

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

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

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:

Sec. 1. 20-A MRSA §257, sub-§3, as amended by PL 1985, c. 774, §3, is repealed and the following enacted in its place:

3. Fees. No fee may be charged for the issuance of any high school equivalency certificate.

Sec. 2. 20-A MRSA §15002-A, sub-§3, as enacted by PL 1985, c. 774, §7, is repealed.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1989-90	1990-91
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF		
Adult Education		
Positions	(-2.0)	(-2.0)
Personal Services	(\$24,533)	(\$24,529)
All Other	(967)	(971)
Deallocates dedicated funds, the revenue source for which is discontinued by this Act.		
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES		
TOTAL	(\$25,500)	(\$25,500)

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1989.

Effective July 1, 1989.

CHAPTER 526

S.P. 151 - L.D. 271

An Act to Require Liquor Seller Compliance and Education

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

Sec. 1. 28-A MRSA §2, sub-§25-A is enacted to read:

25-A. Retail employee. "Retail employee" means any person employed by a retailer or by the commission to sell liquor in a licensed establishment or state liquor store. For the purposes of violations of this Title and rules of the commission, a retail employee shall be deemed an agent of the retailer or state liquor store that employs that employee.

Sec. 2. 28-A MRSA §601-A is enacted to read:

§601-A. Examination of new applicants

The Bureau of Liquor Enforcement shall investigate the feasibility of developing an examination to be administered to new applicants for retail liquor licenses that will enable the applicants to demonstrate knowledge of the liquor laws and rules. The bureau shall report its findings to the joint standing committee of the Legislature having jurisdiction over legal affairs no later than January 31, 1990.

Sec. 3. 28-A MRSA §703-A is enacted to read:

§703-A. Prohibition of employment of violators as retail employees

1. Employment prohibited. No retail licensee may employ a person as a retail employee if that person, within 5 years of the date of that person's application for employment, has been convicted of violating section 2078 or section 2081, subsection 1, paragraph A or B.

2. Affidavit required. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 5 years of the date of the affidavit. The affidavit must be executed at the time of application. The Bureau of Liquor Enforcement shall develop the affidavit required by this section and make single copies of that affidavit available to retailers.

Sec. 4. 28-A MRSA §705, sub-§4, as enacted by PL 1987, c. 342, §39, is amended to read:

4. Permitting consumption or possession by a minor on the premises. No licensee, or agent or employee of a licensee, may permit a minor to consume or possess liquor on the premises.

Sec. 5. 28-A MRSA §801, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§801. Jurisdiction of Administrative Court Judge

1. Jurisdiction. The Administrative Court Judge, as designated in Title 5, chapter 375, shall conduct hearings on all matters concerning violations by licensees and their agents or employees of any federal or state law or regulation relating to liquor or violations of any rule issued by the commission. The Notwithstanding Title 5, chapter 375, subchapter VI, the Administrative Court Judge has exclusive jurisdiction over all violations of this Title by licensees and their agents or employees when no criminal penalty is provided.

2. Powers. The Administrative Court Judge may suspend or revoke licenses of licensees and levy fines or civil forfeitures against licensees and their agents or employees.

Sec. 6. 28-A MRSA §806, sub-§3 is enacted to read:

3. Notice of violators. The Administrative Court clerk shall provide the Bureau of Liquor Enforcement with the names and dates of final adjudication of all persons found in violation of this Title or the rules of the commission.

Sec. 7. 28-A MRSA §1001, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Full-time (one year).....\$ ~~750~~ 825;

Sec. 8. 28-A MRSA §1001, sub-§2, ¶B, as amended by PL 1987, c. 342, §56, is further amended to read:

B. Part-time (6 months).....\$ ~~375~~ 415; and

Sec. 9. 28-A MRSA §1002, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Full-time (one year).....\$~~1,000~~ 1,100;

Sec. 10. 28-A MRSA §1002, sub-§2, ¶B, as amended by PL 1987, c. 342, §58, is further amended to read:

B. Part-time (6 months).....\$ ~~500~~ 550; and

Sec. 11. 28-A MRSA §1003, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Full-time (one year).....\$ ~~500~~ 550;

Sec. 12. 28-A MRSA §1003, sub-§2, ¶B, as amended by PL 1987, c. 342, §59, is further amended to read:

B. Part-time (6 months).....\$ ~~250~~ 275; and

Sec. 13. 28-A MRSA §1004, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Full-time (one year).....\$ ~~200~~ 220;

Sec. 14. 28-A MRSA §1004, sub-§2, ¶B, as amended by PL 1987, c. 342, §61, is further amended to read:

B. Part-time (6 months).....\$ ~~400~~ 110; and

Sec. 15. 28-A MRSA §1005, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Full-time (one year).....\$ ~~200~~ 220;

Sec. 16. 28-A MRSA §1005, sub-§2, ¶B, as amended by PL 1987, c. 342, §63, is further amended to read:

B. Part-time (6 months).....\$ ~~400~~ 110; and

Sec. 17. 28-A MRSA §1006, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Full-time (one year).....\$ ~~450~~ 495;

Sec. 18. 28-A MRSA §1006, sub-§2, ¶B, as amended by PL 1987, c. 342, §66, is further amended to read:

B. Part-time (6 months).....\$ ~~225~~ 250; and

Sec. 19. 28-A MRSA §1007, sub-§2, ¶A, as amended by PL 1987, c. 623, §11, is further amended to read:

A. Full-time (one year).....\$ ~~435~~ 150;

Sec. 20. 28-A MRSA §1007, sub-§2, ¶B, as amended by PL 1987, c. 342, §67, is further amended to read:

B. Part-time (6 months).....\$ ~~62.50~~ 75; and

Sec. 21. 28-A MRSA §1008, sub-§2, ¶A and B, as amended by PL 1987, c. 342, §69, are further amended to read:

A. Full-time (one year).....\$ ~~435~~ 150;

B. Part-time (6 months).....\$ ~~67.50~~ 75; and

Sec. 22. 28-A MRSA §1009, sub-§2, ¶A and B, as amended by PL 1987, c. 342, §71, are further amended to read:

A. Full-time (one year).....\$ ~~435~~ 150;

B. Part-time (6 months).....\$ ~~67.50~~ 75; and

Sec. 23. 28-A MRSA §1010, sub-§2, ¶A and B, as amended by PL 1987, c. 342, §73, are further amended to read:

A. Full-time (one year).....\$ ~~435~~ 150;

B. Part-time (6 months).....\$ ~~67.50~~ 75; and

Sec. 24. 28-A MRSA §1011, sub-§2, ¶A, as amended by PL 1987, c. 342, §75, is further amended to read:

A. Full-time (one year) and part-time (6 months) \$~~2,000~~ 2,200.

Sec. 25. 28-A MRSA §2085 is enacted to read:

§2085. False statement by retail employer

Notwithstanding Title 17-A, section 453, a person who makes a false statement in the affidavit required under section 703-A commits a Class E crime.

Sec. 26. 28-A MRSA §2520 is enacted to read:

§2520. Liquor service education

The Bureau of Liquor Enforcement shall provide educational services regarding retail liquor sales as follows.

1. Seminars. The Bureau of Liquor Enforcement shall, from time to time, conduct seminars throughout the State to provide retailers and their employees with information on changes in the laws governing retail sales of liquor.

2. Informational signs. The Bureau of Liquor Enforcement shall develop informational signs which may be located in retail establishments. These signs shall outline requirements of state law regarding proper identification for retail sales and other information to enhance compliance with state liquor laws.

3. Legal pamphlet. The Bureau of Liquor Enforcement shall prepare a pamphlet summarizing state laws governing retail liquor sales. The bureau shall make single copies of this pamphlet available to retailers.

4. Legislative review. The Bureau of Liquor Enforcement shall inform the joint standing committee of the Legislature having jurisdiction over legal affairs of the manner in which that agency intends to comply with this section no later than January 31, 1990.

Sec. 27. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
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JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District
and Administrative

Positions	(1)
Personal Services	\$18,691

Provides funds for an additional
clerk in the Administrative
Court.

JUDICIAL DEPARTMENT

TOTAL		\$18,691
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PUBLIC SAFETY, DEPARTMENT OF

Bureau of Liquor Enforcement

Positions	(2)	(4)
Personal Services	\$30,668	\$95,608
All Other	49,961	25,000
Capital Expenditures	39,746	2,256

Provides funds for 2 additional
liquor enforcement officers and,
beginning July 1, 1990, 2
additional clerical positions.
Also includes funding for
developing a seminar program, a
standardized sign and booklets

for licensees and for data
processing equipment and
services.

DEPARTMENT OF PUBLIC SAFETY

TOTAL	\$120,375	\$122,864
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TOTAL APPROPRIATIONS	\$120,375	\$141,555
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Sec. 28. Effective date. This Act shall take effect July 1, 1990, except that sections 2, 26 and 27 shall take effect 90 days after adjournment of the Legislature.

Effective July 1, 1990, unless otherwise indicated.

CHAPTER 527

H.P. 591 - L.D. 809

An Act to Require Country of Origin Labeling on Fresh Produce

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

Sec. 1. 7 MRSA c. 101, sub-c. VI is enacted to read:

SUBCHAPTER VI

LABELING FRESH PRODUCE

§530. Country of origin required

1. Label required. Fresh produce imported from a foreign country must be labeled in accordance with this section in order to protect the health, safety and welfare of Maine citizens from the dangers of pesticides used or applied in a manner or at a rate disallowed in the United States.

A. Fresh produce sold or offered for retail sale in this State that was grown or raised in a foreign country designated by the Commissioner of Agriculture, Food and Rural Resources by rule under subsection 2 must be identified by labeling with the country of origin as provided in paragraphs B to D.

B. Except as provided in paragraph D, each item of fresh produce offered for retail sale as an individual unit must be individually labeled in accordance with subsection 3.

C. Except as provided in paragraph D, fresh produce packaged in consumer units must be labeled in accordance with subsection 3. For purposes of this section, banana and grape clusters are a consumer unit.

D. Fresh produce that is not labeled in accordance with paragraph B or C may be sold at retail if the labeling information required by subsection 3 appears on a bin label or placard contiguous to the