

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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and Natural Resources by February 10, 1990, with the director's findings and any recommendations for legislative changes.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1989-90                      1990-91

CONSERVATION, DEPARTMENT OF

Bureau of Public Lands

Public Lands Management Fund

Positions	(1)	(1)
Personal Services	\$26,250	\$36,000
All Other	18,000	21,500
Capital Expenditures	4,000	4,000

Provides funds for a Submerged Lands Coordinator, contractual services and general operating expenses to administer the submerged land program.

DEPARTMENT OF  
CONSERVATION  
TOTAL

\$48,250                      \$61,500

See title page for effective date.

**CHAPTER 339**

**S.P. 340 - L.D. 901**

**An Act to Require Labeling of Produce Treated with Post-harvest Treatments**

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

**Sec. 1.** 22 MRSA §2157, sub-§14 is enacted to read:

14. Post-harvest treatments. If it is fresh produce that is sold or offered for sale at a retail outlet, whether or not it is packaged or in a container, and has been treated with a post-harvest treatment, without meeting the requirements in paragraphs A, B and C.

For purposes of this section, "post-harvest treatment" means a treatment added or applied to fresh produce after harvest and identified by rule as a post-harvest treatment and waxes that contain one or more post-harvest treatments.

A. The owner or manager of a retail outlet shall ensure that one conspicuous sign is displayed that shall read: "Produce in this store may have been treated after harvest with one or more post-harvest treatments."

B. The owner or manager of a retail outlet shall ensure that information identifying the specific post-harvest treatments used, and the specific items of produce that were treated, is available to the public within 48 hours of a request.

C. The owner or manager of a retail outlet shall ensure that produce without post-harvest treatment, as determined by the commissioner, shall be identified by a sign contiguous to the specific produce.

This subsection is repealed effective July 1, 1991.

**Sec. 2. Effective date.** This Act shall take effect January 1, 1990.

Effective January 1, 1990.

**CHAPTER 340**

**S.P. 297 - L.D. 795**

**An Act to Amend the Wrongful Death Laws to Encompass Associated Claims**

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

**18-A MRSA §2-804, sub-§(b)**, as amended by PL 1981, c. 213, is further amended to read:

(b) Every such action shall be brought by and in the name of the personal representative of the deceased person, and the amount recovered in every such action, except as otherwise provided, shall be for the exclusive benefit of the surviving spouse, if no minor children, and of the children if no surviving spouse, and one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them, if there are both surviving spouse and minor children, and to the deceased's heirs to be distributed as provided in section 2-106, if there is neither surviving spouse nor minor children. The jury may give such damages as it shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death to the persons for whose benefit the action is brought, and in addition thereto shall give such damages as will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, and in addition thereto may give damages not exceeding ~~\$50,000~~ \$75,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought, provided that the action shall be commenced within 2 years after the decedent's death. If a claim under this section is settled without an action having been commenced, the amount paid in settlement shall be distributed as provided in this subsection. No settlement on