

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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**CHAPTER 605**

H.P. 1330 - L.D. 1847

**An Act to Amend the Potato Branding Laws**

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

**Whereas,** existing law does not distinguish between violation of an order of seizure and any other violation of the branding laws; and

**Whereas,** the general fine structure currently applicable to orders of seizure provides for fines that are so low that many shippers found with misbranded potatoes that do not meet grade requirements have elected to send these potatoes to market, in deliberate disregard of seizure orders, knowing that costs of regrading and re-packing these potatoes would be much greater than the potential fine for violating the seizure orders; and

**Whereas,** the current law therefore does not adequately deter the shipment to market of low-quality, misbranded potatoes that do not meet grade requirements to the detriment of the entire potato industry; and

**Whereas,** in light of the current high market for potatoes, the incentive to ship misbranded potatoes in violation of law is even greater than usual; 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:**

7 MRSA §954-A, as amended by PL 1975, c. 687, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding section 957, any violation of this section shall constitute a separate civil violation with a minimum penalty of \$1,000 for each occurrence. Each lot of potatoes exposed or offered for sale, transported, shipped or dumped without the requisite federal and state inspection certificate required under this section showing that the potatoes meet the minimum grade requirements specified on the container shall constitute a separate violation. There shall be no violation when the potatoes involved have been removed from the containers and are to be used for processing or charitable purposes. These potatoes must be handled under the supervision of the Department of Agriculture, Food and Rural Resources.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 2, 1990.

**CHAPTER 606**

H.P. 645 - L.D. 879

**An Act to Create a Standard for Respiratory Rescue Personnel Who Are State Employees**

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

5 MRSA §19-A is enacted to read:

**§19-A. Protective equipment training for state employees**

If protective equipment, such as that issued to fire fighters in Title 26, section 2103, is issued or made available to any state employee that employee must receive training in the use of the equipment before being required or asked to use it. Training must be provided on at least an annual basis and otherwise meet or exceed the requirements of the General Industry Standards of the Occupational Safety and Health Administration, 29 Code of Federal Regulations, Part 1910, Subpart L.

See title page for effective date.

**CHAPTER 607**

S.P. 739 - L.D. 1943

**An Act to Ensure That Unwilling Sellers Are Provided Fair Treatment in the Land for Maine's Future Process**

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

5 MRSA §6206-A, as enacted by PL 1989, c. 485, §1 and as repealed and replaced by c. 603, §1, is amended by adding at the end a new paragraph to read:

Any owner of land, which has been nominated for acquisition and is subject to the notice requirements of this section, may submit a properly sworn affidavit to the board indicating the owner's unwillingness to sell. Such an affidavit is notice to the board that continued evaluation of that land is inappropriate and, unless the board intends to acquire an interest in the land through the use of eminent domain pursuant to section 6207-A, the board may not consider that land for acquisition.

See title page for effective date.