

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

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
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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
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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

behalf of minor children shall be valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

CHAPTER 341

H.P. 559 - L.D. 757

An Act Concerning Withdrawal of Candidates

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

Sec. 1. 21-A MRSA §374, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 2. 21-A MRSA §374-A is enacted to read:

§374-A. Withdrawal of candidates for certain state offices

1. Withdrawal and replacement of nominees; Governor's proclamation. The Governor shall issue a proclamation as provided in section 362 and a political committee may make a replacement nomination following a candidate's withdrawal only if a person nominated for an office, other than United States Senator, Representative to Congress or Governor, at a primary election or by a political committee:

A. Withdraws on or before 5 p.m. of the first Monday in August preceding the general election;

B. Withdraws because of a catastrophic illness that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, provided the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request, which describes the illness and is signed by at least 2 licensed physicians; or

C. Dies prior to the general election.

2. Deadline for replacement of nominee. A political committee may make a replacement nomination:

A. No later than 5 p.m. of the 3rd Monday in August preceding the general election for a candidate who has withdrawn in accordance with subsection 1, paragraph A; or

B. As soon as practicable for a candidate who withdraws or is withdrawn in accordance with subsection 1, paragraph B or C.

Sec. 3. 21-A MRSA §376, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§376. Production of new ballots

1. Federal or gubernatorial office. If a candidate or nominee for a federal or gubernatorial office withdraws less than 40 days before any election, the Secretary of State is not required to produce new ballots.

2. Certain state offices. The Secretary of State is required to produce new ballots only if a candidate for an office, other than United States Senator, Representative to Congress or Governor, withdraws in accordance with section 374-A, subsection 1, paragraph A, B or C.

3. List of candidates. Immediately after the last day for withdrawal, the Secretary of State shall list all names to be placed on the ballot for the general election.

See title page for effective date.

CHAPTER 342

H.P. 397 - L.D. 528

An Act to Amend the Animal Welfare Laws

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

Sec. 1. 7 MRSA §3966, sub-§1, as enacted by PL 1987, c. 643, §5, is repealed and the following enacted in its place:

1. Control. Except as provided in this section, it is unlawful for any domesticated ferret to be off the premises of the owner or other person having care, custody and control of the ferret. If the owner or other person in possession cannot locate the ferret, the owner or person in possession shall immediately notify the municipal office serving the area in which the ferret was lost.

A ferret may be off the premises of the owner provided that at all times the ferret is securely caged, collared or harnessed and leashed and under the direct physical control of the person in possession. It shall be the responsibility of the owner that the ferret does not constitute a public nuisance, risk to public safety or otherwise cause damage to public or private property.

Sec. 2. 7 MRSA §3972, sub-§§2 and 3, as enacted by PL 1987, c. 383, §3, are amended to read:

2. Violation. Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged. For the purposes of this section, "animal" does not include lobsters or shellfish.

3. Construction. Nothing in this section may be construed to apply to any animal to be used or raised for agriculture, aquaculture or fishing, or to any dog to be used or raised for hunting or exhibition purposes, by persons with proper facilities otherwise authorized by law, or to games using animals in which the participating animal is not caused,