

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

with an order of the court issued under this paragraph. The bond amount may not be less than twice the value of the sardines, kippers or steaks to be retrieved and properly labeled; or

C. Permit the packer to export the sardines, kippers or steaks if:

(1) The packer certifies that the sardines, kippers or steaks do not violate laws of the foreign country to which they will be exported;

(2) The council determines that the packer has properly labeled the sardines, kippers or steaks for export; and

(3) The packer is bonded in compliance with section 4169, subsection 4.

Any action taken by a packer to comply with an order of the court issued under this subsection must be taken under the supervision of the council. If the court determines a packer to be in violation of section 4168, subsection 5 or section 4169, the court shall order the packer to pay all court costs, fees and expenses associated with the petition filed by the council.

Sec. 5. 32 MRSA §4168, sub-§6, as enacted by PL 1991, c. 446, Pt. C, §3, is repealed.

Sec. 6. 32 MRSA §4169, first ¶, as enacted by PL 1991, c. 446, Pt. C, §3, is amended to read:

Sardines, kippers or steaks that satisfy the requirements of the Maine Food Law, but not the requirements of the Maine Sardine Law, may be exported by complying with the shipping carton marking and bonding provisions of this section. For the purposes of this section, the term "exported" includes shipments of sardines, kippers or steaks to the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the trust territory of Palau. A packer may not import into the United States any sardines, kippers or steaks exported under this subchapter.

Sec. 7. 32 MRSA §4169, sub-§2, as enacted by PL 1991, c. 446, Pt. C, §3, is repealed.

Sec. 8. 32 MRSA §4169, sub-§4 is enacted to read:

4. Bonding requirements prior to engaging in export trade. A packer must be bonded prior to engaging in the export of sardines, kippers or steaks. Such bond or bonds must be payable to the council upon the court finding the packer in violation of the export provisions of this subchapter. Prior to exporting any sardines, kip-

pers or steaks, a packer must submit a copy of the bond to the council. The bond amount may not be less than twice the value of the sardines, kippers or steaks to be exported, except that a packer regularly engaged in export activities may post a bond for \$10,000 to cover all exports in one calendar year. For the purposes of this subsection, the term "a packer regularly engaged in export activities" means a packer who exports 2 or more shipments of sardines, kippers or steaks in a calendar year.

Sec. 9. 32 MRSA §4170, as enacted by PL 1991, c. 446, Pt. C, §3, is amended to read:

§4170. Cans to be sealed; lined

On all cans used for packing sardines, kippers or steaks there must be a ~~compound-lined~~ compound-lined gasket or other adequate gasket that will hermetically seal the container. All cans used for packing sardines, kippers or steaks must be ~~enamel-lined~~ enamel-lined.

Sec. 10. 32 MRSA §4170-A is enacted to read:

§4170-A. Penalties

A packer who violates any provision of this subchapter commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. In addition to any forfeiture imposed under this section, the court may order a packer to forfeit to the council all or any portion of any bond required by this subchapter.

Sec. 11. 36 MRSA §4692-A, sub-§4, as enacted by PL 1991, c. 446, Pt. B, §3, is amended to read:

4. Packer. "Packer" means any person, partnership, association, firm, corporation or ~~entity engaged in packing sardines for sale~~ society licensed under Title 32, section 4153 to pack sardines, kippers or steaks.

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

Effective March 29, 1993.

CHAPTER 15

H.P. 7 - L.D. 14

An Act to Retain the Current Standard for the Release of Tributyltin in Marine Antifouling Paints

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

Whereas, increased limitations on the release of tributyltin from antifouling marine paints took effect on September 1, 1992; and

Whereas, this stricter standard exceeds the requirements of federal law and places the State's boatyards at a competitive disadvantage as compared to yards in other states; and

Whereas, this situation has resulted in lost work for the State's boatyards and lost jobs for the State's workers; 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. 38 MRSA §419-A, sub-§1, ¶A-1, as enacted by PL 1989, c. 763, §2, is amended to read:

A-1. "Acceptable release rate" means a measured release rate equal to or less than ~~3.0~~ 4.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing procedures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. ~~This paragraph takes effect September 1, 1992.~~

Sec. 2. Retroactivity clause. This Act applies retroactively to September 1, 1992.

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

Effective March 29, 1993.

CHAPTER 16

S.P. 29 - L.D. 25

An Act to Clarify Insurance Eligibility

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

Whereas, in 1992 the changes in the workers' compensation laws inadvertently changed eligibility for state group accident and sickness or health insurance from workers' compensation commissioners to workers' compensation board members; and

Whereas, it is desirable that former workers' compensation commissioners eligible for that insurance retain their eligibility; and

Whereas, the present workers' compensation board members are not full-time employees of the State and should not be eligible for that insurance; and

Whereas, correction of the law is required promptly to clarify the insurance eligibility of former workers' compensation commissioners and present workers' compensation board members; 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. 5 MRSA §285, sub-§1, ¶B, as amended by PL 1991, c. 885, Pt. D, §2, is further amended to read:

B. Any member of the judiciary ~~or workers' compensation board~~;

Sec. 2. 5 MRSA §285, sub-§1, ¶B-1 is enacted to read:

B-1. Any member of the former Workers' Compensation Commission as follows:

(1) A member who retired prior to January 1, 1993; and

(2) For the period of employment, a member who is an employee of the Workers' Compensation Board between January 1, 1993 and December 31, 1993;

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

Effective March 29, 1993.

CHAPTER 17

H.P. 78 - L.D. 108

An Act Concerning Employees of the Maine Technical College System

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