

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
1989

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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
<b>JUDICIAL DEPARTMENT</b>		
Courts - Supreme, Superior, District and Administrative		
Positions		(1)
Personal Services		\$18,691
Provides funds for an additional clerk in the Administrative Court.		
<b>JUDICIAL DEPARTMENT TOTAL</b>		
		<u>\$18,691</u>
<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
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	<u>\$120,375</u>	<u>\$122,864</u>
TOTAL APPROPRIATIONS	<u>\$120,375</u>	<u>\$141,555</u>

**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

produce being displayed for retail sale or on the original shipping container if it contains the produce offered for sale.

**2. Rules.** The commissioner shall, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, require country of origin labeling for the retail sale of fresh produce that is grown or raised in foreign countries that allow application of pesticides to produce that are banned for use in the United States, or that are not banned but are applied at rates or in a manner not allowed in the United States under federal law, if the produce imported from the foreign country into the United States is sold for human consumption in this State and the residues of the pesticides have unknown effects on human health or have known adverse effects on human health. For purposes of this section, a foreign country is a jurisdiction that is not subject to pesticide regulation by the United States.

**A.** The findings supporting a rule shall include, but not be limited to, the following findings.

(1) A foreign country allows application of a pesticide that is banned for use with respect to produce for human consumption in the United States under federal law or allows application of a pesticide not banned at rates or in a manner not allowed in the United States under federal law.

(2) Fresh produce from the foreign country may contain residues of the pesticide that is banned for use with respect to produce for human consumption in the United States or may contain higher levels of residues of pesticides which are not banned than produce from the United States.

(3) The residues under subparagraph (2) have unknown effects on human health or known adverse effects on human health.

**B.** The commissioner shall review the rules at least annually in order to update the list of countries identified to be as inclusive as possible.

**3. Label statement.** The country of origin label shall:

**A.** Clearly state the country in which the fresh produce was raised or grown;

**B.** Be conspicuously and prominently placed so as to be easily seen by the consumer; and

**C.** Be as legible, indelible and permanent as the nature and display of the product allow without causing adulteration to the product.

**4. Educational program.** The department shall institute an educational program designed to inform the general public about this section. This program shall include, but not be limited to, dissemination of information

about the countries and produce affected and the pesticides, residues and known and potential adverse health effects of those pesticides. This dissemination shall be made by at least the following:

**A.** Brochures to be made available to consumers through retail outlets; and

**B.** Media coverage, such as public service announcements, press releases and press conferences.

**5. Enforcement.** If inspection personnel of the department find that fresh produce is not properly labeled as required by this section, the commissioner shall issue a stop order for the product until it is labeled in accordance with this section.

**6. Penalty.** A person who fails to comply with the provisions of this section commits a civil violation and may be adjudged a fine not more than \$100. Each day in violation constitutes a separate offense.

**7. Repealed.** This section is repealed effective July 1, 1991.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Public Services - Agriculture**

All Other \$5,000

Provides funds for general operating expenses for the proposed educational program.

See title page for effective date.

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**CHAPTER 528**

**H.P. 36 - L.D. 36**

**An Act to Improve Compliance with Truck Weight Limits**

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

**Sec. 1. 29 MRSA §246, first ¶,** as repealed and replaced by PL 1987, c. 789, §10, is amended to read:

With each application for registration of motor trucks, tractors and truck tractors shall be paid an annual registration fee graduated as follows when equipped with pneumatic tires: