

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**1. Applicability.** After July 1, 1992, a person may not use the recycling emblem or the terms "reusable," "recyclable," "recycled" and "recycled content" on a package or product that is sold or offered for sale, or in the promotion or advertisement of a package or product, unless that package or product conforms to the standards in the labeling program adopted by the agency under this section.

**2. Statement of fact.** A person may use the term "reusable," "recyclable," "recycled" or "recycled content" on a package or product that does not meet the standards adopted by the agency if the term is used in a properly qualified statement of fact for the purpose of conveying accurate information to consumers about the package or product and the term is displayed no more prominently than the other words in the statement of fact.

**3. Penalty.** A violation of this section is a violation of Title 5, chapter 10, the Maine Unfair Trade Practices Act.

See title page for effective date.

## CHAPTER 464

S.P. 451 - L.D. 1227

### An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the Department of Public Safety

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

**Sec. 1. 8 MRSA §161, 5th ¶**, as amended by PL 1973, c. 78, §2, is further amended to read:

A fee of ~~\$10 shall be~~ \$15 is fixed by the Commissioner of Public Safety for each ~~such~~ license. ~~Said~~ The fee ~~shall must~~ accompany the application for ~~such the~~ license and ~~shall is~~ not ~~be~~ refunded in those cases in which the premises are inspected and ~~said the~~ fee ~~shall be is~~ credited to the Department of Public Safety to help defray expenses of ~~such those~~ inspections. No fee ~~shall be is~~ required for the licensing of public, private or state-owned school buildings or ~~municipally-owned~~ municipality-owned buildings.

**Sec. 2. 8 MRSA §227, sub-§§1 to 3**, as enacted by PL 1985, c. 23, §2, are amended to read:

**1. Permit to discharge fireworks.** Permit to discharge, fire off or explode fireworks: ~~Fifteen~~ twenty-two dollars and fifty cents per calendar year;

**2. Site inspection.** Inspection of fireworks display sites: ~~Ten~~ fifteen dollars; and

**3. Display permit for specified period of time.** Permit for supervised display of fireworks for period of time specified in permit: ~~Twenty~~ thirty dollars.

**Sec. 3. 8 MRSA §502, 2nd ¶**, as amended by PL 1989, c. 502, Pt. C, §2, is further amended to read:

No traveling circus, traveling amusement show or amusement device may operate or exhibit any parade, show or entertainment in this State without first paying a license fee for each calendar year. Application for the license ~~shall must~~ be made to the Commissioner of Public Safety and ~~shall~~ contain the name of the person or corporation using or operating the traveling circus, traveling amusement show or amusement device, and a statement of proposed territory within the limits of the State, and names of the cities and towns in which the traveling circus, traveling amusement show or amusement device is to operate or exhibit. No traveling circus or traveling amusement show or amusement device may exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, in an amount to be determined by the commissioner, a certificate of public liability insurance issued by an authorized insurer or approved surplus lines insurer pursuant to Title 24-A or any risk retention group registered in any state pursuant to the 15 United States Code, ~~Title 15~~, Chapter 65; or through a purchasing group registered in any state pursuant to the 15 United States Code, ~~Title 15~~, Chapter 65. Upon receipt of the application, accompanied by a certificate of public liability insurance and upon payment of the required fee, a license ~~shall be~~ is issued. For amusement shows, carnivals, thrill shows, ice shows, rodeos or similar types of performances which are held indoors or outdoors the fee ~~shall be is~~ \$250. For circuses which are held outdoors or under tents or similar temporary cover or enclosure the fee ~~shall be is~~ \$500. For circuses held indoors in an auditorium, arena, civic center or similar type building the fee ~~shall be is~~ \$250. For circuses produced in their entirety by a nonprofit, charitable organization a license is required but no fee ~~may be is~~ charged. The amusement device license fee ~~shall be \$25 is~~ \$37.50 per amusement device. A traveling amusement show, having amusement devices and having secured a traveling amusement show license, ~~shall must~~ pay an additional amusement device license fee for each amusement device over 8 ½ rides. "Amusement device" means a device by which a person is conveyed, where control by the rider over the speed or direction of travel is incomplete. It does not include a vehicle or device, the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30-A, section 3001; or any coin-operated kiddie amusement device on a nonmoving base which is designed to accommodate one child.

**Sec. 4. 8 MRSA §652**, as repealed and replaced by PL 1977, c. 340, §1, is amended to read:

**§652. Applications for license; inspections**

The owner, lessee, tenant or occupant of any building or place of assembly required to be licensed under section 651 shall make application to the Commissioner of Public Safety for that license. Upon receipt of the application, the commissioner shall inspect or cause to be inspected that building or place of assembly to be used for theatrical or motion picture purposes to ascertain its compliance with the ~~statutes laws and regulations rules~~. If as a result of the inspection the commissioner is convinced that the ~~regulations rules~~ are fully complied with, ~~he the commissioner~~ may issue a license to the person desiring to operate the theatrical or motion picture production in that building. ~~A~~ The fee for a license ~~shall be \$25~~ is \$37.50. All theatrical or motion picture licenses issued ~~shall~~ expire one year after date of issue unless sooner revoked. The fees ~~shall be~~ are credited to the Office of the State Fire Marshal's Office Marshal to defray the expenses of the office. Any balance of those fees ~~shall may~~ not lapse but ~~shall must~~ be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

**Sec. 5. 25 MRSA §2441, 6th ¶**, as amended by PL 1989, c. 135, is further amended to read:

The following schedule of fees ~~shall apply~~ applies to all inspections and permits required by rule under this section:

**Sec. 6. 25 MRSA §2441, sub-§§1 to 3**, as amended by PL 1983, c. 174, §2, are repealed and the following enacted in their place:

**1. Permit to use.** A permit to use must provide authorization to purchase, possess, store, transport and use explosives. The permit to use is valid for 3 years from date of issue. The fee for this permit is \$30.

**2. Inspection of explosive storage magazines and vehicles used to transport explosives.** All explosive storage magazines and vehicles transporting explosives in intrastate commerce must be inspected prior to issuance of a permit to use. The cost of each inspection is \$30. Reinspection of storage magazines and vehicles transporting explosives are conducted upon renewal of the permit to use.

**3. Inspection of aboveground flammable liquid storage facility.** The cost of inspection of an aboveground flammable liquid storage facility and the permit is \$15.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1991-92                      1992-93

PUBLIC SAFETY, DEPARTMENT OF

Office of the State Fire Marshal

All Other                      \$6,048                      \$8,064

Provides funds for general operating expenses.

See title page for effective date.

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**CHAPTER 465**

**H.P. 1032 - L.D. 1505**

**An Act to Update Certain Laws Regarding Corporations, Lobbyists and Notaries**

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

**Sec. 1. 3 MRSA §313**, as amended by PL 1977, c. 108, §1, is further amended to read:

**§313. Registration of lobbyists and employers**

Any person acting as a lobbyist and the person who employs that lobbyist shall jointly register at the office of the Secretary of State no later than 7 15 business days after the commencement of activities constituting lobbying and a fee, as determined by the Secretary of State, ~~shall must~~ be paid for such joint registration.

**Sec. 2. 3 MRSA §319, sub-§1-A** is enacted to read:

**1-A. Notice of suspension.** Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the Secretary of State until such failure is corrected.

**Sec. 3. 4 MRSA §951**, as amended by PL 1989, c. 600, Pt. A, §1, is further amended to read:

**§951. Seal; authority to administer oaths**

A notary public may keep a seal of office, ~~whereon is engraved~~ engraved with the notary public's name exactly as it appears on the notary public's commission, and the words "Notary Public" and "Maine" or its abbreviation "Me.," with the arms of state or such other device as the notary public chooses. When a notary public who has obtained a seal of office resigns, or the notary public's commission is revoked or expires, the notary public or heirs shall destroy the official seal or send it to the Secretary of State for destruction. When authorized by the laws of this State or of any other state or country to do any official act, the notary public may administer any oath necessary to the completion or validity ~~thereof~~ of the act.

**Sec. 4. 4 MRSA §955-B**, as enacted by PL 1987, c. 573, §3, is amended to read: