

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

CHAPTER 319

H.P. 841 - L.D. 1173

An Act to Provide Final Price Disclosure
to Potato Growers

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

7 MRSA §1022, sub-§2, as amended by PL 1979, c. 541, Pt. A, §64, is further amended to read:

2. **Guarantees.** In any sale in which the buyer of such potatoes is a person required to be licensed by this ~~Article~~ article and has a place of business in this State except a retailer, any guarantees with regard to grade, size, weight or other specifications, made by the producer shall be deemed satisfied when the grade, size, weight or specifications, as certified by a licensed federal-state potato inspector, or seed potato inspector, after ~~said~~ the potatoes have been or while they are being loaded for transit, equals or exceeds the grade, size, weight or other specifications of ~~such~~ the potatoes stated in ~~such~~ the record of transaction. Any producer making any such guarantees shall at all ~~time~~ times prior to shipment have the option to determine whether or not ~~said~~ the potatoes shall be inspected in accordance with this subsection. Any attempt by a dealer to coerce or influence a producer to forego an inspection shall be a civil violation subject to section 1028. Any agreement the effect of which is to deny the producer ~~of his~~ the right to satisfy ~~his~~ the producer's guarantee obligations and any agreement conflicting with this subsection are ~~null and~~ void; provided that a producer ~~shall be deemed to waive his~~ waives any rights under this subsection or ~~he~~ may sell ~~his~~ potatoes under an agreement conflicting with this subsection when the record of transaction required by this ~~Article~~ article contains the following additional information:

A. Name and address of the person to whom the dealer resold the potatoes and any other person to whom the producer is obligated, directly or indirectly, by making any guarantees with regard to grade, size, weight or other specifications;

B. Point of final destination for ~~said~~ the shipment of potatoes; and

C. Price for the potatoes, per unit at final destination.

A buyer or dealer who attempts to enforce or hold a producer liable under a guarantee obligation, when the potatoes have been inspected in accordance with this subsection, without supplying the information in paragraphs A, B and C commits a civil violation and shall be subject to section 1028.

See title page for effective date.

CHAPTER 320

H.P. 973 - L.D. 1351

An Act Amending the Oil and Solid Fuel
Board Laws

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

Sec. 1. 32 MRSA §2311, sub-§4, as amended by PL 1979, c. 606, §7, is further amended to read:

4. **Approved.** "Approved" ~~shall mean~~ means acceptable to the Oil and Solid Fuel Board as to design, construction, installation and safety for its intended use. ~~Equipment in conformance with the Board of Boiler Rules shall be considered as meeting the definition of this subsection. Devices listed for a specific purpose by Underwriters Laboratories, Inc., or other nationally recognized testing agencies, shall be considered as meeting the definition of this subsection. Upon receipt of evidence indicating that equipment so tested may not meet the definition of this subsection, the board may review the determinations made by such agencies. All other equipment shall be submitted to the board for review. The board shall not label or require any person or group to label equipment in the name of the board according to standards and rules adopted by the board.~~

Sec. 2. 32 MRSA §2313, as enacted by PL 1979, c. 569, §4, is amended to read:

§2313. Installations to conform to standards

No installation of oil or solid fuel burning equipment as defined in this chapter ~~shall may~~ be made in the State unless the installation complies ~~with the then current edition of the National Fire Protection Association Standard No. 31 and~~ with all ~~other~~ standards and regulations adopted by the board. Whenever oil or solid fuel burning equipment, accessory equipment or installation thereof are separately contracted, the master burner technician in charge of installation shall be responsible for ascertaining total conformance to the standards. Whenever any state oil and solid fuel compliance officer shall find a person installing or assisting in an oil or solid fuel burner installation, the person shall, on request of the compliance officer, provide evidence of being properly licensed, when required by this chapter and if unable to provide the evidence, shall furnish the compliance officer with ~~his~~ that person's full name and address and, if applicable, the full name and address of the master in charge.

Sec. 3. 32 MRSA §2315, as amended by PL 1987, c. 395, Pt. A, §168, is further amended to read:

§2315. State oil and solid fuel compliance officers

State oil and solid fuel compliance officers, upon written complaint of any owner, lessee or tenant of a building, state fire inspector, fire chief, fire department inspector, personnel of an electric utility or local electrical inspector, or whenever they shall deem it necessary, for purposes of examination of the burner installation, may at all reasonable