

# 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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B. The owner or manager of a retail outlet shall ensure that information identifying the specific post-harvest treatments used, and the specific items of produce that were treated, is available to the public within 48 hours of a request.

C. The owner or manager of a retail outlet shall ensure that produce without post-harvest treatment, as determined by the commissioner, ~~shall be~~ is identified by a sign contiguous to the specific produce.

~~This subsection is repealed effective July 1, 1991.~~

**Sec. 6. 36 MRSA §4318**, as enacted by PL 1989, c. 214, §2, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 24, 1991.

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## CHAPTER 507

S.P. 491 - L.D. 1329

### An Act Concerning Salary Provisions for Automotive Industry Personnel

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

**Sec. 1. 26 MRSA §663, sub-§13** is enacted to read:

**13. Automobile parts clerk.** "Automobile parts clerk" means a person employed for the purpose of and primarily engaged in requisitioning, stocking and dispensing automobile parts as an employee of an establishment primarily engaged in the business of selling automobiles or trucks to the ultimate purchaser, except when the employee is paid by the employer on an hourly basis.

**Sec. 2. 26 MRSA §664, first ¶**, as amended by PL 1987, c. 738, §1, is further amended to read:

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee, except as otherwise provided in this subchapter, at the rate of less than \$3.65 per hour in 1987 and \$3.75 per hour starting January 1, 1989 and \$3.85 per hour starting January 1, 1990, but in no case may the minimum hourly wage exceed the average minimum hourly wage of the 5 other New England states; or to require any employee to work more than 40 hours in one week, unless 1 1/2 times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of the minimum wage established under this section, the minimum

wage ~~shall~~ must be increased to the same amount, effective on the same date as the increase in the highest federal minimum wage, but in no case ~~shall~~ may the minimum wage exceed \$5 per hour. The overtime provision of this section ~~shall~~ does not apply to ~~seamen; mariners;~~ the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce and meat and fish products, nor to the canning of perishable goods; nor to hotels, motels, restaurants and other eating establishments; public employees; nor to automobile mechanics, automobile parts clerks or automobile ~~salesmen~~ sales representatives.

See title page for effective date.

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## CHAPTER 508

H.P. 1273 - L.D. 1844

### An Act to Amend the Tree Growth and Open Space Laws

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

**Sec. 1. 36 MRSA §1106**, as amended by PL 1989, c. 748, §3, is further amended by adding at the end a new paragraph to read:

The valuation guidelines required by this section must be completed and reported to the joint standing committee of the Legislature having jurisdiction over taxation matters by February 1, 1992. The report must also contain information and recommendations, if any, on the impact of public access requirements when determining eligibility for farm, open space and tree growth classifications.

**Sec. 2. 36 MRSA §1119**, as enacted by PL 1987, c. 728, §10, is amended to read:

#### §1119. Valuation guidelines

By ~~January 1, 1989~~ February 1, 1992, the Department of Agriculture, Food and Rural Resources working with the Bureau of Taxation, representatives of municipal assessors and farmers shall prepare and report to the joint standing committee of the Legislature having jurisdiction over taxation matters guidelines to assist local assessors in the valuation of farmland. The department shall also deliver these guidelines in training sessions for local assessors throughout the State. These guidelines ~~shall~~ must include suggested values for cropland, orchard land, pastureland and horticultural land.

**Sec. 3. 36 MRSA §1121**, as enacted by PL 1987, c. 728, §10, is amended by adding at the end a new paragraph to read:

By February 1, 1992, the department and the bureau shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters on the potential problems that occur as a matter of transferring parcels between classifications and subsequent withdrawal of those or other parcels pursuant to sections 581, 1109, 1112 and 1115. Recommendations, if any, regarding the penalty provisions imposed by withdrawal from any of the classifications contained in subchapter II-A or this subchapter must be included in this report.

See title page for effective date.

## CHAPTER 509

H.P. 1151 - L.D. 1676

### An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards

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

**Whereas,** it is vital that the funds provided for in this legislation are available for the beginning of fiscal year 1991-92; and

**Whereas,** that fiscal year will begin before the expiration of the 90-day period; 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. 10 MRSA §8003, sub-§3,** as repealed and replaced by PL 1983, c. 553, §13, is amended to read:

**3. License defined.** For purposes of this section, the term "license" ~~is used to mean~~ means a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry but does not mean a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

**Sec. 2. 10 MRSA §8003, sub-§5,** as amended by PL 1989, c. 450, §6, is further amended by repealing and replacing the first 2 paragraphs to read:

**5. Authority of bureaus, boards or commissions.** In addition to authority otherwise conferred, unless expressly

precluded by language of denial in its own governing law, each bureau, licensing board and commission within or affiliated with the department may take one or more of the following actions, except that this subsection does not apply to the Bureau of Banking.

**Sec. 3. 10 MRSA §8003, sub-§§7, 8 and 9** are enacted to read:

**7. Evidentiary effect of certificate.** Notwithstanding any provision of law or rule of evidence, the certificate of the commissioner under the seal of the State must be received by any court in this State as prima facie evidence of the issuance, suspension or revocation of any license issued by the department.

**8. Display of license.** In addition to authority otherwise conferred, bureaus, boards or commissions within or affiliated with the department may specify by rule the conditions under which a licensee's number, name and address are to be displayed to the public.

**9. Construction.** Nothing in this section may be construed to deprive any bureau, board or commission within or affiliated with the department of any power set forth in another statute or of its statutory duty and authority to regulate its profession, occupation or industry.

**Sec. 4. 10 MRSA §8003-A,** as enacted by PL 1985, c. 748, §19, is amended by adding after the first paragraph a new paragraph to read:

Investigative personnel of the Division of Licensing and Enforcement, during the normal conduct of their work for regulatory boards within the division, may conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority. When specific authority does not exist to appeal an order to correct, that process must be established by rule by the respective boards.

**Sec. 5. 10 MRSA §9006-A, sub-§2,** as enacted by PL 1989, c. 271, §3, is amended to read:

**2. Fee.** At the same time the notice of installation is given, the dealer or mechanic shall pay a fee of ~~up to \$5~~ \$10 to the board for each unit installed.

**Sec. 6. 32 MRSA §1658-A, sub-§§1 and 2,** as amended by PL 1987, c. 597, §1, are further amended to read:

**1. License for person.** No person may engage in the sale of or practice of fitting and dealing in hearing aids or display a sign or in any other way advertise ~~as~~ or represent himself as profess to be a person who practices the fitting, dealing and sale of hearing aids, unless ~~he~~ that person holds a valid license issued by the board as provided in section 1658-I. The board shall issue a license to any person who applies for the license and who is qualified for the license