

# MAINE STATE LEGISLATURE

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

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

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

damages of not less than \$100 nor more than \$500 per plaintiff per violation, except that multiple infractions of a single rule under this subchapter constitute only one violation for the purposes of determining the amount of damages due a single plaintiff. In determining the amount of damages to be awarded, the court is authorized to consider whether an attempt was made to resolve the issues in dispute before resort to litigation.

#### **§589. Exemption**

This subchapter does not apply to a person who, in the ordinary course of that person's business, regularly provides housing to the general public on a commercial basis and who provides to any agricultural laborer similar housing on the same or comparable terms and conditions as provided to the general public. Agricultural labor housing may not be brought within this exception simply by offering lodging to the general public.

See title page for effective date.

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## CHAPTER 388

S.P. 290 - L.D. 941

### An Act to Enhance the Potato Industry

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

**Sec. 1. 7 MRSA §950, sub-§2,** as enacted by PL 1981, c. 513, §2, is amended to read:

**2. Consumer pack.** "Consumer pack" means a unit of ~~50 pounds or less net weight~~ of potatoes contained in a bag, crate or any other type of container.

**Sec. 2. 7 MRSA §951, 3rd ¶,** as enacted by PL 1995, c. 298, §2, is amended to read:

Notwithstanding the provisions of article 4, the commissioner after consultation with the Maine Potato Board may require, by rules adopted pursuant to the Maine Administrative Procedure Act, the inspection of all ~~or a portion of~~ consumer packs of potatoes for conformity with the U.S. #1 grade or other grades. Inspection under any rule adopted pursuant to this section must be performed by a licensed federal-state potato inspector, state potato inspector or seed potato inspector. At the request of and in consultation with the Maine Potato Board, the commissioner shall initiate rulemaking to require inspection of consumer packs of potatoes.

**Sec. 3. 7 MRSA §975-A,** as enacted by PL 1993, c. 410, Pt. HHHH, §1, is amended to read:

#### **§975-A. Interest on Potato Marketing Improvement Fund balance**

All or any portion of the interest earned or accruing on the cash balance of the Potato Marketing Improvement Fund may be used for grants to partially or fully fund research projects to study and assess technical problems experienced with new and retrofitted storage facilities and to develop means of dealing with such problems, or to examine, monitor and develop new technologies for the production, storage and handling of potatoes.

**Sec. 4. 7 MRSA §1015, 4th ¶,** as amended by PL 1983, c. 465, §1, is further amended to read:

In order to insure the licensee's financial responsibility and to protect potato producers, the commissioner shall require the licensee to file a bond in a form and amount satisfactory to the commissioner, but in no event not less than ~~\$35,000~~ ~~\$50,000~~ nor more than ~~\$200,000~~ ~~\$300,000~~ in the case of dealers and brokers, or not less than ~~\$50,000~~ ~~\$100,000~~ nor more than ~~\$300,000~~ ~~\$500,000~~ in the case of processors, payable to the commissioner in ~~his~~ the commissioner's official capacity and conditioned on the full and prompt payment for all potatoes received or purchased from producers or other licensees during the effective period of the license. In the case of processors, the amount of bond required ~~shall~~ must be based on the licensee's anticipated monthly volume of purchases, but may be adjusted to reflect other federal escrow accounts or bond requirements met by the licensee ~~which~~ that satisfy the purposes of this section.

**Sec. 5. 7 MRSA §2103-A, sub-§4,** as enacted by PL 1987, c. 336, is amended to read:

**4. Release to public.** For the benefit of the Maine potato industry as a whole, only varieties of seed potatoes ~~of a variety which has~~ that have been released to the public, as provided in this subsection, may be certified, except that varieties of seed potatoes ~~of a variety which~~ that are protected by patent or are otherwise not released to the public may be certified if the applicant for certification demonstrates that ~~he~~ the applicant has been authorized to propagate the variety by the patent holder or, if there is no patent, the registered breeder. Notwithstanding Title 1, chapter 13, subchapter I, all records pertaining to patented and nonreleased potato varieties received or kept by the department are confidential and not available for inspection. A grower may authorize in writing the disclosure of records pertaining to patented or nonreleased potato varieties. Pursuant to the rule-making provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, the commissioner

shall establish rules for the administration of this subsection, including, without limitation, procedures for demonstrating authorization from a patent holder or registered breeder and the establishment of a registry of bona fide breeders and patent holders of potato varieties. For purposes of this subsection, a potato variety ~~shall be~~ is deemed to have been released to the public upon publication of a description of that variety for purposes of release in the North America Potato Variety Inventory, published by the Potato Association of America, or in the American Potato Journal or another equivalent scientific or technical journal.

See title page for effective date.

**CHAPTER 389**

**S.P. 569 - L.D. 1726**

**An Act to Minimize Reliance on Pesticides**

**Sec. 1.** 22 MRSA §1471-M, sub-§7 is enacted to read:

**7. Data collection; annual report.** The board shall implement a system of record keeping, reporting, data collection and analysis that provides information on the quantity of product and brand names of pesticides sold. The board, in cooperation with the University of Maine Cooperative Extension Service, shall study ways to improve pesticide information data bases and to optimize the useful analysis of reported information.

No later than October 1, 1998, and each year thereafter, the board shall publish an annual pesticides report containing the quantity of product, sorted by the name and United States Environmental Protection Agency registration number, of all pesticides sold in the prior year, with the data further sorted by sector of use wherever possible.

**Sec. 2.** 22 MRSA §1471-X is enacted to read:

**§1471-X. State policy; public and private initiatives to minimize reliance on pesticides**

It is the policy of the State to work to find ways to use the minimum amount of pesticides needed to effectively control targeted pests in all areas of application. The agencies of the State involved in the regulation or use of pesticides shall promote the principles and the implementation of integrated pest management and other science-based technology to minimize reliance on pesticides while recognizing that outbreaks of disease, insects and other pests will necessitate fluctuations in pesticide use. These

agencies, in cooperation with private interest groups, shall work to educate pesticide users and the general public in the proper use of pesticides and to determine other actions needed to accomplish the state policy.

**Sec. 3. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Board of Pesticides Control</b>		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$26,971	\$33,802
All Other	9,150	5,000
Allocates funds for a Planning and Research Associate position and operating costs necessary to administer new data collection and reporting responsibilities.		
<b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES</b>		
<b>TOTAL</b>	\$36,121	\$38,802

See title page for effective date.

**CHAPTER 390**

**H.P. 1313 - L.D. 1864**

**An Act to Implement the Majority Recommendation of the Harness Racing Task Force**

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

**Sec. 1.** 8 MRSA §275-C, as enacted by PL 1993, c. 388, §8, is repealed and the following enacted in its place:

**§275-C. Common pari-mutuel pools**

**1. Authority.** A person authorized to sell pari-mutuel pools on horse racing may sell common pari-mutuel pools for simulcast races. The sale must be conducted within the enclosure of the licensee's racetrack or at the licensee's off-track betting facility.

**2. Payments to agricultural fairs conducting live racing.** A commercial track located within a