

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.

J.S. McCarthy Company
Augusta, Maine
1990

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

account unexpended at the end of the year ~~do~~ may not lapse, but ~~shall carry~~ must be carried forward into subsequent years. All funds received under this section must be accounted for under the normal budgetary process.

Sec. 9. 34-A MRSA §1210, sub-§6-A is enacted to read:

6-A. Funds to be used for community corrections programs. Thirty percent of all funds claimed by each county for reimbursement under this section must be retained by the department until the county demonstrates that the retained funds will be used for community corrections programs, as described in subsection 1, paragraph B, that are developed as part of a comprehensive local plan approved by the commissioner. Two-thirds of the retained funds must be retained until the county demonstrates that the funds will be used for adult programs, and 1/3 of the retained funds must be retained until the county demonstrates that the funds will be used for juvenile diversion programs. All funds retained by the department under this subsection not released by the end of the year may not lapse, but must be carried forward into subsequent years, with each county's funds carried over for that county. Annually, by September 1st, the commissioner shall submit to the committee of the Legislature having jurisdiction over corrections matters a report of the activity in the prior fiscal year of the funds retained under this subsection, including the following:

- A. The amount retained from each county;
- B. The amount of any funds that have been carried over from previous fiscal years for each county;
- C. The amount released to each county; and
- D. The specific programs for which funds were released for each county, including an indication of whether each program serves juveniles or adults.

See title page for effective date.

CHAPTER 888

H.P. 1243 - L.D. 1734

An Act to Increase Various License and Registration Fees of the Department of Agriculture, Food and Rural Resources

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

Sec. 1. 7 MRSA §714, sub-§1, as enacted by PL 1971, c. 77, §1, is amended to read:

1. Application for registration. No person shall distribute in this State a commercial feed, except a customer-formula feed, which has not been registered pursuant to this section. The application for registration shall be submitted in the manner prescribed by the commis-

sioner on forms furnished by the commissioner, and shall be accompanied by a fee of ~~\$25~~ \$30 per brand. Upon approval by the commissioner the registration shall be issued to the applicant. All registrations expire on the 31st day of December of each year.

Sec. 2. 7 MRSA §743, first ¶, as amended by PL 1979, c. 672, Pt. A, §22, is further amended to read:

Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold or distributed in this State. The application for registration shall be submitted to the commissioner on forms furnished by the commissioner and shall be accompanied by a fee of ~~\$12~~ \$14 per plant food element guaranteed. All registrations expire on December 31st of each year or in a manner consistent with the provisions as to license expiration of the Maine Administrative Procedure Act, Title 5, section 10002, whichever is later. The commissioner may refuse to renew, suspend or cancel registration for failure to comply with this subchapter or with regulations adopted pursuant hereto. This refusal, suspension or cancellation shall be considered rule-making as that term is defined in the Maine Administrative Procedure Act, Title 5, chapter 375 and notice and opportunity for a hearing shall be provided in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375. The application shall include the following information:

Sec. 3. 7 MRSA §2902, 6th ¶, as enacted by PL 1979, c. 672, Pt. A, §36, is amended to read:

The fee for each license to sell milk or cream as a producer dealer shall be based on the annual volume of milk sold to other than a licensed dealer or subdealer, but shall not be less than \$10 nor greater than \$25. The fee for each license to sell or distribute milk or cream from a milk plant shall be based on the annual volume of milk sold or distributed by the milk plant, but shall not be less than ~~\$25~~ \$50 nor more than ~~\$50~~ \$150. The commissioner shall promulgate and establish a fee schedule in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 4. 7 MRSA §2902, 7th ¶, as amended by PL 1981, c. 315, §9, is further amended to read:

The fee for each wholesale license to sell or distribute frozen dessert shall be ~~\$25~~ \$50.

Sec. 5. 10 MRSA §2501, as amended by PL 1977, c. 694, §181, is further amended to read:

§2501. Qualifications

Any person wishing to be a licensed public weighmaster shall make application to the state sealer upon forms provided by ~~him~~ the state sealer, and each application shall be accompanied by a fee of ~~\$2~~ \$25. Upon receipt of application and the state ~~sealer satisfying himself~~ sealer's satisfaction that the applicant is of good moral character and has the ability to weigh accurately

and to make correct weight certificates and passing such oral or written examination as the state sealer may determine and upon making oath to execute his the requisite duties satisfactorily shall be granted a license as a public weighmaster. Each license shall expire on December 31st of each year or in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, whichever is later, unless sooner revoked or suspended under section 2506. Each licensed public weighmaster shall, at ~~his the public weighmaster's~~ own expense, ~~provide himself with~~ procure an impression seal. ~~His The~~ public weighmaster's name and the word "Maine" shall be inscribed around the outer margin of the seal and the words "licensed public weighmaster" shall appear in the center thereof. The seal shall be impressed upon each weight certificate issued by a licensed public weighmaster.

Sec. 6. 10 MRSA §2651, as amended by PL 1977, c. 694, §184, is further amended to read:

§2651. Registration; certificates

Any person wishing to be registered as a dealer or repairman shall make application to the state sealer upon forms provided by ~~him the state sealer~~, furnishing such pertinent information as ~~he may require~~ be required and each application shall be accompanied by a fee of ~~\$2~~ \$25. Upon approval ~~by~~, the state sealer, ~~he~~ shall issue to the applicant a registration certificate which shall expire on December 31st, or in the manner provided in the Maine Administrative Procedure Act, Title 5, chapter 375, whichever is later, unless sooner suspended or revoked under section 2655.

Sec. 7. 22 MRSA §2168, as amended by PL 1989, c. 664, §3, is repealed and the following enacted in its place:

§2168. Fees

1. Application and renewal. Each application for, or renewal of, a license to operate a food establishment must be accompanied by a fee, based on the number of employees as follows:

A. For 0 to 10 employees, \$10;

B. For 11 to 25 employees, \$30; and

C. For 26 or more employees, \$100.

2. Food salvage. Each application for, or renewal of, a license to operate a food salvage establishment or to act as a salvage broker must be accompanied by a fee, not to exceed \$30, determined by the commissioner.

3. Refunds and transfers; General Fund. No fee is refundable. A license is not assignable or transferable. Fees collected by the commissioner pursuant to this section must be deposited in the General Fund.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Agricultural and Rural Resources Development

All Other \$45,000

Provides \$20,000 for audio-visual materials, the preparation of written materials and organization of a speaker's bureau for general public awareness activities and \$25,000 for instructional materials and the training of teachers in agricultural literacy as part of the agricultural awareness programs.

See title page for effective date.

CHAPTER 889

H.P. 1692 - L.D. 2342

An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System

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

Sec. 1. 5 MRSA §4576 is enacted to read:

§4576. Gender equity in school administrative positions

The commission shall promote gender equity in the hiring of public school administrators in cooperation with the Commissioner of Education and investigate all human rights complaints associated with the public school system.

Sec. 2. 20-A MRSA §6 is enacted to read:

§6. Gender equity hearings

Beginning in 1991 and in each odd-numbered year thereafter, the joint standing committee of the Legislature having jurisdiction over educational matters shall hold biennial hearings on or before March 15th on the status of women in public school administration. The committee shall solicit testimony from all public and private educational organizations on the progress in providing support to women and in advancing the efforts of women to achieve administrative positions.

Sec. 3. 20-A MRSA §254, sub-§§8 to 10 are enacted to read: