

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 SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

per billion, the department shall disseminate a health warning to the mass media, including television, radio and print media, and shall urge the media to issue the warning to the general public. The department shall use best efforts to educate the media as to the need to broadly disseminate health warnings to the public.

2. Telephone hot line. The department shall provide information to the public on daily ground-level ozone concentrations by a toll-free ozone information telephone hot line.

Sec. 4. Efforts regarding transported ozone. The Department of Environmental Protection shall use all best efforts to ensure that the state implementation plans to be developed by other states pursuant to the federal Clean Air Act contain ozone precursor control programs designed to allow Maine to improve its air quality.

Sec. 5. Review of federal standard. The Governor shall urge the United States Environmental Protection Agency to complete its review of the current national ambient air quality standard for ozone expeditiously in compliance with the federal Clean Air Act.

See title page for effective date.

CHAPTER 307

S.P. 426 - L.D. 1149

An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law

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

Whereas, the packing of sardines and other canned herring products is one of the most important industries of the State; and

Whereas, the Maine Sardine Council and the Maine Sardine Industry is seeking the statutory authority to revise the council's regulations in support of its mandatory product quality control program in order to enhance export opportunities; 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. 10 MRSA §1704, as amended by PL 1977, c. 694, §169, is further amended to read:

§1704. Rules and regulations

The Maine Sardine Council may prescribe, in a manner consistent with the Maine Administrative Procedure Act, rules and regulations for carrying out the purposes of this chapter, and may issue licenses to processors who request authority to use the trademark and ~~who~~ shall abide by ~~such~~ those rules and regulations. The council may charge a fee on a case basis for the use of trademarks established by the council or for the use of the State of Maine trademark ~~used~~ on canned sardines. The Administrative Court, upon application of the ~~commissioner,~~ the Maine Sardine Council or the Attorney General, ~~shall have~~ has the right to cancel any license for failure to abide by the rules and regulations prescribed by the council; and the council ~~shall have~~ has the right, after notice and opportunity for a hearing and in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act, to cancel all outstanding licenses at any time that the council deems such action necessary to the best interest of the sardine industry as a whole.

Sec. 2. 32 MRSA §4153, as amended by PL 1993, c. 14, §1, is further amended to read:

§4153. License required

~~No~~ A person, firm, corporation, association or society ~~shall~~ may not pack sardines, kippers ~~or~~ steaks or other canned herring products within the State for sale without having first filed with the Commissioner of Agriculture, Food and Rural Resources an application for license, accompanied with a fee of \$50, upon receipt of which application the commissioner shall issue to the person, firm, corporation, association or society making such application a license to pack sardines, kippers, steaks or other canned herring products. Each such license covers one group of buildings constituting a packing plant in one location. The license runs from January 1st and expires in a manner consistent with the provisions of the Maine Administrative Procedure Act as to license expiration or on December 31st of each year, whichever is later, unless sooner revoked and must be renewed annually ~~thereafter.~~ Before issuing such license or renewing it, the commissioner may by adequate inspection determine that the laws and regulations relating to the packing of sardines, kippers ~~or~~ steaks or other canned herring products and the operation of packing plants for sardines, kippers ~~or~~ steaks or other canned herring products are being observed.

Sec. 3. 32 MRSA §4154, as amended by PL 1977, c. 694, §627, is further amended to read:

§4154. Repeal, revocation or refusal; appeals

The Commissioner of Agriculture ~~shall~~, Food and Rural Resources, in a manner consistent with the Maine Administrative Procedure Act, ~~have~~ has the power to refuse to issue and to refuse to renew, and the Administrative Court, in a manner consistent with the Maine Administrative Procedure Act, ~~shall have~~ has the power to revoke or to suspend any license issued under this chapter whenever any of the provisions of ~~said~~ the chapter or rules or regulations promulgated or established ~~thereunder~~ under the chapter have been violated. Any A person, firm, corporation, association or society whose license has been so revoked or suspended shall discontinue the packing of sardines, kippers, steaks or other canned herring products until this chapter has been complied with and a new license issued or the suspension removed. The Administrative Court may revoke or suspend ~~such~~ the license temporarily until there is a compliance with this chapter or permanently for the unexpired period of ~~such~~ the license.

Sec. 4. 32 MRSA §4160 is amended to read:

§4160. Penalties

Any A person, firm, corporation, association or society who ~~shall pack packs~~ sardines, kippers, steaks or other canned herring products in the State for sale without the license provided for in section 4153, or who ~~shall violate~~ violates any of the provisions of this chapter, or ~~neglect~~ neglects or ~~refuse~~ refuses to comply with any of the provisions required in this chapter or in any way ~~violate~~ violates any of its provisions may be punished by a fine not exceeding \$500 or by imprisonment for not more than 6 months, or by both for each and every offense.

Sec. 5. 32 MRSA §4165, as enacted by PL 1991, c. 446, Pt. C, §3, is amended to read:

§4165. Purpose

The packing of sardines, kippers, steaks and other canned herring products is one of the most important industries of the State, and this subchapter will protect the public health and welfare, stabilize the industry and conserve and promote the prosperity and welfare of the State by fostering and promoting better methods of production, packing, merchandising and advertising in the sardine industry of this State.

Sec. 6. 32 MRSA §4166, sub-§2, ¶A, as enacted by PL 1991, c. 446, Pt. C, §3, is amended to read:

A. One hundred cans when the stated net weight of the contents ~~is~~ is under 7 ounces; or

Sec. 7. 32 MRSA §4166, sub-§4-B is enacted to read:

4-B. Other canned herring product. "Other canned herring product" means any canned herring product that is not kippers, sardines or steaks, but is predominantly herring.

Sec. 8. 32 MRSA §4166, sub-§5, as amended by PL 1993, c. 14, §3, is further amended to read:

5. Packer. "Packer" means any person, association, firm, corporation or society licensed under section 4153 to pack sardines, kippers ~~or~~, steaks or other canned herring products.

Sec. 9. 32 MRSA §4166, sub-§7, as enacted by PL 1991, c. 446, Pt. C, §3, is amended to read:

7. Steaks. "Steaks" means all laterally cut or cross-sectioned portions packed in hermetically sealed containers that are not classified as sardines but are predominantly herring.

Sec. 10. 32 MRSA §4167, sub-§1, as amended by PL 1993, c. 585, §5, is further amended to read:

1. Council established as an incorporated public instrumentality of the State. Effective July 1, 1994, the Maine Sardine Council, referred to in this subchapter as the "council," is a body corporate and politic and an incorporated public instrumentality of the State and the exercise of powers conferred by this ~~Part~~ chapter is held to be the performance of essential government functions. For the purposes of the budget, accounts and control, purchasing or other provisions of Title 5, Part 4 the council may not be construed to be a state agency. The council consists of not more than 9 nor fewer than 3 members to be appointed by the Commissioner of Marine Resources. Fifty-one percent of the members of the council constitutes a quorum and the affirmative vote of at least 51% of the members is necessary for the transaction of all business and the carrying out of the duties of the council. A quorum of council members may be determined through the use of proxy voting and telephone polls. The members must be sardine packers operating within the State who have been actively engaged in packing sardines, kippers ~~or~~, steaks or other canned herring products for not less than 2 years and must remain so while in office. A person is considered to be actively engaged in packing sardines, kippers ~~or~~, steaks or other canned herring products if that person has derived, during the period, a substantial portion of income from packing sardines, kippers ~~or~~, steaks or other canned herring products or

has been the director or manager of an entity that derives a substantial portion of its income from packing sardines, kippers ~~or~~ steaks or other canned herring products.

Sec. 11. 32 MRSA §4167-A, as enacted by PL 1993, c. 14, §4, is amended to read:

§4167-A. Council authority; code plans, embargo and petitions

The council shall certify the quality and grade of sardines, kippers ~~and~~ steaks and other canned herring products packed in this State. The quality or grade certified by the council is prima facie evidence of the quality or grade of the lot.

1. Code plan required. Prior to packing sardines, kippers ~~or~~ steaks or other canned herring products in any container for which the council has established grades, a packer must have a code plan on file with the council. A code plan filed with the council must indicate the location of the plant, the lot number, and the calendar year of packing and may include other information provided by the packer.

A code plan filed with the council remains in effect until amendments to that code plan are submitted to the council by the packer. A packer may not pack, process, manufacture, sell, ship, deliver, consign or possess sardines, kippers ~~or~~ steaks or other canned herring products for which a code plan is required unless that packer's code appears legibly and permanently upon the container and the shipping case containing the sardines, kippers ~~or~~ steaks or other canned herring products.

2. Embargo authority. The council shall embargo any lot of sardines, kippers ~~or~~ steaks or other canned herring products that is not labeled in conformance with section 4168, subsection 5 or section 4169, subsection 1. The council shall immediately notify a packer of an embargo action and shall place a tag on each lot subject to embargo. Except as permitted by the council or as ordered by the court under subsection 3, a packer may not destroy, ~~move~~ distribute, sell, or offer to sell any product under embargo by the council. An embargo by the council constitutes a final agency action for the purposes of judicial review under Title 5, chapter 375, subchapter VII.

A. The council shall lift an embargo imposed on substandard grade products that do not conform to the labeling provisions of section 4168, subsection 5 only if the council determines that the embargoed products:

(1) Will be destroyed by the packer. Prior to destroying any lot, the packer must no-

tify the council in writing of the packer's intent to destroy the lot;

(2) Will be offered for sale in the domestic market as substandard grade products and are labeled in conformance with section 4168, subsection 5; or

(3) Will be offered for sale in the export market and are in compliance with all provisions of paragraph B.

B. The council shall lift an embargo imposed on export products that do not conform to the export provisions of section 4169 only if the embargoed products will be destroyed by the packer with the knowledge of the council or the council determines that:

(1) The embargoed products will be exported, will not be reimported into the domestic market and are in compliance with the requirements of section 4169;

(2) The packer is bonded in compliance with section 4169, subsection 4; and

(3) The packer has, in writing, notified the council of the value of the embargoed products and the export destination.

Not later than 45 days after the export of any products embargoed under this subsection, the packer shall provide the council with a copy of the shipping manifest bearing the name of the export destination.

3. Petition to courts; retrieval or condemnation. The council may petition the District Court for an order to retrieve or condemn any lot of sardines, kippers ~~or~~ steaks or other canned herring products embargoed by the council. If the court determines a lot of sardines, kippers ~~or~~ steaks or other canned herring products to be in violation of section 4168, subsection 5 or section 4169, the court may, at the packer's expense:

A. Order the packer to destroy the embargoed sardines, kippers ~~or~~ steaks or other canned herring products;

B. Order the packer to retrieve and properly label the embargoed sardines, kippers ~~or~~ steaks or other canned herring products as substandard grade products for sale in the domestic market if:

(1) The packer is able to retrieve and properly label the embargoed sardines, kippers ~~or~~ steaks or other canned herring products as substandard grade products for sale in the domestic market; and

(2) The packer has posted a bond payable to the council in the event of noncompliance with an order of the court issued under this paragraph. The bond amount may not be less than twice the value of the sardines, kippers ~~or~~, steaks or other canned herring products to be retrieved and properly labeled; or

C. Permit the packer to export the sardines, kippers ~~or~~, steaks or other canned herring products if:

(1) The packer certifies that the sardines, kippers ~~or~~, steaks or other canned herring products do not violate laws of the foreign country to which they will be exported;

(2) The council determines that the packer has properly labeled the sardines, kippers ~~or~~, steaks or other canned herring products for export; and

(3) The packer is bonded in compliance with section 4169, subsection 4.

Any action taken by a packer to comply with an order of the court issued under this subsection must be taken under the supervision of the council. If the court determines a packer to be in violation of section 4168, subsection 5 or section 4169, the court shall order the packer to pay all court costs, fees and expenses associated with the petition filed by the council.

Sec. 12. 32 MRSA §4168, sub-§2, as enacted by PL 1991, c. 446, Pt. C, §3, is amended to read:

2. Packing mediums. ~~In~~ The packing medium for packing sardines, kippers and steaks, the packing medium and other canned herring products must meet the following minimum standards if applicable to the type of packing medium used.

A. The vegetable salad oil must be a pure, edible vegetable oil that is clear and thoroughly refined. It must be a deodorized oil free from rancidity and objectionable flavor and must satisfactorily stand the 5-hour cold test, so-called. Its color may not be darker than 7 lovibond units. The oil must have a free fatty acid content of not more than .07% and must retain a satisfactory flavor after heating to 400 degrees Fahrenheit.

B. The olive oil must possess a typical greenish to light yellow color and must possess a free fatty acid content, calculated as oleic, of not more than 1.4%. The olive oil must be free of defects and possess a good typical odor and a good typical flavor.

C. The tomato sauce used must possess a fairly good red tomato color and must be free of defects and must possess a fairly good tomato puree, tomato pulp flavor. It must have not less than 8.37% salt-free tomato solids and a specific gravity of not less than 1.035.

Sec. 13. 32 MRSA §4168, sub-§3, as amended by PL 1993, c. 585, §7, is further amended to read:

3. Grades. The council may adopt rules establishing official grades for sardines, kippers ~~and~~, steaks and other canned herring products packed in the State, whether packed for consumption in the United States or packed for export, and for the marking, branding or labeling of sardines, kippers ~~and~~, steaks and other canned herring products and the use of the grades. Prior to adopting rules under this section, the council shall hold public hearings in places reasonably convenient for the packers. Notice of the hearings and of the final action must be sent, by certified mail, to all license holders under section 4153. The council may use the seal of the State of Maine in support of all quality control and promotion activities.

A. The grades may specify the number of fish per container; the amount, quality and nature of the packing medium or fill; the quality, appearance, odor, character, taste and texture of the fish packed; the style of pack, the quality of the packing and arrangement in the container; the quality of the substances contained in the container; the size and type of the container; and tolerances allowing for reasonable variation from grades.

B. When adopting rules under this section, the council may consider packing practices in the State and in other jurisdictions, consumer expectancy, habits and desires, the types of fish available, conditions of sanitation, tastes and preferences of varying parts of the consumer public, marketing practices and market experience.

Sec. 14. 32 MRSA §4168, sub-§5, as amended by PL 1991, c. 784, §14, is further amended to read:

5. Substandard grade. Except as provided in section 4169, sardines, kippers ~~and~~, steaks and other canned herring products that are officially designated as substandard grade, for which a certificate is issued, may not be sold for consumption in the United States unless each can in the lot has the words "Substandard Grade, Good Food - Not High Quality" so placed as to be easily seen when the name of the product or pictorial representation ~~thereof~~ of the product is viewed and appear conspicuously enough to be seen under ordinary conditions of purchase. The words

"Substandard Grade, Good Food - Not High Quality" must be printed in 2 lines across the cover of all cans in letters not less than 1/8 inch in height and be enclosed in lines that are not less than 1/32 inch in width. This wording must be printed on all wrappers, labels, cartons or other outer coverings of the cans with a permanent type of indelible ink or by means of other approved procedure. The words "Substandard Grade" must appear in letters not less than one inch high on both ends of the shipping container.

Sec. 15. 32 MRSA §4169, as amended by PL 1993, c. 14, §§6 to 8, is further amended to read:

§4169. Sardines for export; exempt from quantity provisions of Maine Sardine Law

Sardines, kippers or steaks or other canned herring products that satisfy the requirements of the Maine Food Law, but not the requirements of the Maine Sardine Law, may be exported by complying with the shipping carton marking and bonding provisions of this section. Sardines packed in cans containing fewer than 4 fish must be graded as "Good Food" if not officially designated as substandard grade. Sardines officially designated as "Good Food" must be embargoed by the council, pursuant to section 4167-A, until exported. Not later than 45 days after the export of sardines officially designated as "Good Food," the packer shall provide the council with a copy of the shipping manifest bearing the name of the export destination. For the purposes of this section, the term "exported" includes shipments of sardines, kippers or steaks or other canned herring products to the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the trust territory of Palau. A packer may not import into the United States any sardines, kippers or steaks or other canned herring products exported under this subchapter.

1. Labels. The cover of each can of sardines, kippers, steaks or other canned herring products that satisfy the requirements of the Maine Food Law but not the requirements of the Maine Sardine Law must be labeled with the name of the packer or distributor. Each shipping carton must be marked plainly and conspicuously with the words "FOR EXPORT" in letters not less than 1/2 inch high.

3. Military procurement. Shipments to United States military procurement agencies of sardines, kippers, steaks or other canned herring products that do not meet market requirements within the United States, its territories and possessions as specified by the Maine Sardine Law are not ~~deemed to be~~ considered exported to a foreign country.

4. Bonding requirements prior to engaging in export trade. A packer must be bonded prior to engaging in the export of sardines, kippers or steaks

or other canned herring products. Such bond or bonds must be payable to the council upon the court finding the packer in violation of the export provisions of this subchapter. Prior to exporting any sardines, kippers or steaks or other canned herring products, a packer must submit a copy of the bond to the council. The bond amount may not be less than twice the value of the sardines, kippers or steaks or other canned herring products to be exported, except that a packer regularly engaged in export activities may post a bond for \$10,000 to cover all exports in one calendar year. For the purposes of this subsection, the term "a packer regularly engaged in export activities" means a packer who exports 2 or more shipments of sardines, kippers or steaks or other canned herring products in a calendar year.

Sec. 16. 32 MRSA §4170, as amended by PL 1993, c. 14, §9, is further amended to read:

§4170. Cans to be sealed; lined

On all cans used for packing sardines, kippers or steaks or other canned herring products there must be a compound-lined gasket or other adequate gasket that will hermetically seal the container. All cans used for packing sardines, kippers or steaks or other canned herring products must be enamel-lined.

Sec. 17. 36 MRSA §4692-A, sub-§1, as enacted by PL 1991, c. 446, Pt. B, §3, is amended to read:

1. Case. "Case" means either of the following number of cans of sardines, kippers, steaks or other canned herring products, regardless of the packing medium:

- A. One hundred cans when the stated net weight of the contents is under 7 ounces; or
- B. Forty-eight cans when the stated net weight of the contents is 7 ounces or over.

Sec. 18. 36 MRSA §4692-A, sub-§4, as amended by PL 1993, c. 14, §11, is further amended to read:

4. Packer. "Packer" means any person, partnership, association, firm, corporation or society licensed under Title 32, section 4153 to pack sardines, kippers or steaks or other canned herring products.

Sec. 19. 36 MRSA §4692-A, sub-§6, as enacted by PL 1991, c. 446, Pt. B, §3, is amended to read:

6. Steaks. "Steaks" means all laterally cut or cross-sectioned portions packed in hermetically sealed containers that are not classified as sardines but are predominantly herring.

Sec. 20. 36 MRSA §4695, as amended by PL 1991, c. 446, Pt. B, §§5 and 6, is further amended to read:

§4695. Rate of tax

The packing of sardines, kippers, steaks or other canned herring products is declared to constitute the introduction of sardines, kippers, steaks or other canned herring products into the channels of trade.

An excise tax of ~~35¢~~ 30¢ per case is levied and imposed upon the privilege of packing sardines and an excise tax of ~~45¢~~ 10¢ per case is levied and imposed upon the privilege of packing kippers ~~and~~, steaks or other canned herring products.

~~Sardines that are packed specifically for export under Title 32, chapter 61, subchapter II are exempt from this section.~~

Sec. 21. 36 MRSA §4696, as amended by PL 1977, c. 694, §720, is further amended to read:

§4696. Packers' applications

Every packer shall file an application with the State Tax Assessor on forms prescribed and furnished by the State Tax Assessor, which ~~shall~~ must contain the name under which ~~such~~ the packer is transacting business within the State, the place or places of business where packing is taking place, the names and addresses of the several persons constituting a firm or partnership, and, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the State. The State Tax Assessor ~~will~~ shall then issue a certificate to the packer and no packer ~~shall~~ may pack any sardines, kippers, steaks or other canned herring products until ~~such~~ the certificate is furnished as required by this section. The certificate ~~shall~~ is not be deemed to be considered a license within the meaning of that term in the Maine Administrative Procedure Act.

Sec. 22. 36 MRSA §4697, as repealed and replaced by PL 1991, c. 824, Pt. D, §5, is amended to read:

§4697. Reports of production and payment of tax

Every packer shall, on or before the last day of each month, report to the State Tax Assessor the quantity of sardines, kippers ~~or~~, steaks or other canned herring products packed by the packer during the preceding calendar month, on forms furnished by the State Tax Assessor, and pay to the State Tax Assessor the tax of ~~35¢~~ 30¢ per case on all sardines reported as packed and ~~45¢~~ 10¢ per case on all kippers ~~or~~, steaks or other canned herring products reported as packed. If the State Tax Assessor determines that overpayment of tax has been made, the State Tax Assessor shall

make a refund. In making additional assessment or refund determinations, the State Tax Assessor shall rely on the records of the Maine Sardine Council concerning the quantity of sardines, kippers ~~or~~, steaks or other canned herring products packed in each sardine plant that is for sale and suitable for human consumption. Any packer may pay to the State Tax Assessor in advance a sum of money based on an estimate of the packer's tax for a given number of months and this sum is a credit against future monthly reports of that packer.

Sec. 23. 36 MRSA §4698, as amended by PL 1991, c. 446, Pt. B, §8, is further amended to read:

§4698. Inspections

The State Tax Assessor or a duly authorized agent has authority to enter any place of business of a packer, or any car, boat, truck or other conveyance in which sardines, kippers ~~or~~, steaks or other canned herring products are to be transported, and duly inspect any books or records of any packer for the purpose of determining what sardines, kippers ~~or~~, steaks or other canned herring products are taxable, or for the purpose of determining the truth or falsity of any statement or return made by any packer, and the assessor has authority to delegate those powers to the Maine Sardine Council, its deputies, agents, servants or employees, and to the Commissioner of Marine Resources, or any of the commissioner's deputies, agents, servants or employees.

Sec. 24. 36 MRSA §4699, sub-§2, ¶¶A and C, as amended by PL 1991, c. 446, Pt. B, §8, are further amended to read:

A. For the purpose of merchandising and advertising Maine sardines, kippers ~~or~~, steaks or other canned herring products for food under the direction of the Maine Sardine Council;

C. For gathering, studying, classifying and distributing information and data concerning quality, grades, standards, methods of packing and character of the manufactured sardine, kipper ~~and~~, steak and other canned herring products, in order to determine and improve their quality and aid in merchandising and advertising them under the direction of the Maine Sardine Council.

Sec. 25. 36 MRSA §4699-A, as amended by PL 1991, c. 446, Pt. B, §9, is repealed.

Sec. 26. 36 MRSA §4700, as repealed and replaced by PL 1981, c. 364, §64, is amended to read:

§4700. Suspension of licenses or certificate

If a packer is liable for penalties under chapter 7, ~~his~~ the packer's wholesale seafood license and state

license to pack sardines, kippers, steaks or other canned herring products are subject to suspension by the Administrative Court in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, and ~~his~~ the packer's certificate shall be is suspended by the State Tax Assessor until the penalties and related tax are paid in full.

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

Effective June 26, 1995.

CHAPTER 308

S.P. 533 - L.D. 1471

An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 17-A MRSA §254-A is enacted to read:

§254-A. Written notification not to pursue charges for sexual abuse of a minor

A prosecutor who elects not to commence a juvenile or criminal proceeding for an alleged violation of section 254 shall, at the request of a parent, surrogate parent or guardian of the alleged victim, inform that person in writing of the reason for not commencing the proceeding.

See title page for effective date.

CHAPTER 309

S.P. 294 - L.D. 792

An Act to Reduce Government and Consolidate the Regulation of Banks and Credit Unions

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

Sec. 1. 2 MRSA §6, sub-§2, as repealed and replaced by PL 1993, c. 349, §1, is amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Banking;

~~Bureau of Consumer Credit Protection Superintendent;~~

State Tax Assessor;

Superintendent of Insurance;

Associate Commissioner for Programs, Department of Mental Health and Mental Retardation;

Associate Commissioner of Administration, Department of Mental Health and Mental Retardation;

Associate Commissioner for Institutional Management;

Executive Director, Maine Waste Management Agency; and

Deputy Commissioner, Department of Administrative and Financial Services.

Sec. 2. 2 MRSA §6, sub-§4, as amended by PL 1991, c. 780, Pt. Y, §4, is further amended to read:

4. Range 88. The salaries of the following state officials and employees are within salary range 88:

Director ~~of the~~ Bureau of Parks and Recreation;

Director, Bureau of Public Lands;

Director, Bureau of Employee Relations;

Director, Bureau of Air Quality Control;

Director, Bureau of Land Quality Control;

Director, Bureau of Water Quality Control;

Director, Bureau of Oil and Hazardous Materials Control;

Director, Bureau of Administration;

Director, Office of Planning;

Director, Office of Waste Reduction and Recycling;

Director, Office of Siting and Disposal Operations; ~~and~~