

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

Sec. 6. 9-A MRSA §3-310, sub-§3, as amended by PL 1985, c. 336, §5, is further amended to read:

3. A variation in the annual percentage interest rate not in accordance with the disclosures required by of limits on interest rate changes and examples of the effects of a change made in accordance with subsection 1, ~~paragraph C or H, or any rule adopted under this section,~~ shall be considered a charge in excess of that allowed by this Code under section 5-201, subsections 3 and 4.

Sec. 7. 9-A MRSA §3-310, sub-§4, as amended by PL 1985, c. 763, Pt. A, §38, is further amended to read:

4. ~~This section~~ Subsection 1-A does not apply to a consumer loan secured by a savings or time deposit if the difference between the rate of interest on the savings or time deposit and the annual percentage interest rate on the loan at no time exceeds the difference between the 2 when the loan was made.

Sec. 8. PL 1987, c. 129, §§42 and 50 are repealed.

Sec. 9. Effective date. This Act shall take effect November 7, 1989.

Effective November 7, 1989.

CHAPTER 458

H.P. 116 - L.D. 153

An Act to Require a Permit to Hunt for Bear Prior to the Firearm Season on Deer

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

Sec. 1. 12 MRSA §7110 is enacted to read:

§7110. Bear hunting permit

1. Permit required. A permit is required to hunt for bear from the first Monday preceding September 1st to the day preceding the open firearm season on deer. This section does not apply to trapping for bear.

2. Eligibility. Any person who possesses a valid license to hunt big game may obtain a permit to hunt for bear from the commissioner or an authorized agent.

3. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to eligible persons. The fee for each permit issued shall be \$2 for residents and \$10 for nonresidents and aliens.

4. Restrictions. The following restrictions apply to hunting for bear when a permit is required.

A. A bear hunting permit must be kept on the person at all times while hunting or transporting any bear.

B. A bear hunting permit must be exhibited upon request to any warden, employee of the department, guide or landowner.

5. Repeal. This section is repealed on December 30, 1991.

Sec. 2. Allocation. The following funds are allocated from dedicated revenues of the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

	1989-90	1990-91
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**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Licensing Services

All Other	\$10,000	\$10,000
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Provides funds for anticipated printing and miscellaneous expenses for the administration of bear hunting permits.

Sec. 3. Effective date. This Act shall take effect January 1, 1990.

Effective January 1, 1990.

CHAPTER 459

H.P. 586 - L.D. 790

An Act Concerning Potato Varieties

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

Sec. 1. 7 MRSA §1033, sub-§2, ¶G, as amended by PL 1987, c. 99, §9, is further amended to read:

G. To recommend to the commissioner the maximum inspection fee which should be assessed for loads packed in Maine bags and to advise the commissioner of all factors necessary to achieve full industry participation in the Maine Bag Program; and

Sec. 2. 7 MRSA §1033, sub-§2, ¶I is enacted to read:

I. To promote, in cooperation with the commissioner, a voluntary program of variety labeling for Maine bags and other consumer packs of potatoes. This paragraph is repealed July 1, 1991.

Sec. 3. 7 MRSA §1034-A is enacted to read:

§1034-A. Variety labeling

There is established a voluntary potato variety labeling program to provide consumers with accurate information on the varieties of potatoes that are available and to assist the industry in establishing markets for new varieties.

1. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, concerning the program, including, but not limited to, program participation, identification of the varieties of potatoes eligible for inclusion in the potato variety labeling program, requirements of the inspection of potatoes in the program and appropriate methods of labeling. No rule may be adopted that requires the inspection of potatoes labeled by variety when the packer is not a participant in the potato variety labeling program.

2. Fees. The commissioner shall establish inspection fees for potatoes packed in bags labeled in accordance with the potato variety labeling program at a level 3¢ below the inspection fees established pursuant to sections 1033-A and 1034.

3. Violation. Any participant in the potato variety labeling program who packs potatoes in a bag labeled with the name of a different potato variety commits a civil violation. The first violation shall result in a forfeiture of not more than \$1,000, with each subsequent violation subject to a penalty of not more than \$2,000. For the purposes of this section, each load of potatoes constitutes a separate violation.

4. Sunset. This section is repealed on July 1, 1991.

Sec. 4. Report. The Maine Potato Quality Control Board shall submit a report by March 1, 1991, to the Joint Standing Committee on Agriculture describing the participation, results and any problems associated with the voluntary potato variety labeling program. The board shall recommend whether to continue or discontinue the program and may propose changes.

See title page for effective date.

CHAPTER 460

H.P. 1254 - L.D. 1753

An Act to Permit a 7-day Recall to Work Period

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

26 MRSA §596 is enacted to read:

§596. Recall period

An employee who is temporarily laid off by an employer for over 6 weeks and who is placed on a "recall"

or "spare" list by that employer for the purpose of being recalled to work shall have 7 days from receiving notice of a recall to work in which to respond to the notice without discrimination on subsequent recalls by the employer.

1. Effect of exercising option. No employer may remove an employee from a "recall" or "spare" list solely because the employee chooses to exercise the 7-day option under this section. No employer may discriminate against an employee in subsequent recalls to work solely because the employee chooses to exercise the 7-day option under this section.

2. Limitations. Nothing in this section may be construed to:

A. Prevent an employer from offering recall to another employee on the "recall" or "spare" list in the place of an employee who is contacted earlier but who chooses to exercise the 7-day option under this section;

B. Require an employer to hold a position or an offer of recall open for an employee who exercises the 7-day option under this section; or

C. Require an employee to wait 7 days before returning to work after receiving a recall notice.

See title page for effective date.

CHAPTER 461

H.P. 1141 - L.D. 1584

An Act to Protect the People of Maine from Exposure to Radioactive Waste

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

Sec. 1. 38 MRSA §1451, sub-§11, as enacted by PL 1983, c. 381, §9, is amended to read:

11. Low-level radioactive waste. "Low-level radioactive waste" means radioactive material that is not high-level radioactive waste, spent nuclear fuel, transuranic waste or by-product material, as defined in the United States Code, Title 42, Section 2014(e)(2), the Atomic Energy Act of 1954, Section 11(e)(2); and that the United States Nuclear Regulatory Commission, consistent with existing law, classifies as low-level radioactive waste. Low-level radioactive waste also includes any radioactive material that is generated through the production of nuclear power and that the United States Nuclear Regulatory Commission classified as low-level radioactive waste as of January 1, 1989, but which may be classified as below regulatory concern after that date.