

# 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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for which a forfeiture of up to, but not more than \$1,000 may be adjudged. A person who violates the herbicide provisions of section 670 is subject to the penalties of Title 22, section 1471-J.

**Sec. 4. 36 MRSA §574-B, sub-§1**, as enacted by PL 1989, c. 555, §16, is amended to read:

**1. Forest management and harvest plan.** A forest management and harvest plan has been prepared for the parcel and updated every 10 years. The landowner shall file a sworn statement with the municipal assessor in a municipality or the State Tax Assessor for parcels in the unorganized territory that a management plan has been prepared for the parcel. A landowner with a parcel taxed pursuant to this subchapter ~~on the date of enactment of this provision~~ September 30, 1989 has until April 1, 1999, to comply with this requirement and ~~may, upon request until the plan is prepared or April 1, 1999, whichever is earlier, will be subject to the applicability provisions until April 1, 1999,~~ under this section as it existed on April 1, 1982;

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

Effective February 28, 1990.

## CHAPTER 638

S.P. 780 - L.D. 2021

### An Act to Amend the Laws Implementing, Administering and Enforcing the United States Emergency Planning and Community Right-to-Know Act of 1986

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

**Whereas,** there are railroad yards, truck depots and airports that routinely possess extremely hazardous substances on a temporary basis and these transportation storage points should be defined as "facilities" within the law; and

**Whereas,** the State does not now have authority to accomplish administrative inspections to determine if a facility has complied with all provisions of the law; and

**Whereas,** the current law does not describe accurately the intent and the need to improve both employee health and public safety; 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. 37-B MRSA §791, sub-§2, ¶B-1** is enacted to read:

B-1. "Facility" means all buildings, equipment, structures, rail makeup, holding or storage tracks, spurs or yards, truck parking areas, airports, loading docks and other stationary items that are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person or by another person who controls, is controlled by, or is under common control with that person. "Facility" includes sites where motor vehicles, watercraft, rolling stock and aircraft are present for more than 12 hours.

**Sec. 2. 37-B MRSA §795, first ¶**, as enacted by PL 1989, c. 464, §3, is amended to read:

The operators of any facility ~~that stores~~ where any extremely hazardous substance is present in a quantity above the threshold planning quantity are subject to the following.

**Sec. 3. 37-B MRSA §803, sub-§4**, as enacted by PL 1989, c. 464, §3, is amended to read:

**4. Monitor compliance.** The agency shall monitor the compliance of facilities, owners and operators with this subchapter and shall conduct inspections as necessary to ensure compliance with this subchapter. In the event of an accident or incident, the agency may investigate and inspect facilities to determine the cause and circumstances and may order appropriate reporting, facility response mitigation and corrective actions pursuant to any requirement of this subchapter.

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

Effective March 1, 1990.

## CHAPTER 639

H.P. 1447 - L.D. 2016

### An Act to Amend Laws Regulating the Sardine Industry by Enhancing Export Opportunities

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

**Whereas,** the Maine sardine industry is losing market opportunities worth thousands of dollars each year in the territories and possessions of the United States due to restrictions in the laws of this State that were created to enhance the quality of sardines sold in the markets of the United States; and

**Whereas,** a rapid resolution of the restrictions that reduce access to these markets is in the best interests

of the Maine sardine industry, the people it employs and the economy of the State; 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. 32 MRSA §4157, sub-§§4 and 5**, as enacted by PL 1979, c. 62, §4, are amended to read:

**4. Labeling.** Fish packed in accordance with this section and the regulations may be plainly and conspicuously marked "Maine Sardines." Fish Except as provided in section 4157-A, which fish that are packed in a manner inconsistent with this section and the regulations shall not be sold for consumption in the United States unless each can and case is plainly and conspicuously marked with the word "herring," and the word "sardine" does not appear.

**5. Substandard grade.** Sardines Except as provided in section 4157-A, sardines which that are officially designated as substandard grade, for which a certificate is issued, shall not be sold for consumption in the United States unless each can in the lot has the words "Substandard Grade, Good Food-Not High Quality" so placed as to be easily seen when the name of the product or pictorial representation thereof is viewed and appear conspicuously enough to be seen under ordinary conditions of purchase. The words "Substandard Grade, Good Food-Not High Quality" shall be printed in 2 lines across the cover of all cans in letters not less than 1/8 of an inch in height and be enclosed in lines which are not less than 1/32 of an inch in width. This wording shall be printed on all wrappers, labels, cartons or other outer coverings of the cans with a permanent type of indelible ink, or by means of other approved procedure. The words "Substandard Grade" shall appear in letters not less than one inch in height on both ends of the shipping container.

**Sec. 2. 32 MRSA §4157-A**, as amended by PL 1989, c. 482, §1, is further amended to read:

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

Sardines 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. For the purposes of this section, the term "exported" includes shipments of sardines to the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the trust territory of Palau.

The cover of each can of sardines 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 the commissioner's successors in office, conditioned that such sardines shall be exported to a foreign country the destination to be named therein and shall not be reimported into any state of the United States or the District of Columbia 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 the destination declared and shall not be reimported to any state of the United States or the District of Columbia by any person and that the packer will inform the commissioner of the value and the ~~foreign country~~ 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 that~~ do not meet market requirements within any state of the United States, its territories and possessions or the District of Columbia as specified by the Maine Sardine Law shall not be deemed as being exported to ~~a foreign country~~.

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

Effective March 7, 1990.

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## CHAPTER 640

S.P. 852 - L.D. 2186

### An Act Relating to Seat Belts and Child Safety Seats for Children under 4 Years of Age

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

**29 MRSA §1368-B, sub-§§1 and 2**, as repealed and replaced by PL 1983, c. 299, are amended to read: