

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

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:

Sec. 1. 17 MRSA §2805, sub-§1, ¶B, as enacted by PL 1981, c. 472, is amended to read:

B. "Farm operation" means a condition or activity which that occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding, ground spraying, composting of material produced by the farm or to be used at least in part on the farm, disposal of manure, the application of chemical fertilizers, soil amendments, conditioners and pesticides and the employment and use of labor.

See title page for effective date.

CHAPTER 88

H.P. 317 - L.D. 405

An Act to Prohibit the Use of Electronic Calling Devices While Hunting Moose

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

Sec. 1. 12 MRSA §7464, sub-§8-C is enacted to read:

8-C. Illegal hunting methods. A person is guilty of using illegal hunting methods if that person uses electronic calling devices while hunting moose.

See title page for effective date.

CHAPTER 89

H.P. 448 - L.D. 574

An Act Allowing Animal Welfare Personnel of the Department of Agriculture, Food and Rural Resources to Enforce Laws Prohibiting the Sale of Certain Fish and Wildlife

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

Sec. 1. 7 MRSA §3936, as amended by PL 1991, c. 779, §33, is further amended to read:

§3936. Inspection and quarantine

1. Inspection and quarantine. The commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, enter any kennel, boarding kennel, breeding kennel or pet shop,

except any building used for human habitation recognized as not subject to search warrant, and make examinations and conduct any recognized tests for the existence of any contagious or infectious diseases or conditions. The commissioner may inspect kennels, boarding kennels, breeding kennels and pet shops in accordance with the sanitation and health rules established by the department and for compliance with laws and rules, including licensing and permitting requirements, of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession. A veterinarian employed by the State or any licensed veterinarian may quarantine the kennel, boarding kennel, breeding kennel or pet shop, in person or by registered mail, and the quarantine must be maintained as long as the department determines necessary. The decision and order for this quarantine is not considered licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act. The commissioner shall promptly notify the Department of Inland Fisheries and Wildlife of any violations.

2. Suspension of license. The Administrative Court, upon complaint of the commissioner or, the Attorney General or the Commissioner of Inland Fisheries and Wildlife, may revoke or suspend a kennel, boarding kennel, breeding kennel or pet shop license if a person maintaining the kennel, boarding kennel, breeding kennel or pet shop violates any quarantine or maintains animals contrary to the rules adopted by the department or, fails to keep records required by the department or violates any provision of the laws or rules of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession.

See title page for effective date.

CHAPTER 90

H.P. 459 - L.D. 585

An Act to Further Clarify Appellate Procedures under the Public Sector Labor Laws

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

Sec. 1. 26 MRSA §968, sub-§4, as amended by PL 1991, c. 143, §1, is further amended to read:

4. Review of representative proceedings. Any party aggrieved by any ruling or determination of the executive director, or the executive director's designee, under sections 966 and 967 may appeal, within 15 days of the announcement of the ruling or determination, except that in the instance of objections to the conduct of an election or challenged ballots the time period is 5 working days, to the Maine Labor Relations Board.