

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**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**

18 within ~~3 years~~ one year of the date of issuance under this chapter are invalid for circulation.

**Sec. 2. Application.** This Act does not apply to petitions for which the date of issuance as described in the Maine Revised Statutes, Title 21-A, section 901 is prior to April 1, 1998.

See title page for effective date.

**CHAPTER 638**

**S.P. 740 - L.D. 2018**

**An Act to Protect Customers of Consumer-owned Utilities**

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

**Sec. 1. 35-A MRSA §3212, first ¶,** as enacted by PL 1997, c. 316, §3, is amended to read:

~~When~~ Except as provided in subsection 6, when retail access begins, the commission shall ensure that standard-offer service is available to all consumers of electricity.

**Sec. 2. 35-A MRSA §3212, sub-§6** is enacted to read:

**6. Consumer-owned utilities.** Notwithstanding any other provision of this section, the commission is not required to conduct a competitive bidding process or select a standard-offer service provider or providers for the territory of a consumer-owned transmission and distribution utility if the consumer-owned transmission and distribution utility chooses one or more standard-offer service providers for its territory through a competitive bidding process conducted in accordance with the commission's rules governing the selection and criteria for approval of a standard-offer service provider. Selection of a standard-offer service provider or providers and agreements with or purchases from a standard-offer service provider or providers are not subject to the approval requirements of section 3133 or 3133-A. A consumer-owned transmission and distribution utility may choose a single standard-offer service provider. A consumer-owned transmission and distribution utility that intends to choose a standard-offer service provider or providers in accordance with this subsection shall notify the commission.

See title page for effective date.

**CHAPTER 639**

**S.P. 802 - L.D. 2172**

**An Act to Provide for the Licensing, Inspection and Labeling of Farmstead Cheese**

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

**Sec. 1. 7 MRSA §2901, sub-§8-D** is enacted to read:

**8-D. Farmstead cheese.** "Farmstead cheese" means cheese that is manufactured within the State and that is produced on the same farm on which the milk is produced from milk that is heat treated but is not pasteurized.

**Sec. 2. 7 MRSA §2904-A** is enacted to read:

**§2904-A. Farmstead cheese**

**1. Inspection.** The department shall inspect the processing of farmstead cheese using the same standards used to inspect other cheeses.

**2. Licensing.** A producer may not sell farmstead cheese unless licensed in accordance with this section. The department shall issue a license to a farmstead cheese producer in accordance with the same standards used to issue licenses to other cheese producers.

**3. Labeling.** The department shall establish rules for the labeling of farmstead cheese. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**4. Sale restrictions.** Farmstead cheese may only be sold from the farm where it is produced and through farm stands and farmers' markets, as defined in section 415.

See title page for effective date.

**CHAPTER 640**

**H.P. 1370 - L.D. 1920**

**An Act to Promote Competitiveness Regarding the Sale of Recreational Vehicles by Allowing Better Discounts**

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

**Sec. 1. 10 MRSA §1434, sub-§3, ¶D**, as enacted by PL 1997, c. 427, §2, is amended to read:

D. To offer to sell or to sell any new recreational vehicle at a lower price than the price offered to any other recreational vehicle dealer for the same model vehicle similarly equipped or to utilize any device, including but not limited to sales promotion plans or programs, that results in that lower price. This paragraph does not apply to the following:

- (1) Sales to a recreational vehicle dealer for resale to any unit of the Federal Government;
- (2) Any manufacturer or any of its agents offering to sell or selling new recreational vehicles to all recreational vehicle dealers at an equal price; ~~and~~
- (3) Sales by a manufacturer to any unit of the Federal Government; and
- (4) Sales to a recreational vehicle dealer who buys a specified number of new recreational vehicles if the same offer is available to all recreational vehicle dealers;

**Sec. 2. 10 MRSA §1434, sub-§3, ¶F**, as enacted by PL 1997, c. 427, §2, is amended to read:

F. To offer to sell or to sell parts or accessories to any new recreational vehicle dealer for use in that dealer's own business for the purpose of replacing or repairing the same or a comparable part or accessory at a lower price than the price charged for that part or accessory to any other new recreational vehicle dealer for similar parts or accessories for use in the dealer's own business. This paragraph does not prohibit a manufacturer from offering incentives ~~for selling more providing unit discounts based on the number of recreational vehicle parts and accessories sold~~ as long as the incentive is offered to all dealers meeting the same terms and conditions of that incentive;

**Sec. 3. 10 MRSA §1434, sub-§3, ¶R**, as enacted by PL 1997, c. 427, §2, is amended by amending subparagraph (1) to read:

- (1) All unsold and unaltered new model recreational vehicle inventory of the current model year and the previous model years purchased from the manufacturer;

See title page for effective date.

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## CHAPTER 641

H.P. 1586 - L.D. 2217

### An Act to Authorize the Director of the Bureau of Parks and Lands to Grant a License for Groundwater Extraction at Range Ponds State Park

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

**Sec. 1. 12 MRSA §602, sub-§18**, as repealed and replaced by PL 1987, c. 402, Pt. A, §91, is amended to read:

**18. Maine State Parks and Recreational Facilities Development Fund.** To administer the Maine State Parks and Recreational Facilities Development Fund established under section 609-~~2~~:

**Sec. 2. 12 MRSA §609**, as enacted by PL 1985, c. 710, §2, is amended to read:

**§609. Maine State Parks and Recreational Facilities Development Fund**

The Maine State Parks and Recreational Facilities Development Fund is established within the bureau for the purpose of developing ~~new, maintaining and managing~~ state parks and other recreational facilities on ~~state-owned land~~ lands owned or leased by the bureau.

Income from legislative appropriation, gifts, grants ~~and~~ bequests and other sources approved by the Legislature may be deposited in this fund. The fund ~~shall be~~ is nonlapsing. Any interest earned on money in the fund must also be credited to the fund.

All funds of the Maine State Parks and Recreational Facilities Development Fund ~~shall be~~ are subject to allocation by the Legislature.

**Sec. 3. Authorization for the Director of the Bureau of Parks and Lands to grant a license to Poland Spring Water Co. for commercial extraction of groundwater at Range Ponds State Park.** The Director of the Bureau of Parks and Lands is authorized to grant a license to the Poland Spring Water Co. for the commercial extraction of groundwater at Range Ponds State Park, under such terms and conditions as the director considers appropriate to make the commercial extraction compatible with public uses of the park and otherwise in the public interest.

**Sec. 4. Use of revenues.** Revenues from the extraction of groundwater authorized by this Act must be deposited into the Maine State Parks and Recrea-