

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

hours enter into and upon all buildings or premises within their jurisdiction and inspect the buildings or premises. The inspectors may enter any building only with the permission of the person having control thereof or, after hearing, upon order of the court. Whenever any such compliance officer shall find any burner installation in any building or structure which does not comply with the requirements of this chapter, he that officer shall order the burner to be removed or remedied, and the order shall forthwith be complied with by the owner or occupant of that building or structure or the installer of the equipment. The owner or occupant or installer may, within 7 days, appeal to the Oil and Solid Fuel Board, which shall, within 10 days, review the order and file its decision thereon, which decision shall be complied with within such time as may be fixed in the decision of the board. In the event any person, firm or corporation fails or refuses to carry out any such order of any oil or solid fuel burner compliance officer or decision of the board, a court may order appropriate injunctive relief. State oil and solid fuel compliance officers shall have the authority to review the burner installation records of any person licensed under this chapter.

Sec. 4. 32 MRSA §2316, as enacted by PL 1979, c. 569, §4, is amended to read:

§2316. Failure to comply with order of compliance officer

If the owner or occupant of any building or an installer neglects or refuses, without justification, for more than 10 days to comply with any order of an oil or solid fuel burner compliance officer concerning oil or solid fuel burner installations as provided by this chapter, he that person commits a civil violation for which a forfeiture of not less than \$5 for each day's neglect may be adjudged.

Sec. 5. 32 MRSA §2402, sub-§1, as amended by PL 1983, c. 413, §123, is further amended to read:

1. Rules. The board may make reasonable rules for the issuance of various types and classes of licenses to cover the various types of oil and solid fuel burner installations ~~as set forth in section 2314~~ and to set forth standards and rules for product approval. A license may cover one or more or all types of installations. The board may further make reasonable rules concerning the term and type of experience required by candidates for examination.

Sec. 6. 32 MRSA §2406 is enacted to read:

§2406. Corporations, firms and partnerships

The board may issue a master oil burner or solid fuel burner technician license to a corporation, firm or partnership which submits an application for a license on a form prescribed by the board. Such a license shall not be issued unless the applicant provides satisfactory evidence that it has a licensed master oil burner or solid fuel burner technician directly in charge of its heating business activities who is an officer in the case of a corporation, or full-time employee, in the case of a firm or partnership, and the license shall be issued in the name of that master oil burner or solid fuel burner technician. Upon the death or severance from the

company of the licensed master oil burner or solid fuel burner technician in whose name the company license is held, the company license shall automatically terminate 30 days from the date of that death or severance, unless the company applies for reissuance of its license in the name of another licensed master oil burner or solid fuel burner technician who is qualified under this section.

See title page for effective date.

CHAPTER 321

H.P. 978 - L.D. 1356

An Act to Authorize County Commissioners to Provide Additional Facilities for Prisoners

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

Whereas, this legislation must be enacted and take effect at the earliest possible moment in order to address the statewide crisis of severe overcrowding in county jails; 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. 30-A MRSA §1658, 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. A, §49, is further amended by inserting at the end a new paragraph to read:

The county commissioners may purchase, lease, contract or enter into agreements for the use of facilities to house minimum security prisoners who have been sentenced to the county jail. These prisoners must be involved in restitution, work or educational release, or rehabilitative programs. The funds to purchase, lease or contract for these facilities and to provide any programs in these facilities may be taken from the funds received by the counties pursuant to Title 34-A, section 1210. Any facilities used to house prisoners pursuant to the authority granted by this section shall be subject to standards established by the Department of Corrections pursuant to Title 34-A, section 1208-A.

Sec. 2. 34-A MRSA §1208-A is enacted to read:

§1208-A. Standards for additional accommodations

The commissioner shall establish standards for facilities not covered by section 1208 which are used to house county prisoners and has the same power to enforce those standards as provided under section 1208.