

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
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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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Sec. 1. 32 MRSA §1862, sub-§1, as repealed and replaced by PL 1989, c. 585, Pt.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;

B. An explanation or description of the proper use of terminals and the protective measures that the operator may take to avoid or minimize symptoms or conditions that may result from extended or improper use of terminals; and

C. Instruction related to the importance of maintaining proper posture during terminal operation and a description of methods to achieve and maintain this posture, including the use of any adjustable work station equipment used by the operator.

Sec. 3. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 306

H.P. 244 - L.D. 335

An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission

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

12 MRSA §682, sub-§2, as amended by PL 1989, c. 772, §1, is further amended to read:

2. Subdivision. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metes and bounds or by leasing. A division accomplished by gift to a person related to the donor by blood, marriage or adoption, unless the intent of that gift is to avoid the objectives of this chapter, does not create a lot or lots for purposes of this definition.

The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.

~~The creation of a~~ A lot or parcel of at least 40 acres in size ~~shall~~ is not be counted as a lot for the purpose of this subsection ~~except when if no portion of the lot or the parcel from which it was divided is located wholly or partly within the shoreland area 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in Title 38, section 435 and 436-A except as provided in paragraph A, or when the lot or parcel from which it was divided has been subdivided~~ divided into more than 10 lots ~~in 5 years~~ within any 5-year period.

A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period ~~from a parcel which is and are~~ located ~~wholly outside the shoreland area~~ more than 1,320 feet of the normal high water line from any great pond or river or more than 250 feet from the upland edge of a coastal or freshwater wetland as defined in Title 38, section ~~435~~ 436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the ~~registry of deeds, the commission and the State Tax Assessor~~ within 60 days of the creation of that lot. A registrar of deeds may not record any plan depicting these lots within the unorganized and deorganized lands of the State, unless the commission's certification that the division is an exception to this subsection is evidenced on the plan. The commission must determine whether the plan qualifies as an exception to this subsection within 15 business days of receipt of the plan. A copy of the certified plan must be filed within 30 days of certification with the State Tax Assessor and the appropriate registry of deeds in the county in which the real estate is located. Any subsequent division of a lot created from the original parcel within 10 years of the filing of the plan in the registry of deeds ~~shall~~ be ~~is~~ considered a subdivision. Failure to file the plan required by this paragraph is a violation of this chapter subject to the penalties provided in section 685-C, subsection 8.

B. The commission shall submit a report by March 15th, annually, to the joint standing committee of the Legislature having jurisdiction over energy and natural resources. The report ~~shall~~ must indicate the number and location of lots for which a plan was filed under paragraph A and the number and location of subsequent divisions requiring review by the commission.

See title page for effective date.

CHAPTER 307

H.P. 936 - L.D. 1356

An Act to Clarify Certain Commercial Vehicle Size and Weight Provisions

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

Sec. 1. 29 MRSA §1, sub-§14-B is enacted to read:

14-B. Saddle-mount vehicle transporter combination. "Saddle-mount vehicle transporter combination" means a combination vehicle consisting of a truck or tractor towing one or more trucks or tractors each of which is connected by a saddle to the frame or 5th wheel