

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:

9-B MRSA §241, sub-§6 is enacted to read:

6. Returned check charges. No financial institution authorized to do business in this State may assess a returned check charge or similar charge against a depositor for the cost of processing a check deposited in that financial institution after receipt by that depositor from another party and returned for insufficient funds by the institution on which it was drawn, except in accordance with this subsection. The charge shall not exceed \$2 per returned check, but if the check is deposited in the same institution on which it is drawn, there shall be no charge assessed against the depositor. This subsection is repealed July 1, 1991.

See title page for effective date.

CHAPTER 427

S.P. 610 - L.D. 1704

An Act to Amend the Definition of Labels in the Beverage Container Deposit Law

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

Sec. 1. 32 MRSA §1865, sub-§1, as enacted by PL 1975, c. 739, §16, is amended to read:

1. Labels. Except as provided under subsection 2, the refund value and the word "Maine" or the abbreviation "ME" shall be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by embossing, stamping, labeling or other method of secure attachment to the beverage container. The refund value shall not be indicated on the bottom of the container. Metal beverage containers shall be embossed or stamped on the top of the container.

Sec. 2. 32 MRSA §1865, sub-§2, as enacted by PL 1975, c. 739, §16, is amended to read:

2. Brand name. Glass beverage containers having a refund value of not less than 5¢ ~~prior to the effective date of this chapter~~ and having a brand name permanently marked thereon, shall not be required to ~~indicate the refund value under~~ comply with the provisions of subsection 1.

See title page for effective date.

CHAPTER 428

S.P. 419 - L.D. 1130

An Act Dealing with Removal of Dislodged Lobster Gear

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

12 MRSA §6434, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

§6434. Molesting lobster gear

No person may raise, lift, transfer, possess or in any manner molest any lobster trap, warp, buoy or car except as provided in this section.

1. Permitted activities. Lobster traps, warps, buoys and cars may be raised, lifted, transferred, possessed or otherwise molested by the following:

A. A marine patrol officer;

B. The licensed owner;

C. Any person having written permission from the licensed owner; and

D. Any person authorized by rule pursuant to subsection 2.

2. Promulgation of rules required. The commissioner shall promulgate rules, no later than January 1, 1990, authorizing the removal of traps, warps, buoys or cars that are washed up above the mean low tide mark or are otherwise abandoned or lost.

3. Prohibition. Traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless with written permission from the licensed owner.

See title page for effective date.

CHAPTER 429

H.P. 1125 - L.D. 1568

An Act to Regulate Development Along Certain Water Bodies

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

Sec. 1. 30-A MRSA §4404, sub-§§12 and 13, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; ~~and~~

13. Flood areas. The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area.