

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Whereas**, the repeal on restrictions involving the use or administration of BST needs to be extended until more extensive human and animal safety studies are completed; 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 §3105-A** is enacted to read:

**§3105-A. 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, 1994.

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

Effective June 8, 1993.

## CHAPTER 292

H.P. 739 - L.D. 997

### An Act to Expand the Membership of the Interagency Task Force on Homelessness and Housing Opportunities

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

**Sec. 1. 30-A MRSA §5042, sub-§1**, as amended by PL 1991, c. 780, Pt. DDD, §15, is further amended to read:

**1. Membership.** The Interagency Task Force on Homelessness and Housing Opportunities consists of 21 people appointed as follows:

- A. The commissioners or their designees of:
- (1) The Department of Human Services;
  - (2) The Department of Labor;
  - (3) The Department of Corrections;
  - (4) The Department of Education;
  - (5) The Department of Economic and Community Development; and
  - (6) The Department of Mental Health and Mental Retardation; and
  - (7) The Department of Agriculture, Food and Rural Resources;
- B. The director of:
- (1) The Maine State Housing Authority; and
- C. Five persons appointed jointly by the President of the Senate and the Speaker of the House of Representatives as follows:
- (1) One member to represent a community action agency;
  - (2) One member to represent a nonprofit agency providing shelter to the homeless;
  - (3) One member to represent a nonprofit housing development corporation;
  - (4) One member to represent municipalities; and
  - (5) One member to represent low-income people; and

D. Eight persons appointed by the Governor, at least 4 of whom must be chosen from a list of nominations provided by a statewide coalition for the homeless to represent homeless and formerly homeless people and low-income tenants.

**Sec. 2. Further appropriations prohibited.** Additional General Fund money may not be appropriated for the purpose of carrying out this Act.

See title page for effective date.

## CHAPTER 293

S.P. 129 - L.D. 381

### An Act to Enact a New Article on Negotiable Instruments in and to Make Necessary Conforming Amendments to the Uniform Commercial Code

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

#### PART A

**Sec. A-1.** 11 MRSA Art. 3, as amended, is repealed.

**Sec. A-2.** 11 MRSA Art. 3-A is enacted to read:

#### ARTICLE 3-A

#### NEGOTIABLE INSTRUMENTS

#### PART 1

#### GENERAL PROVISIONS AND DEFINITIONS

##### **§3-1101. Short title**

This Article is known and may be cited as "Uniform Commercial Code -- Negotiable Instruments."

##### **§3-1102. Subject matter**

(1) This Article applies to negotiable instruments. It does not apply to money, to payment orders governed by Article 4-A, or to securities governed by Article 8.

(2) If there is conflict between this Article and Article 4 or 9, Article 4 or 9 governs.

(3) Regulations of the Board of Governors of the Federal Reserve System and operating circulars of the Federal Reserve Banks supersede any inconsistent provision of this Article to the extent of the inconsistency.

##### **§3-1103. Definitions**

(1) In this Article, unless the context indicates otherwise, the following terms have the following meanings.

(a) "Acceptor" means a drawee who has accepted a draft.

(b) "Drawee" means a person ordered in a draft to make payment.

(c) "Drawer" means a person who signs or is identified in a draft as a person ordering payment.

(d) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(e) "Maker" means a person who signs or is identified in a note as a person undertaking to pay.

(f) "Order" means a written instruction to pay money signed by the person giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.

(g) "Ordinary care" in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which the person is located, with respect to the business in which the person is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate the bank's prescribed procedures and the bank's procedures do not vary unreasonably from general banking usage not disapproved by this Article or Article 4.

(h) "Party" means a party to an instrument.

(i) "Promise" means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

(j) "Prove" with respect to a fact means to meet the burden of establishing the fact (section 1-201, subsection (8)).

(k) "Remitter" means a person who purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.