Sections 4314 to 4317 are repealed on July 1, 1991.

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

Effective June 2, 1989.

CHAPTER 215

H.P. 783 - L.D. 1095

An Act to Reduce Administrative Burdens on County Jails

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

17-A MRSA §1254, sub-§2-A is enacted to read:

2-A. If the length of the unsuspended portion of a prisoner's term of imprisonment is 8 days or more, a prisoner sentenced to a county jail may be released at any time on the final day of imprisonment, in accordance with jail release procedures; otherwise, the prisoner shall not be released until the prisoner has served the full term of hours or days imposed by the court.

See title page for effective date.

CHAPTER 216

H.P. 223 - L.D. 303

An Act to Establish a Process for the Deorganization of Municipalities and Plantations

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

Whereas, the provisions of the Maine Revised Statutes, Title 30-A governing Maine municipalities become effective on March 1, 1989; and

Whereas, there is no consistent, objective or carefully developed process by which municipalities deorganize and become part of the unorganized territory; and