

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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. 19 MRSA §515-A is enacted to read:

§515-A. Complaint and inquiry unit

The department shall maintain a centralized system to receive and respond to complaints and inquiries from persons who are eligible for support enforcement services. The department shall also use the system to identify and eliminate chronic problems within the department's support enforcement program.

Sec. 2. Electronic transfer of benefits. The Department of Human Services shall study the feasibility of transferring benefits electronically to persons receiving child support enforcement services, and shall report its findings to the joint standing committee of the Legislature having jurisdiction over human resource matters by January 15, 1993. A copy of the findings must be submitted to the Executive Director of the Legislative Council.

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

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective March 24, 1992, unless otherwise indicated.

CHAPTER 725

H.P. 1163 - L.D. 1704

An Act to Limit the Use of Biosynthetic Bovine Somatotropin until More Extensive Human and Animal Safety Studies Are Completed

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

Sec. 1. 7 MRSA §2908, first ¶, as amended by PL 1985, c. 751, §4, is further amended to read:

Any firm, person, corporation or society who ~~shall sell~~ sells milk or cream in the State without the license or licenses provided in section 2902, or who ~~shall violate~~ violates any of the provisions of sections 2901 to 2904 ~~and, 3101 to 3103 and 3105~~, or neglects, fails or refuses

to comply with any of the provisions of those sections and the rules, regulations and standards of identity and quality issued thereunder; commits a civil violation for which the following forfeiture may be adjudged:

Sec. 2. 7 MRSA §3101 is amended to read:

§3101. Inspection and analysis

The commissioner shall inspect the production, manufacture, transportation, storage and sale of milk, cream, butter and all other dairy products, substitutes therefor, or imitations thereof.

The commissioner ~~shall~~ must have free access at all reasonable hours to any dairy farm, milk plant, vehicle, establishment, premises or place where milk or milk products, substitutes therefor, or imitations thereof, are or may be produced, collected, handled, processed, pasteurized, bottled, packaged, stored, sold or otherwise prepared for distribution for the purpose of inspecting such dairy farm, milk plant, vehicle, establishment, premises or place to determine if any of the provisions of sections 2901 to 2904 ~~and, 3101 to 3103 and 3105~~ are being violated; and to secure samples or specimens of any milk, cream, milk products, substitutes or imitations thereof, after paying or offering to pay the market value for such samples. The commissioner shall make or cause to be made examination of samples secured under this section to determine whether or not any provisions of sections 2901 to 2904 and 3101 to 3103 are being violated.

The commissioner may seize without warrant such cans, bottles, containers and equipment used in the production, handling, processing, pasteurizing, bottling, or ~~used in the purchase or sale of milk or cream as may be needed as evidence of violation of any provisions of sections 2901 to 2904 and, 3101 to 3103 and 3105.~~

The commissioner may, in ~~his the commissioner's~~ discretion, publish the results of all analyses with the names of the persons, firms, corporations, associations and societies from which the samples analyzed were taken or the ~~name names~~ of the milk ~~dealer dealers~~. ~~He The~~ The commissioner may, in ~~his the commissioner's~~ discretion, issue a report of the results of all analyses; for distribution to such newspapers in the State as may request a copy.

Sec. 3. 7 MRSA §3104 is amended to read:

§3104. Injunctions by commissioner

In addition to any other remedy for the enforcement of sections 2901 to 2904 ~~and, 3101 to 3103 and 3105~~ or any rule, regulation, order or decision of the commissioner, the Superior Court ~~shall have has~~ jurisdiction upon complaint filed by the commissioner to restrain or enjoin any person from committing any act prohibited by sec-

tions 2901 to 2904 ~~and~~, 3101 to 3103 ~~and~~ 3105 or prohibited by any rule, regulation, order or decision of the commissioner. If it is established, upon hearing, that the person charged has been or is committing any act declared to be unlawful by sections 2901 to 2904 ~~and~~, 3101 to 3103 ~~and~~ 3105 or is in violation of any rule, regulation, order or decision of the commissioner, the court shall enter a decree perpetually enjoining ~~said~~ that person from further commission of such act or actions. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies ~~shall be no~~ is not a defense to this proceeding. The commissioner ~~shall~~ is not ~~be~~ required to give or post a bond when making an application for an injunction under this section.

Sec. 4. 7 MRSA §3105 is enacted to read:

§3105. Restrictions on biosynthetic bovine somatotropin

A veterinarian or a registered animal technician under the supervision of a veterinarian may use or administer biosynthetic bovine somatotropin, known as BST, for research purposes only. It is unlawful for a person who is not a veterinarian or a registered animal technician under the supervision of a veterinarian to use or administer BST. In addition to other penalties provided by law, if BST is present on a dairy farm, except in possession or control of a veterinarian or a registered animal technician under the supervision of a veterinarian using or administering BST for research purposes, the commissioner shall suspend the farm's operating permit issued under section 2902-A. The suspension may be for a period of up to 30 days and must be in accordance with Title 5, section 10004.

For the purposes of this section, "research" means a class of activities designed to develop or contribute to generalizable knowledge or the accumulation of data that can be corroborated by accepted scientific observation and inferences. A veterinarian using or administering BST for research purposes or supervising a registered animal technician using or administering BST for research purposes subsequent to commercial approval of BST by the federal Food and Drug Administration, pursuant to 21 Code of Federal Regulations, Part 514, must submit to the department prior written notice identifying the owner and location of the animals to which BST will be administered, the explicit objectives of the research and the procedures of investigation designed to reach those objectives. Such notices are public records within the meaning of Title 1, section 402, subsection 3. The department shall provide a copy of such notices to each dealer licensed pursuant to section 2955.

This section is repealed February 1, 1993.

See title page for effective date.

CHAPTER 726

H.P. 1512 - L.D. 2124

An Act Regarding Recording Requirements for Proceedings Involving Real Estate

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

Sec. 1. 14 MRSA §2401, sub-§§2 and 3, as enacted by PL 1991, c. 125, are amended to read:

2. Identification on docket. On and after January 1, 1992, judicial proceedings in any Maine court; including appeals from judicial proceedings; that affect title to real estate must be identified on the docket. Judicial proceedings subject to this section include but are not limited to; proceedings involving:

- A. Partition actions;
- B. Boundary and access disputes;
- C. Insolvency;
- D. Mortgage foreclosure;
- E. Declaratory judgment actions;
- F. Attachment and mechanic liens;
- G. Dissolution; and
- H. Actions to quiet title,

This section does not apply to the descent of real estate in divorce governed by Title 19, section 725.

3. Judgment required; recording and contents. ~~Upon the expiration of the applicable appeal period or the entry of a final order on appeal, an abstract of any judgment or final order of judicial proceedings subject to this section must be prepared. The court shall name the party or parties responsible for preparing and recording the abstract judgment in the registry of deeds in the county or counties in which the subject property is located, and for paying the recording fees. The abstract judgment must be signed by the judge and contain the following provisions of the final order.:~~

- A. The names and addresses of all parties to the action, including the counsel of record;
- B. The docket number;
- C. A certification that all parties have received notice of the proceedings, that the notice was given in accordance with the applicable provisions of the Maine Rules of Civil Procedure and, if the notice