

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

A. Effective June 1, 1984, each Maine market dealer shall, on a monthly basis, calculate for its Maine market producers the amount of payment at the adjusted base minimum price that would be payable to its Maine market producers according to the blend price calculated using that dealer's utilization rate, and the amount of payment at the base minimum price that would be due its Maine market producers according to the blend price calculated using the applicable utilization rate for the New England Milk Marketing Order. Each Maine market dealer shall make an initial payment at the base minimum price to its Maine market producers according to the blend price calculated using the Federal Milk Order utilization rate, but shall comply in all other respects with chapter 603. Any additional payment at the adjusted base minimum price that would be due its Maine market producers pursuant to that dealer's applicable utilization rate shall be made to the Maine Milk Pool. Based on the fact that northern Maine market producers presently operate at significantly higher costs because of their remoteness from markets and supplies, that they face greater risks because they operate on a closer margin and because their markets are less secure, payments to the Maine Milk Pool at the adjusted base minimum price attributable to northern Maine market producers shall be reduced by 1/2 and those producers' initial payments under this section shall be increased by the corresponding amounts. The commissioner shall adopt by rule such procedures as are necessary to implement this section.

B. For any month in which the amount of money payable to producers at the adjusted base minimum price at a dealer's utilization rate would be less than the amount of money payable to that dealer's producers at the base minimum price based upon the Boston market utilization rate, the dealer may deduct the difference from ~~his~~ the next month's initial payment to producers at the base minimum price. Upon the termination of their business relationship, producers shall be liable to dealers for all sums advanced under this paragraph which have not been recouped by way of deduction.

read: **Sec. 6. 7 MRSA §3153, sub-§2, ¶E** is enacted to

E. For any month in which the Maine Milk Commission has included in Class I or Class II prices any amounts to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A, those amounts shall be paid into the Maine Milk Pool for redistribution to eligible Maine and Boston market producers on an equal basis.

See title page for effective date.

CHAPTER 437

H.P. 614 - L.D. 837

An Act to Create a Northeast Interstate Dairy Compact

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

7 MRSA §2953-A, sub-§4-A is enacted to read:

4-A. Northeast Interstate Dairy Compact. To enter into the Northeast Interstate Dairy Compact.

A. Maine's representatives to the Northeast Interstate Dairy Compact shall be as follows:

- (1) The commissioner or designee;
- (2) The chair of the Maine Milk Commission or designee; and
- (3) An agricultural economist nominated by the dean of the College of Food, Agriculture and Applied Science of the University of Maine and appointed by the Governor.

B. The Maine Milk Commission shall enter into the Northeast Interstate Dairy Compact. If the compact recommends a minimum price that is higher than the minimum price established by the commission, the commission shall consider and may adopt the compact's recommendation as the minimum price set by the commission.

C. The Northeast Interstate Dairy Compact may establish rules using the procedures outlined in the Federal Administrative Procedure Act and may proceed under emergency rule-making provisions without making findings of emergency.

D. This subsection shall not take effect until the Northeast Interstate Dairy Compact is enacted by 3 other states and approved by the Congress of the United States.

See title page for effective date.

CHAPTER 438

H.P. 443 - L.D. 608

An Act to Increase the Price Farmers Receive for Milk

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

7 MRSA §2963 is enacted to read:

§2963. Transportation allowance study

The Legislature finds that historically the commission has allowed a deduction in the price paid to producers for Class II milk sold by Maine dealers to federally regulated plants. This transportation allowance has remained constant while the ability to transport milk and the shipping and sales practices of dealers have changed. In order to further understanding of the transportation allowance the commission shall:

1. Original intent. Examine the original intent of the transportation allowance;

2. Current practice. Determine whether the transportation allowance is being applied in situations other than those originally intended;

3. Finding. Determine whether the transportation allowance should be applied to transfers of milk that are ordinary business practice or are recurring transactions;

4. Adopt rules. In accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, adopt any necessary rules which the commission determines, after hearing, are not inconsistent with the original intent, and current use of the transportation allowance; and

5. Report. Report its findings, any actions taken by the commission and any recommendations for legislation by March 1, 1990, to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The committee may introduce any legislation necessary to address the findings or actions of the commission.

See title page for effective date.

CHAPTER 439

H.P. 16 - L.D. 8

An Act to Enhance the Management of the Fish and Game Resources of the State of Maine

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

Sec. 1. 3 MRSA §522-A is enacted to read:

§522-A. Inland Fisheries and Wildlife Budget Review

The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife shall review the budget of the Department of Inland Fisheries and Wildlife and submit its recommendations in a written report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than 60 days after reference of the current services budget legislation and any supplemental budget legislation to the

joint standing committee having jurisdiction over appropriations and financial affairs of the Legislature.

Sec. 2. 5 MRSA §1664, 4th ¶, as amended by PL 1987, c. 735, §9, is further amended to read:

Part 3 shall embrace complete drafts or summaries of the budget bills, the legislative measures required to give legal sanction to the financial plan when adopted by the Legislature. These bills shall include General Fund appropriation bills and allocation bills for the following: Highway Fund, ~~Inland Fisheries and Wildlife Fund~~, Federal Revenue Sharing Fund, Coastal Protection Fund, Maine Nuclear Emergency Planning Fund, ~~Maine Endangered and Nongame Wildlife Fund~~, Alcoholism Prevention, Education, Treatment and Research Fund and for the administrative expenses of the Bureau of Alcoholic Beverages and the State Liquor Commission, authorizing expenditures for each fiscal year of the ensuing biennium and such other bills as may be required to provide the income necessary to finance the budget.

Sec. 3. 12 MRSA §7074, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

2. Deposit. The commissioner shall deposit these funds and any unencumbered balances as of June 30, 1990 in the State Treasury as undedicated revenue to the General Fund.

Sec. 4. 12 MRSA §7910, sub-§§1 and 4, as enacted by PL 1979, c. 420, §1, are amended to read:

1. General. The following moneys shall be paid to the Treasurer of State ~~and credited to, apportioned by and expended by the department for the purpose of conducting the business of the department as provided by the Legislature~~ as undedicated revenue to the General Fund:

A. All fees, fines, penalties, officers' costs and all other moneys received, collected or recovered by the court or the department under any provisions of chapters 701 to ~~714 and 716 to~~ 721;

B. Any fees, fines and penalties recovered by the court from any prosecution by wardens pursuant to their acting, under section 7053, subsection 3, with the same powers and duties as sheriffs; and

C. Moneys received from sale, lease or rental of department-owned property.

4. License and permit fees. License and permit fees shall be collected and expended in accordance with section 7074 ~~and section 7152, subsection 4.~~

Sec. 5. 12 MRSA §7910, sub-§§8 and 9 are enacted to read:

8. All-terrain vehicles. Money relating to all-terrain vehicle laws and rules shall be collected and expended in accordance with sections 7854 and 7855.