

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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NON-EMERGENCY LAWS IS
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J.S. McCarthy Company
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PUBLIC LAWS
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B. The record of the sale must include the name of the owner prior to the sale, a description of the property, the proceeds of the sale, any deductions authorized under paragraph A and the balance remaining.

Sec. 5. 33 MRSA §1818, sub-§3, as enacted by PL 1987, c. 691, §4, is amended to read:

3. Property worth less than \$500. Tangible property presumed to be abandoned under this section may be sold by the landlord in accordance with Title 14, section 6013, if the fair market value of the property left by the tenant is less than ~~\$100~~ \$500.

See title page for effective date.

CHAPTER 266

H.P. 1060 - L.D. 1549

An Act to Make Maine Milk Laws Conform to Federal Laws

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

Sec. 1. 7 MRSA §2954, sub-§1, as repealed and replaced by PL 1987, c. 447, §1, is amended to read:

1. Commission empowered to establish prices; public hearing. The commission is vested with the power to establish and change, after investigation and public hearing, the minimum wholesale and retail prices to be paid to producers, dealers and stores for milk received, purchased, stored, manufactured, processed, distributed or otherwise handled within the State. The commission shall hold a public hearing prior to the establishing or changing of such minimum prices. The commission may proceed, however, under the emergency rule-making provisions of Title 5, section 8054 without making findings of emergency when the only changes to be made in the minimum prices are to conform with the orders of any federal or other agency duly authorized by law to establish or negotiate producer prices or are to respond to other conditions affecting prevailing Class I and Class II and Class III prices in southern New England. Title 5, section 8054, subsection 3, the second sentence, does not apply to minimum prices adopted under the previous sentence. Due notice of the public hearing ~~shall~~ must be given by publishing notice as provided in Title 5, chapter 375. The commission shall hold such a public hearing not less frequently than once every 12 months to determine whether the minimum wholesale and retail prices then established should be changed. In addition to the data received through the implementation of the information gathering procedures of its rules as a basis for its determinations, the commission shall solicit and seek to receive oral and written testimony at hearings to determine whether the minimum wholesale and retail prices then established should be changed and whether the proposed minimum wholesale and retail prices are just and reasonable.

Sec. 2. 7 MRSA §2954, sub-§2, ¶A, as repealed and replaced by PL 1975, c. 517, §3, is amended to read:

A. The minimum wholesale prices paid to producers ~~shall be~~ are based on the prevailing Class I and Class II and Class III prices in southern New England and, after investigation by the Maine Milk Commission, ~~shall~~ must reflect as accurately as possible the increased costs of production.

Sec. 3. 7 MRSA §3152, sub-§1, as amended by PL 1987, c. 447, §4, is further amended to read:

1. Blend price. "Blend price" means the price of milk per hundredweight computed as the sum of the Class I price multiplied by the percentage of milk sold as Class I milk ~~and~~, the Class II price multiplied by the percentage sold as Class II milk ~~and the Class III price multiplied by the percentage sold as Class III milk~~. The blend price ~~shall~~ must be separately calculated for the base minimum price and the over-order premium.

Sec. 4. 7 MRSA §3152, sub-§1-A, as amended by PL 1989, c. 436, §2, is further amended to read:

1-A. Base minimum price. "Base minimum price" means that part of the minimum Class I and Class II and Class III prices established by the Maine Milk Commission pursuant to chapter 603 which corresponds to Class I and Class II and Class III prices established pursuant to the New England Milk Marketing Order, excluding any amounts established by the Maine Milk Commission to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A.

Sec. 5. 7 MRSA §3152, sub-§1-B, as enacted by PL 1989, c. 436, §3, is amended to read:

1-B. Adjusted base minimum price. "Adjusted base minimum price" means that part of the minimum Class I and Class II and Class III prices established by the Maine Milk Commission pursuant to chapter 603 which corresponds to Class I and Class II and Class III prices established pursuant to the New England Milk Marketing Order, plus any amounts established by the Maine Milk Commission to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A.

Sec. 6. 7 MRSA §3152, sub-§8-A, as amended by PL 1989, c. 436, §4, is further amended to read:

8-A. Over-order premium. "Over-order premium" means that part of the minimum Class I and Class II and Class III prices established by the Maine Milk Commission pursuant to chapter 603, which exceeds the applicable Class I and Class II and Class III prices established pursuant to the New England Milk Marketing Order as adjusted to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A.

Sec. 7. 7 MRSA §3152, sub-§11, as enacted by PL 1983, c. 573, §4, is amended to read:

11. Utilization rate. "Utilization rate" means the percentage of milk produced ~~which that is utilized~~ used as Class I or fluid milk, the percentage of milk produced that is used as Class II milk and the percentage of milk that is used as Class III milk.

Sec. 8. 7 MRSA §3153, sub-§2, ¶F, as enacted by PL 1989, c. 878, Pt. B, §9, is amended to read:

F. For any month in which the Maine Milk Commission has included in Class I ~~or~~ Class II or Class III prices any amounts to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A, those amounts ~~shall~~ must be paid into the Maine Milk Pool for redistribution to eligible Maine and Boston market producers on an equal basis.

See title page for effective date.

CHAPTER 267

S.P. 694 - L.D. 1859

An Act to Amend the Composition of the Animal Welfare Board

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

Whereas, the Animal Welfare Board has many powers and duties; and

Whereas, effective use of these powers and performance of these duties are essential to animal welfare in this State; and

Whereas, adequate and balanced representation of various interests is essential to optimal functioning of the board; 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. 7 MRSA §3903, as amended by PL 1989, c. 701, §2 and affected by §6, is further amended to read:

§3903. Membership

The Animal Welfare Board is an independent board.

The board ~~shall consist~~ consists of ~~40~~ 11 members as follows.

1. Designated members. ~~Nine~~ Ten members, appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture and subject to confirmation by the Legislature, ~~shall consist~~ consisting of:

A. ~~Four~~ Five members representing humane societies ~~to be~~ , selected by the Governor, who shall consider nominations made by humane societies incorporated under the laws, provided that no more than one member may represent a particular society, at least one member must represent a state-licensed animal shelter and at least one member must represent a licensed kennel, boarding kennel or pet shop;

B. Four members representing the agricultural community ~~to be~~, selected by the Governor from nominations presented by organizations representing the agricultural community; and

C. ~~One member to be a veterinarian and who is or has been licensed to practice in this State~~, selected by the Governor, who shall consider nominations made by the Maine Veterinary Medical Association. A veterinarian is not eligible for membership on the board if the license of the veterinarian has ever been suspended or revoked by the Administrative Court pursuant to Title 32, chapter 71-A.

2. State member. One member of the board representing the State ~~shall~~ must be the Commissioner of Agriculture, Food and Rural Resources ~~or the commissioner's designee~~ who shall serve as an ex officio, ~~nonvoting~~ voting member.

3. Compensation. Members of the board ~~shall be~~ are compensated in accordance with Title 5, chapter 379. One member of the board is paid compensation from the board's special revenue account consisting of license fees paid to the board in accordance with this chapter.

Sec. 2. 7 MRSA §3906, sub-§§9 and 10, as enacted by PL 1987, c. 383, §3, are amended to read:

9. Rules. Pursuant to Title 5, chapter 375, adopt, amend and repeal reasonable rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that it is charged with administering and necessary or useful for carrying out any of its powers and duties; ~~and~~

10. Other powers. Do any act or thing necessary or useful for carrying out any of its powers or duties; ~~and~~

Sec. 3. 7 MRSA §3906, sub-§11 is enacted to read: