

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

J. To provide management and leadership programs for principals, superintendents and other supervisory personnel;

K. To develop a teachers' academy; and

L. To develop foreign language programs in elementary schools.

See title page for effective date.

CHAPTER 549

H.P. 106 - L.D. 143

An Act Concerning Pilferage of Shopping Carts and Bakery and Dairy Product Containers

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

Sec. 1. 32 MRSA c. 119 is enacted to read:

CHAPTER 119

REGISTRATION FOR SHOPPING CARTS AND CONTAINERS FOR BAKERY, DAIRY AND OTHER PRODUCTS

§13851. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bakery basket. "Bakery basket" means a wire or plastic container which holds bread or other baked goods and is used by a distributor or retailer as a means to transport, store or carry bakery products.

2. Container. "Container" means a bakery basket, dairy case, egg basket or shopping cart.

3. Dairy case. "Dairy case" means a wire or plastic container which holds 16 quarts or more of beverage and is used by distributors or retailers as a means to transport, store or carry dairy products.

4. Egg basket. "Egg basket" means any permanent type of container which contains 4 dozen or more shell eggs and is used by distributors or retailers as a means to transport, store or carry eggs.

5. Name or mark. "Name or mark" means any permanently affixed or permanently stamped name or mark which has been registered with the Secretary of State and is used for the purpose of identifying the owner of shopping carts, laundry carts, dairy cases, egg baskets, poultry boxes, baking trays or bakery baskets.

6. Parking area. "Parking area" means a lot or other property provided by a retail establishment for the use of

customers to park vehicles while doing business in that establishment.

7. Shopping cart. "Shopping cart" means a basket which is mounted on wheels, or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

§13852. Name or mark; registration

An owner of containers may adopt a name or mark to be permanently affixed to those containers. The Secretary of State shall, pursuant to Title 5, chapter 375, adopt rules regulating the adoption, use and registration of a name or mark on containers and may charge registration fees to cover the cost of this program.

§13853. Prohibitions

1. Removal, use or possession. No person, organization or association may, without consent of the owner and with the intent to deprive the owner of possession of a container, remove a container from the premises or parking lot of the owner or a customer of the owner for any commercial use not approved by the owner or possess or use a container that has been so removed, if:

A. The container has the name or mark of the owner prominently displayed and permanently affixed to it that identifies the owner of the container;

B. The name or mark contains a notification that unauthorized removal or possession of the container is a violation of law; and

C. The name or mark lists a telephone number or address for returning the container to the owner.

2. Defacement. No person, organization or association may alter, deface, cover or remove a name or mark on a container or possess such a container without the consent of the owner.

3. Penalty. Any person who violates this section commits a civil violation for which a forfeiture not to exceed \$100 for each violation and \$10 for each container may be adjudged.

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

1989-90

SECRETARY OF STATE, DEPARTMENT OF THE

All Other	\$1,500
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Provides funds for costs incurred to meet the advertising requirements of the Maine Administrative Procedure Act, Maine Revised Statutes, Title 5, chapter

375, print registration forms and other related administrative costs.

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

Effective January 1, 1990.

CHAPTER 550

H.P. 656 - L.D. 890

An Act to Amend the Definition of Teacher in the Laws Relating to the Maine State Retirement System

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

Whereas, the principal purpose of this legislation is to clarify the rights of certain employees of school administrative units relative to membership in the Maine State Retirement System as "teachers"; and

Whereas, most new employees of school administrative units begin employment before the expiration of the 90-day period; and

Whereas, it is in the best interest of employees and school administrative units to have employees enrolled in their benefit programs from the time of initial employment; 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:

Sec. 1. 5 MRSA §17001, sub-§29-A is enacted to read:

29-A. Professional employee. "Professional employee" means any employee engaged in work:

A. Predominantly intellectual and varied in character as opposed to routine mental, manual or mechanical work;

B. Involving the consistent exercise of discretion and judgment;

C. Of such a character that the product or result of the work cannot be standardized in relation to a given time period; and

D. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a

prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes.

Sec. 2. 5 MRSA §17001, sub-§42, as amended by PL 1985, c. 808, §§1 and 2, is repealed and the following enacted in its place:

42. Teacher. "Teacher" means:

A. Any employee of a public school who fills any position which the Department of Educational and Cultural Services requires be filled by a person who holds the appropriate certification or license required for that position and:

(1) Holds appropriate certification from the Department of Educational and Cultural Services; or

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

B. Any employee of a public school who fills any position not included in paragraph A, the principal function of which is to introduce new learning to students;

C. Any employee of a public school on June 30, 1989, in a position not included in paragraph A or B which was included in the definition of teacher in effect on June 30, 1989, as long as:

(1) The employee does not terminate employment; or

(2) The employee terminates employment and returns to employment in a position in the same classification within 2 years of the date of termination.

Regardless of any subsequent employment history, any employee of a public school in a position which was included in the definition of teacher in effect on June 30, 1989, is entitled to creditable service as a teacher for all service in that position on or before that date;

D. Any employee of a public school in a position not included in paragraph A, B or C who was a member of the retirement system as a teacher on August 1, 1988, as long as:

(1) The employee does not terminate employment; or

(2) The employee terminates employment and returns to employment in a position in