

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**

other legal obligation as to such examination when required by the superintendent; or

C. Has failed to correct any deficiency determined pursuant to section 6610.

#### **§6614. Violations**

In addition to any other penalties provided for by this Title and subject to this chapter:

1. **Civil penalty.** An arrangement that fails to obtain and maintain a valid approval from the superintendent while operating or maintaining a multiple-employer welfare arrangement is subject to a civil penalty of not less than \$5,000 or more than \$50,000 for each violation; and

2. **Cease and desist order.** The superintendent may issue a cease and desist order if the superintendent finds a person operating or maintaining a multiple-employer welfare arrangement without a currently effective certificate of approval.

#### **§6615. Delinquency proceedings**

The rehabilitation, liquidation, conservation or dissolution of a multiple-employer welfare arrangement must be conducted under the supervision of the superintendent, who has all power with regard to the rehabilitation, liquidation, conservation or dissolution of a multiple-employer welfare arrangement granted to the superintendent under the laws governing the rehabilitation, liquidation, conservation or dissolution of insurers.

#### **§6616. Regulatory authority**

The superintendent may adopt, pursuant to Title 5, chapter 375, subchapter II, such rules as the superintendent determines reasonable and necessary to carry out properly the functions and responsibilities assigned under the laws of this State.

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

Effective April 15, 1994.

---



---

## **CHAPTER 689**

**H.P. 1434 - L.D. 1961**

### **An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board**

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

**Sec. 1. 7 MRSA §2992**, as enacted by PL 1991, c. 376, §28, is amended to read:

#### **§2992. Maine Dairy Promotion Board**

The Maine Dairy Promotion Board, as established by Title 5, section 12004-H, subsection 3 is within the department. The board consists of the following 5 members: the Commissioner of Agriculture, Food and Rural Resources, or the commissioner's designee, who shall serve ex officio; and 4 producers.

The producer members must be appointed by the commissioner on recommendation of the various producer associations, individuals or unorganized groups of producers in the State. The 4 producer members must include 2 producers selling milk on the Maine market and 2 producers selling milk on the Boston market, Federal Milk Marketing Order No. 1. Producer members selling in the same market may not belong to the same agricultural cooperative or sell their milk to the same dealer.

The first 4 members appointed to the board as reconstituted in this section shall serve one-year, 2-year, 3-year and 4-year terms respectively. The members appointed thereafter shall serve 4-year terms. A person may not be appointed to more than 2 consecutive 4-year terms. In case of a vacancy caused by death, resignation or otherwise, the commissioner shall fill the vacancy for the unexpired period of the term.

The appointed members are entitled to compensation according to Title 5, chapter 379.

The members of the board shall elect a chair. ~~The commissioner may employ a director and such clerks and assistants as necessary and may prescribe their duties and fix their compensation, subject to the Civil Service Law.~~

The board shall appoint an executive director who is the board's chief administrative officer and serves at the pleasure of the board. The executive director shall employ, as the board directs, additional staff who serve at the pleasure of the executive director. The staff of the board is not subject to the Civil Service Law. The salary paid to the executive director and other staff of the board must be fixed by the board, subject to the approval of the Governor. The board may delegate to its staff the power to execute the board's policies and programs, subject to the board's oversight.

**Sec. 2. 7 MRSA §2993, sub-§§1, 2, 3 and 5,** as enacted by PL 1991, c. 376, §28, are amended to read:

**1. Contracts and agreements.** May make ~~contracts~~ or enter into contracts or agreements with any local, state, federal or private agency, department, firm, corporation or association for the purposes defined in this chapter. The contracts or agreements may include, without limitation, those relating to the lease or purchase of office space, facilities, property, equipment and supplies as the board determines necessary for its purposes. The board may delegate to its executive director the power to enter into the contracts or agreements, subject to the board's oversight;

**2. Cooperation with other agencies.** Shall cooperate with other state or regional agencies with like purposes, including transferring to those agencies any portion of its receipts that it ~~deems~~ determines appropriate and in the best interests of the dairy industry in the State. In determining those amounts, the board shall consider the relative benefits accruing to all Maine producers from increased fluid milk consumption within the Maine market and the New England market, Federal Milk Marketing Order No. 1; the relative effectiveness of the various programs intended to increase fluid milk consumption for which funding is being considered; appropriate research needs; and other considerations pertinent to the distribution of its funds to other agencies for cooperative efforts;

**3. Books and records.** Shall keep books, records and accounts of all its activities, which must be open to inspection and audit by the State at all times. The State Auditor shall conduct an annual audit of the financial records of the board and report the results of the audit to the board, the commissioner, the Treasurer of State and the Legislature. All books and records of the board must be open to public inspection in accordance with Title 1, chapter 13, except that records and meetings of the board may by vote be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State or segments of that industry;

**5. Outside funding.** ~~May accept grants, donations and gifts of, in addition to the money received by the board pursuant to section 2994, receive and expend funds for purposes defined in this chapter from any source, public or private, that it determines necessary to carry out its purposes. All money received from any source must be placed in a nonlapsing, separate account or accounts to be expended for those purposes.~~

**Sec. 3. 7 MRSA §2998, 4th ¶,** as enacted by PL 1991, c. 376, §28, is amended to read:

The members of the council shall elect a chair. ~~The commissioner may employ such personnel for the council as necessary, subject to the Civil Service Law.~~

**Sec. 4. 7 MRSA §2998-A** is enacted to read:

**§2998-A. Staffing**

The council shall appoint an executive director who is the council's chief administrative officer and serves at the pleasure of the council. The executive director shall employ, as the council directs, additional staff who serve at the pleasure of the executive director. The staff of the council is not subject to the Civil Service Law. The salary paid to the executive director and other staff of the council must be fixed by the council, subject to the approval of the Governor. The council may delegate to its staff the power to execute the council policies and programs, subject to the council's oversight.

**Sec. 5. 7 MRSA §2999,** as enacted by PL 1991, c. 376, §28, is amended to read:

**§2999. Duties**

In order that the optimal health of the citizens of the State may be achieved more fully, the Maine Dairy and Nutrition Council shall provide guidance in nutrition and nutrition education based on the concept of a balanced diet, including milk and its products in accordance with scientific recommendations, and protect the interests of all the people of the State by strengthening and preserving the dairy industry. The council has the following powers and duties. The council:

**1. Contracts and agreements.** May make or enter into contracts or agreements with any local, state, federal or private agency, department, firm, corporation or association for the purposes defined in this chapter. The contracts or agreements may include, without limitation, those relating to the lease or purchase of office space, facilities, property, equipment or supplies the council determines necessary for its purposes. The council may delegate to its executive director the power to enter into the contracts or agreements, subject to the council's oversight;

**2. Cooperation with other agencies.** Shall cooperate with other state or regional agencies with similar purposes, including transferring to those agencies any portion of its receipts that the council considers appropriate and in the best interests of the dairy industry in the State;

**3. Books and records.** Shall keep books, records and accounts of all its activities, which must

be open to inspection and audit by the State at all times. The State Auditor shall conduct an annual audit of the financial records of the council and report the results of the audit to the council, the commissioner, the Treasurer of State and the Legislature. All books and records of the council must be open to public inspection in accordance with Title 1, chapter 13, except that records and meetings of the council may by vote be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the State's milk industry or segments of that industry;

**4. Annual report.** Shall prepare an annual report that must include a summary of all receipts and expenditures, including expenditures for specific programs; a description of the various programs operated, contracted or sponsored by the council; and a directory of current council members, including their affiliation and term of office; and

**5. Outside funding.** May receive and expend funds from any source, public or private, that it determines necessary to carry out its purposes. All money received from any source must be placed in a nonlapsing, separate account or accounts, to be expended for those purposes.

**Sec. 6. Salaries for fiscal year 1993-94 and fiscal year 1994-95.** Notwithstanding any other provision of this Act, for the remainder of fiscal year 1993-94 and fiscal year 1994-95, the salaries paid to the employees of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board may not exceed, on an annual basis, the salaries the employees would have received had those salaries been adjusted for required shutdown and furlough days.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

**1994-95**

**AGRICULTURE, FOOD AND  
RURAL RESOURCES,  
DEPARTMENT OF**

**Maine Dairy and Nutrition  
Council**

Personal Services	\$6,772
Provides for the allocation of funds to meet the increased personal services costs of the Maine Dairy and Nutrition	

Council due to increased employer retirement costs.

**Maine Dairy Promotion Board**

Personal Services	3,385
Provides for the allocation of funds to meet the increased personal services costs of the Maine Dairy Promotion Board due to increased employer retirement costs.	

**DEPARTMENT OF  
AGRICULTURE, FOOD AND  
RURAL RESOURCES**

---

**TOTAL** \$10,157

See title page for effective date.

**CHAPTER 690**

**H.P. 1339 - L.D. 1802**

**An Act to Adopt the Uniform  
Interstate Family Support Act**

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

**PART A**

**Sec. A-1.** **19 MRSA c. 7, sub-c. II,** as amended, is repealed.

**Sec. A-2.** **19 MRSA c. 7, sub-c. II-A** is enacted to read:

**SUBCHAPTER II-A**

**UNIFORM INTERSTATE FAMILY  
SUPPORT ACT**

**Article 1**

**General Provisions**

**§421. Definitions**

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

**1. Child.** "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent