

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

K. Uses an artificial light, snare, trap, ~~swivel,~~
~~pivot~~ or set gun to hunt deer or moose;

See title page for effective date.

CHAPTER 54

H.P. 951 - L.D. 1349

An Act to Protect Citizens from the Detrimental Effects of Tobacco

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

Sec. 1. 22 MRSA §1541, sub-§4, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

4. Public place. "Public place" means any place, including a restaurant, not open to the sky into which the public is invited or allowed. Except as provided in section 1542, subsection 2, paragraph J, a private residence is not a public place.

Sec. 2. 22 MRSA §1541, sub-§5, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed and the following enacted in its place:

5. Restaurant. "Restaurant" means any enclosed indoor restaurant or other enclosed establishment that invites the public to be served food for consumption on the premises. "Restaurant" does not include an establishment that according to its licensing requirements under Title 28-A generally prohibits minors from being served or present.

Sec. 3. 22 MRSA §1542, sub-§2, ¶D, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed.

Sec. 4. 22 MRSA §1579-A, as amended by PL 1989, c. 451, §§1 and 2, is repealed.

See title page for effective date.

CHAPTER 55

S.P. 156 - L.D. 476

An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum

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

Sec. 1. 26 MRSA §625-B, sub-§3, as enacted by PL 1979, c. 663, §157, is amended to read:

3. Mitigation of severance pay liability. There ~~shall be~~ is no liability under this section for severance pay to an eligible employee if:

A. Relocation or termination of a covered establishment is necessitated by a physical calamity;

B. The employee is covered by an express contract providing for severance pay that is equal to or greater than the severance pay required by this section;

C. That employee accepts employment at the new location;

D. That employee has been employed by the employer for less than 3 years.

See title page for effective date.

CHAPTER 56

S.P. 451 - L.D. 1326

An Act to Clarify the Authority of the Maine Milk Commission

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

Whereas, there is confusion as to the authority of the Maine Milk Commission to establish minimal milk prices for dairy farmers; and

Whereas, dairy farming is a difficult business and an integral part of the Maine economy and rural way of life; and

Whereas, passage of this legislation would help stabilize prices to dairy farmers; 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 §2954, sub-§9, as enacted by PL 1983, c. 573, §2, is amended to read:

9. Minimum wholesale prices paid to producers for their milk. Notwithstanding any other provisions of this chapter or chapter 611, minimum wholesale prices paid by dealers to producers ~~shall be for their milk that is sold in this State~~ are subject to the provisions of chapter 611 minimum producer prices

established by the Maine Milk Commission, regardless of whether the dealer is subject to federal milk pricing regulation in addition to state milk pricing regulation.

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

Effective April 7, 1999.

CHAPTER 57

H.P. 432 - L.D. 574

An Act to Repeal the Chemical Substance Identification Law

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

PART A

Sec. A-1. 26 MRSA c. 22, as amended, is repealed.

PART B

Sec. B-1. 22 MRSA §664, sub-§1, as amended by PL 1997, c. 686, §5, is further amended to read:

1. Records. Each facility licensee shall permit the inspection and copying, for the purposes of this chapter, of its books and records, maintained in any form, except that books and records that are privileged as a matter of law, proprietary, security-related, or restricted by federal law, are not open to inspection. Subject to the approval of the United States Nuclear Regulatory Commission and of the facility licensee, access to books and records that are proprietary, security-related or restricted by federal law may be granted, if the State Nuclear Safety Inspector, on behalf of the State, enters into a nondisclosure agreement. For purposes of this section, proprietary information includes personnel records, manufacturers' proprietary information, licensee proprietary information and trade secrets, ~~as defined by Title 26, section 1711, subsection 12.~~ For purposes of this subsection, "trade secrets" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it.

Sec. B-2. 22 MRSA §1471-M, sub-§3, as amended by PL 1987, c. 660, §1, is repealed and the following enacted in its place:

3. Hazard communication and community right to know. The board shall assist the Director of the Bureau of Labor Standards in providing education and training to aid agricultural employers in complying with the federal Occupational Safety and Health Administration requirements for hazard communication and shall assist the responsible state agencies in providing education and training to aid agricultural employers in complying with the federal requirements for emergency and hazardous chemical inventory forms and community right-to-know reporting.

Sec. B-3. 22 MRSA §1696-D, first ¶, as enacted by PL 1985, c. 494, §2, is amended to read:

When requested under this subchapter, the director shall provide, at a minimum, the identity of chemical substances in use or present at a specific location, unless the substance ~~has been designated as~~ is a trade secret under Title 26, chapter 22. For purposes of this section, "trade secret" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it. The director may provide information on the chronic and acute health hazards posed by the substance, potential routes of exposure, emergency procedures and other subjects as appropriate. The director shall report in writing annually by January 1st to the joint standing committee of the Legislature having jurisdiction over human resources on the number and type of requests received and on ~~his~~ the director's response to these requests.

Sec. B-4. 22 MRSA §1696-F, as enacted by PL 1985, c. 494, §2, is amended to read:

§1696-F. Provision of information; trade secrets

A person may withhold the identity of a specific toxic or hazardous substance, if the substance ~~has been registered as~~ is a trade secret under Title 26, chapter 22. For purposes of this section, "trade secret" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it. All other information, including routes of exposure, effects of exposure, type and degree of hazard and emergency treatment and response procedures, ~~shall~~ must be provided if requested by the Director of the Bureau of Health and ~~shall be~~ is considered a public record.

Sec. B-5. 26 MRSA §61, sub-§2, as amended by PL 1993, c. 52, §1, is further amended to read: