

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

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FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

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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

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

Sec. 1. 36 MRSA §946-A is enacted to read:

§946-A. Tax-acquired property and the restriction of title action

A person may not commence an action against the validity of a governmental taking of real estate for non-payment of property taxes upon the expiration of a 15-year period immediately following the expiration of the period of redemption.

See title page for effective date.

CHAPTER 83

H.P. 163 - L.D. 215

An Act to Protect Animal Enterprises

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

Sec. 1. 17-A MRSA §807 is enacted to read:

§807. Animal enterprise terrorism

1. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Animal enterprise" means:

(1) A commercial or academic enterprise that uses animals for food or fiber production, agriculture, research or testing;

(2) A zoo, aquarium, circus, rodeo or lawful competitive animal event; or

(3) Any fair or similar event intended to advance agricultural arts and sciences.

B. "Economic damage" means the replacement costs of loss or damaged property or records, the costs of repeating an interrupted or invalidated experiment or the loss of profits or loss of food production or farm income reasonably attributable to an act of animal enterprise terrorism.

C. "Physical disruption" does not include any lawful disruption that results from lawful public, governmental or animal enterprise employee reaction to the disclosure of information about an animal enterprise.

2. A person is guilty of animal enterprise terrorism if that person intentionally causes physical disruption

tion to the functioning of an animal enterprise by intentionally stealing, damaging or causing the loss of any property, including animals or records used by the animal enterprise, and thereby causes economic damage to that enterprise.

3. Animal enterprise terrorism is a Class E crime.

4. A person convicted of violating subsection 2 is subject to an order for restitution up to 3 times the economic damage.

See title page for effective date.

CHAPTER 84

S.P. 93 - L.D. 247

An Act to Discontinue Legislative Approval of Technical College Collective Bargaining Agreements

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

Sec. 1. 26 MRSA §1026, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. A, §71, is amended to read:

1. Negotiations. ~~It shall be~~ is the obligation of the university, academy, technical college or state schools for practical nursing and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this chapter, their mutual obligation:

A. To meet at reasonable times;

B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, ~~provided if~~ if the parties have not otherwise agreed in a prior written contract;

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party ~~shall be~~ is compelled to agree to a proposal or ~~be~~ be required to make a concession;

D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation, but not to exceed 3 years; and

E. To participate in good faith in the mediation, fact finding and arbitration procedures required by this section.

~~Cost items in any collective bargaining agreement of technical college employees shall be submitted for inclusion~~

in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining. Cost items shall include salaries, pensions and insurance. Cost items related to a collective bargaining agreement reached under this chapter and submitted to the Legislature for its approval under this subsection shall not be submitted in the same legislation that contains cost items for employees exempted from the definition of "technical college employee" under section 1022, subsection 11, except that cost items for those employees exempted under section 1022, subsection 11, paragraph D, need not be excluded.

See title page for effective date.

CHAPTER 85

H.P. 209 - L.D. 271

An Act to Encourage the Recycling of Tires from Municipal Landfills

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

Sec. 1. 38 MRSA §2204, sub-§1, as enacted by PL 1991, c. 517, Pt. B, §17, is amended to read:

1. Landfill surcharge. A disposal surcharge of \$4 per ton is assessed on any municipal solid waste disposed of by landfilling at a commercial landfill facility.

Sec. 2. 38 MRSA §2204, sub-§2, ¶B, as enacted by PL 1991, c. 517, Pt. B, §17, is amended to read:

B. Any solid waste generated within its jurisdiction that is delivered to a commercial solid waste facility or to a solid waste disposal facility owned by the agency or a regional association, except tires disposed of in a manner other than landfilling.

See title page for effective date.

CHAPTER 86

H.P. 246 - L.D. 325

An Act to Prohibit the Transfer of Credit Card Information

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

Sec. 1. 9-A MRSA §8-304 is enacted to read:

§8-304. Disclosure of lists of the names, addresses and account numbers of credit card holders

1. Except as provided in subsection 2, it is unlawful for a person, business, corporation, partnership, agency, financial institution, credit card registration service or other entity to rent, sell, exchange or otherwise disclose or make available to another person or entity a list containing the names, addresses and account numbers of credit card holders without the express, written permission of the credit card holders.

2. The following disclosures of lists containing the names, addresses and account numbers of credit card holders are not prohibited:

A. Disclosure to or from a consumer reporting agency, as defined in Title 10, section 1312, subsection 4, provided the transfer is for purposes of compliance with and in a manner consistent with the terms of the Fair Credit Reporting Act;

B. Disclosure between a parent corporation and a subsidiary or affiliate of that corporation or between subsidiaries or affiliates of a parent corporation;

C. Disclosure in connection with the sale or pledge, or negotiation of the sale or pledge, of any portion of a business or the assets of a business, provided that the party to whom disclosure is made shall maintain the confidentiality of the information disclosed;

D. Disclosure in connection with the authorization, processing, billing, collection, charge-back, fraud prevention or credit card recovery; and

E. Disclosure pursuant to state or federal law or at the direction of a governmental entity pursuant to law or in response to a court order.

3. A violation of this section constitutes a violation of the Maine Consumer Credit Code and the Maine Unfair Trade Practices Act.

See title page for effective date.

CHAPTER 87

H.P. 270 - L.D. 348

An Act to Define Composting as a Farm Operation

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