

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. 46. 29 MRSA §2519-B is enacted to read:

§2919-B. Inspection of commercial vehicles, trailers and semitrailers

1. Vehicles required to be inspected. Except for farm trucks and fish trucks, as defined in section 2506, any commercial motor vehicle with a gross vehicle weight rating which exceeds 10,000 pounds and any trailer or semitrailer used in combination with such a vehicle, which is required to be registered in this State, shall be subject to an annual inspection as provided by this section.

2. Scope of inspection. The Chief of State Police shall promulgate rules for the inspection of commercial vehicles, trailers and semitrailers which meet the requirements of 49 Code of Federal Regulations, Section 396.17.

3. Fee. The inspection fee for an inspection under this section shall be based on the normal hourly labor charge, and is payable whether the vehicle, trailer or semitrailer passes inspection or not. Licensed inspection stations shall post the rate in a conspicuous place.

4. Application of statutes and rules. All statutes and rules, other than those preempted by this section, applying to motor vehicle inspections, pertaining to the license holder, inspection mechanic and the State Police, shall apply to the inspections required by this section.

Sec. 47. Effective dates. Sections 45 and 46 of this Act shall take effect December 7, 1989.

PART B

Sec. 1. 29 MRSA §242, sub-§1, ¶A, is repealed and replaced by PL 1987, c. 549, §1 and c. 789, §6, is repealed and the following enacted in its place:

A. Motor vehicles used for the conveyance of passengers shall pay a fee of \$22. Motor vehicles which are used interchangeably for the conveyance of passengers or property shall pay a fee of \$22. These vehicles shall be designated as "combinations" and may be issued a special plate with the word "Combination" in lieu of "Vacationland." Commercial plates shall not be issued to or displayed on automobiles.

Motor vehicles used for the conveyance of passengers which are operated exclusively on islands having no roads maintained or supported by the State shall be registered for a fee of \$2 and the municipality collecting excise tax for these vehicles may collect an additional fee of \$4 to defray the cost of removing abandoned vehicles.

For the purpose of registration only, a pickup truck may be registered as provided for automobiles, provided that at no time may the gross weight of a pickup truck so registered exceed 6,000 pounds when used as a motor truck or truck tractor. The owner of such a pickup truck desiring a gross weight of the

truck in excess of 6,000 pounds shall register the truck as provided in section 246.

The registration fee for an electrically powered passenger vehicle with a gross vehicle weight of 6,000 pounds or less shall be \$10 greater than the registration fee for a similar vehicle powered by an internal combustion engine.

Emergency clause. In view of the emergency cited in the preamble, this Act, Part A, sections 40, 41, 43, and 44 shall take effect when approved, and the other sections of this Act shall take effect 90 days after the adjournment of the First Regular Session of the 114th Legislature.

Effective June 27, 1989, unless otherwise indicated.

CHAPTER 482

S.P. 453 - L.D. 1225

An Act to Amend Laws Regulating the Sardine Industry

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

Sec. 1. 32 MRSA §4157-A, as amended by PL 1977, c. 694, §634, is further amended to read:

§4157-A. Sardines for export; exempt from quantity and quality provisions of Maine Sardine Law

Sardines which are packed specifically for export from the United States shall be exempt from section 4157 provided they that satisfy the requirements of the Maine Food Law, but not the requirements of the Maine Sardine Law, may be exported by complying with the shipping carton marking and bonding provisions of this section.

The cover of each can of sardines packed specifically for export shall be labeled with the name of the packer and be plainly lithographed with the words "FOR EXPORT" in letters not less than 1/4 inches high that satisfy the requirements of the Maine Food Law, but not the requirements of the Maine Sardine Law shall be labelled with the name of the packer. Each shipping carton shall be marked plainly and conspicuously with the words "FOR EXPORT" in letters not less than 1/2 inches high.

The commissioner shall detain or place an embargo upon such sardines by marking or tagging same; orders for detention or embargo issued under this section shall not be considered to be licensing or an adjudicatory proceeding as those terms are defined by the Maine Administrative Procedure Act. The commissioner shall not release the sardines from detention or embargo until the packer provides a bond with good and sufficient sureties in an amount not less than twice the value of the sardines, running to the commissioner and his the commissioner's successors in office, conditioned that such sardines shall be exported to a foreign country to

be named therein and shall not be reimported into the United States by any person, or in such other amount and upon such other conditions as may be established by the commissioner; or if the packer is regularly engaged in the business of exporting sardines, the packer may provide one bond in the amount of \$10,000 to cover all such exports; conditioned that such sardines shall be exported to a foreign country and shall not be reimported to the United States by any person and that the packer will inform the commissioner of the value and the foreign country of destination of each shipment in writing prior to release of the embargo and such additional documentary evidence as the commissioner may require within 45 days of the date of such shipment. A packer shall be deemed regularly engaged in the business of exporting sardines if the packer makes 2 or more shipments in any one year.

Shipments to United States military procurement agencies which do not meet market requirements within the United States, its territories and possessions as specified by the Maine Sardine Law shall not be deemed as being exported to a foreign country.

~~Sardines not packed specifically for export which satisfy the requirements of the Maine Food Law, but not the requirements of the Maine Sardine Law, may be exported by complying with the shipping carton marking and bonding provisions of this section.~~

Sec. 2. 32 MRSA §4159, as amended by PL 1985, c. 268, §6, is repealed and the following enacted in its place:

§4159. Sale or packing of herring

The sale and packing of herring is subject to the following.

1. Human consumption and bait purposes. If there is a buyer of herring for processing for human consumption within a reasonable distance of the place where the herring are caught that is available at the time they are offered for sale and ready and willing to purchase at a price acceptable to the seller, it is unlawful for any person, firm or corporation to sell, offer for sale or transfer in any manner herring that are 4 1/2 inches in length or longer, when measured from one extreme to the other, to any person, firm or corporation for purposes other than for human consumption or bait, unless those herring are not desirable for processing for human consumption.

2. Fish meal or oil. It is unlawful for any person, firm or corporation to process herring that are 4 1/2 inches in length or longer, when measured from one extreme to the other, for use as fish meal or oil.

3. Canning, packing or processing. No person, firm or corporation may can, pack or otherwise process those herring other than for human consumption, except as provided in this section.

4. Processing, transfer or sale of by-products. Nothing in this section may prohibit the processing, transfer or sale of herring cuttings, by-products or waste.

Sec. 3. 36 MRSA §4693, sub-§1, as enacted by PL 1987, c. 333, §2, is amended to read:

1. Council established. The Maine Sardine Council, as established by Title 5, section ~~4204~~ 12004-H, subsection 9 ~~8~~, shall consist of not more than 9 nor less than 5 ~~3~~ members to be appointed by the Commissioner of Marine Resources. Fifty-one percent of the members of the council shall constitute a quorum and the affirmative vote of at least 51% of the members shall be necessary for the transaction of all business and the carrying out of the duties of the council. The members shall be sardine packers, operating within the State, who have been actively engaged in packing sardines for not less than 2 years and each shall be so actively engaged during his continuance in office. A person shall be considered actively engaged in packing sardines if ~~he~~ that person has derived, during the period, a substantial portion of his income from packing sardines, or has been the director or manager of an entity that derives a substantial portion of its income from packing sardines.

See title page for effective date.

CHAPTER 483

H.P. 1217 - L.D. 1689

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period will terminate before the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1989; and

Whereas, certain independent agencies will terminate unless continued by Act of the Legislature prior to June 30, 1989; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. 1. 2 MRSA §6, sub-§3, as amended by PL 1987, c. 715, §1, is further amended to read:

3. Range 89. The salaries of the following state officials and employees shall be within salary range 89: