

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

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
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J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 301

S.P. 437 - L.D. 1181

An Act Regarding Taking Scallops in the Swan's Island Cable Area

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

Sec. 1. 12 MRSA §6954-A, sub-§1, as enacted by PL 1987, c. 1, §3, is amended to read:

1. Violation. ~~It Unless permitted by rules adopted under section 7792, subsection 6, it is unlawful to take scallops by any means or to operate any watercraft when towing a drag or trawl within the following area: Starting starting at the easternmost point on Red Point, Swan's Island; thence in an easterly direction to the southernmost point of the western Sister's Island; thence in a southeasterly direction to the southernmost point of Crow Island; thence in a southerly direction to the northernmost point of Harbor Island, Frenchboro, Long Island; thence southerly to the state ferry terminal located on the eastern side of Lunt's Harbor, Frenchboro, Long Island, and then starting at the westernmost point of Gooseberry Point on Frenchboro, Long Island; westerly to the northeast point of John's Island; thence northwest to the easternmost point of the largest of the Baker Islands; thence northwesterly to the northeastern point of Harbor Island, Swan's Island; thence northerly to Quarry Wharf, Minturn, Swan's Island.~~

Sec. 2. 12 MRSA §7792, sub-§5, as enacted by PL 1979, c. 543, §67, is amended to read:

5. Restrictions for airmobiles. Rules restricting the operation of airmobiles in fish or wildlife preserves, conservation areas or other areas where the operation may harm the natural environment; and

Sec. 3. 12 MRSA §7792, sub-§6 is enacted to read:

6. Scalloping permitted by rule; Frenchboro area. Rules permitting the taking of scallops in the Frenchboro area, as defined in section 6954-A, subsection 1, except that the rules may not permit the use of drags more than 30 inches wide and may not permit the use of drag ropes more than 3/8 inch in diameter.

See title page for effective date.

CHAPTER 302

S.P. 457 - L.D. 1233

An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources

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

Sec. 1. 12 MRSA §6406, sub-§1, as repealed and replaced by PL 1989, c. 455, §1, is amended to read:

1. Prohibited acts. It ~~shall be~~ is unlawful for any person whose license is under suspension to:

A. Engage in any licensed activity;

B. Give another person permission to raise, lift, transfer or possess lobster traps or cars marked with the suspended person's lobster and crab fishing license number or lobster traps with buoys that carry the color design on file with the suspended license; ~~or~~

C. Assist a holder of a Class II lobster and crab fishing license as a crew member; or

E. For any violation occurring on or after the effective date of this paragraph, assist any license holder as a crew member in any activity authorized by the suspended license.

Sec. 2. Applicability. The prohibitions in the Maine Revised Statutes, Title 12, section 6406, subsection 1, paragraph E do not apply to persons whose licenses are suspended for violations occurring prior to the effective date of that paragraph.

See title page for effective date.

CHAPTER 303

S.P. 612 - L.D. 1616

An Act Relating to the Jail Operations Surcharge Fund

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

Sec. 1. 4 MRSA §1057, as amended by PL 1987, c. 861, §5, is further amended to read:

§1057. Government Operations Surcharge Fund

1. Fund established. There is hereby established a fund to be known as the ~~Jail~~ Government Operations Surcharge Fund. This fund ~~shall~~ must be maintained by the Treasurer of State for the sole purpose of reimbursing counties for costs associated with operations of the jail system.

2. Surcharge imposed. A surcharge of 10% ~~shall~~ must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, ~~shall be~~ is con-

sidered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge ~~shall~~ must be deposited monthly in the ~~Jail~~ Government Operations Surcharge Fund.

3. Reimbursement to counties. Monthly, the Treasurer of State shall make payments from this fund to each county in direct proportion to the amount of revenue obtained from all courts within each county, ~~provided~~ except that a county may not receive an amount greater than the prior year's expenditures on its jail. The amount of total payments made to counties ~~shall~~ must equal 2% of the total fines, forfeitures and penalties, including this surcharge, received by the Treasurer of State. The balance remaining in the ~~Jail~~ Government Operations Surcharge Fund at the end of each month ~~shall~~ must accrue to the General Fund.

Sec. 2. 4 MRSA §1156, last ¶, as amended by PL 1987, c. 339, §4, is further amended to read:

The Administrative Court Judge shall maintain a record of all fines and surcharges received by the court and shall pay the fines into the General Fund of the State Treasury and the surcharges into the ~~Jail~~ Government Operations Surcharge Fund on or before the 15th day of each month.

See title page for effective date.

CHAPTER 304

H.P. 870 - L.D. 1256

An Act Concerning the Packing of Soy milk and Flavored Milk

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

Sec. 1. 32 MRSA §1862, sub-§1, as repealed and replaced by PL 1989, c. 585, Pt. D, §§2 and 11 and affected by c. 869, Pt. C, §12, is amended to read:

1. Beverage. "Beverage" means beer, ale or other drink produced by fermenting malt, spirits, wine, wine coolers, soda or noncarbonated water; and all nonalcoholic carbonated or noncarbonated drinks in liquid form and intended for internal human consumption, except for unflavored soy milk, milk and dairy-derived products.

Sec. 2. 32 MRSA §1862, sub-§12-C is enacted to read:

12-C. Unflavored soy milk. "Unflavored soy milk" means any liquid containing no additional flavoring ingredients and intended for internal human consumption, the primary protein source of which is soy protein derived from whole soybeans, isolated soy protein, soy protein

concentrate, soy flour, spray-dried tofu or spray-dried soy milk.

Sec. 3. 32 MRSA §1868, sub-§4, as repealed and replaced by PL 1989, c. 869, Pt. C, §6, and affected by §12, is amended to read:

4. Aseptic and composite material beverage containers. In a container composed, in whole or in part, of aluminum and plastic or of aluminum and paper in combination where those materials are for practical reasons inseparable. No milk or dairy-derived products in liquid form to which additional flavoring ingredients have been added may be sold in containers prohibited under this subsection.

See title page for effective date.

CHAPTER 305

H.P. 655 - L.D. 934

An Act to Regulate the Use of Video Display Terminals

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

Sec. 1. 26 MRSA §251, sub-§4, as enacted by PL 1989, c. 512, is amended to read:

4. Employer. "Employer" means any person, partnership, firm, association or corporation, public or private, ~~which that~~ uses ~~25~~ 2 or more terminals at one location within the State. The term "employer" includes, but is not limited to:

- A. Any person, partnership, firm, association or corporation acting in the interest of any employer, directly or indirectly; and
- B. The State, in its capacity as an employer.

Sec. 2. 26 MRSA §252, sub-§1, as enacted by PL 1989, c. 512, is amended to read:

1. Requirements. An employer's education and training program ~~shall~~ must be provided both orally and in writing ~~and shall~~, except that an employer that uses fewer than 5 terminals at one location may provide the education and training program in writing only. The program must include, at a minimum:

- A. Notification of the rights and duties created under this subchapter by posting in a prominent location in the workplace a copy of this subchapter and a written notice that explains these rights and duties in plain language;