

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

CHAPTER 274

H.P. 591 - L.D. 806

An Act Relating to the Maine Dairy Industry

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

Whereas, it is vitally important that this legislation be enacted as an emergency measure in order to ensure the financial well-being of Maine's dairy industry; 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. 7 MRSA §2953-A, sub-§4-A, ¶A, as enacted by PL 1989, c. 437, is amended to read:

A. Maine's representatives to the Northeast Interstate Dairy Compact shall be are as follows:

- (1) The commissioner or designee;
(2) The chair of the Maine Milk Commission or designee; and
(3) ~~An agricultural economist nominated by the dean of the College of Food, Agriculture and Applied Science of the University of Maine and appointed by the Governor.~~
(4) A dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, to be appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Legislature.

Delegation members may not serve more than 3 consecutive terms with no single term of more than 4 years.

Sec. 2. 7 MRSA §2954, sub-§14, as amended by PL 1993, c. 104, §1, is further amended to read:

14. **Effective date of certain prices.** Any new minimum wholesale prices paid to dealers and new minimum retail prices established pursuant to this section are effective on the ~~first Sunday of the calendar~~ Sunday closest to the first day of the month.

Sec. 3. 36 MRSA §4542, sub-§7, as enacted by PL 1991, c. 526, §4, is repealed and the following enacted in its place:

7. **Tax period.** "Tax period" means the period beginning on the Sunday closest to the first day of the month and continuing through the Saturday prior to the Sunday closest to the first day of the subsequent month.

Sec. 4. 36 MRSA §4543, sub-§2, as enacted by PL 1991, c. 526, §4, is amended to read:

2. **Rate.** The rate of the tax levied under this chapter is established for each tax period on the basis of the basic price of milk in effect on the ~~first day~~ Sunday following the first Sunday of the tax period in accordance with the following chart:

Table with 2 columns: Basic Price and Rate of Maine Dairy Farm Stabilization Tax. Rows include price ranges like '\$16.00 per hundredweight and above' and corresponding rates like '0¢ per quart'.

For any container other than a quart, the tax is computed on a quart equivalent basis.

Sec. 5. 36 MRSA §4544, sub-§2, ¶A, as enacted by PL 1991, c. 526, §4, is amended to read:

A. Ninety-four percent of the funds collected under this chapter and all other funds appropriated by the Legislature for the purposes of this chapter and any earnings on these funds must be paid each month to the Commissioner of Agriculture, Food and Rural Resources for distribution to Maine market producers and Boston market producers equally per hundredweight on the basis of their production during the prior month. Such payments to producers must be made by the 20th day of the month following the month that payment of the tax is due. A payment may not be allocated to that portion of a producer's milk production that is in excess of ~~400,000~~ 800,000 pounds per month. Notwithstanding any other provisions of law, the funds distributed to producers under this paragraph are allotted for the purposes of this paragraph and the Commissioner of Agriculture, Food and Rural Resources or the Maine Milk Pool administrator pursuant to Title 7, section 3154, as the commissioner's designee, is authorized to prepare and sign warrants for the payment of the amounts due to producers from the Maine Dairy Farm Stabilization Fund under this chapter.

Sec. 6. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 36, section 4544, subsection 2, paragraph A takes effect July 4, 1993.

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

Effective June 7, 1993, unless otherwise indicated.

CHAPTER 275

H.P. 783 - L.D. 1056

An Act to Expand the Use of Telecommunications by Hearing-impaired and Speech-impaired Customers

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

Sec. 1. 35-A MRSA §7302, as amended by PL 1989, c. 66, is further amended to read:

§7302. Toll-call rates for deaf, hard-of-hearing or speech-impaired persons

1. Rate reduction. The commission shall establish a 70% rate reduction for intrastate toll calls made on lines, or via credit cards assigned to lines, used for making calls to and from certified deaf, hearing-impaired and speech-impaired hard-of-hearing or speech-impaired persons who must rely on teletypewriters for residential telephone communications. In addition, the 70% rate reduction must apply to all calls using the state telecommunications relay service. This reduction ~~shall~~ must also apply to intrastate toll calls made by agencies, certified by the Division of Deafness in the Department of Human Services as eligible to receive a discount, while providing vocal relay services to deaf, ~~hearing-impaired and speech-impaired~~ hard-of-hearing or speech-impaired persons, as well as to community service centers serving deaf, ~~hearing-impaired and speech-impaired~~ hard-of-hearing or speech-impaired persons, certified by the Division of Deafness of the Department of Human Services as eligible to receive a discount. The costs incurred by a telephone company under this subsection are just and reasonable expenses for rate-making purposes.

2. Customers qualifying for the reduction. To qualify for the reduction, a customer must file an affidavit, on a form approved by the ~~Department of Human Services, Division of Deafness~~ Public Utilities Commission, with the telephone utility, stating that, due to deafness ~~or~~, hearing impairment or speech impairment, ~~he~~ the customer or a member of the household must rely on a teletypewriter for telephone communications; and that

the equipment is connected or acoustically coupled to ~~his~~ the customer's telephone.

See title page for effective date.

CHAPTER 276

S.P. 213 - L.D. 684

An Act Concerning the Purchase of Liquor by Establishments Licensed to Sell Liquor on Premises

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

Sec. 1. 28-A MRSA §459 is enacted to read:

§459. Delivery of liquor by agency liquor stores

Agency liquor stores may deliver liquor to establishments that are licensed to serve liquor on premises.

Sec. 2. 28-A MRSA §606, sub-§1, as repealed and replaced by PL 1991, c. 824, Pt. A, §57, is repealed and the following enacted in its place:

1. Purchase of liquor. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits must purchase liquor from a state or agency liquor store. This subsection does not apply to public service corporations operating interstate.

Sec. 3. 28-A MRSA §606, sub-§1-A, as amended by PL 1991, c. 791, §2, is repealed and the following enacted in its place:

1-A. On-premises licensee; purchase from agency store. A person licensed to sell spirits for consumption on the premises may purchase spirits from an agency liquor store only in accordance with this subsection.

A. The sale price of spirits sold to a licensee under this subsection must equal the price for which a licensee would purchase liquor at a state store.

B. Upon completion of a transaction, the agency liquor store and the on-premise licensee shall each retain a copy of the licensee order form.

See title page for effective date.

CHAPTER 277

H.P. 843 - L.D. 1148

An Act to Amend the Power of Sale Foreclosure Laws