

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

owners, lessees or persons in control of the dam and to the municipality in which the dam is located.

**6. Inspection costs of transferred dam.** If the inspection of a dam is conducted as a result of a transfer of ownership of a high or significant hazard dam and the agency is required to incur additional inspection costs in order to meet the inspection deadlines pursuant to this section, the owners, lessees or persons in control of the dam are responsible for any additional inspection costs incurred by the agency in conducting the inspection of the dam or reevaluating the hazard classification of the dam.

**Sec. 2. 37-B MRSA §1071** is enacted to read:

**§1071. Notice of transfer of ownership**

Forty-five days prior to any change of ownership of a dam, whether by sale, lease or gift, the owner or owners of a dam classified as a high or significant hazard dam shall provide the name and address of the prospective new owner or owners to the director along with any plan that the prospective new owner has with regard to maintaining competent operations and correcting any unsafe conditions. For purposes of this section, "competent operations" means properly and safely maintaining the dam and ensuring compliance with all safety, environmental and water level rules or orders.

**Sec. 3. Notice of revised inspection requirements.** The Maine Emergency Management Agency shall provide notice of revised inspection requirements to all owners of dams classified as high or significant hazard dams within 30 days of the effective date of this Act.

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

Effective April 16, 1999.

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**CHAPTER 72**

**S.P. 316 - L.D. 950**

**An Act to Consolidate and Improve  
Agricultural Market Research and  
New Technology Grants in the  
Department of Agriculture, Food and  
Rural Resources to Encourage  
Economic Development of Maine  
Farms and Food Processors**

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

**Whereas,** improvements in grant programs administered by the Department of Agriculture, Food and Rural Resources are needed to optimize benefits to agricultural industries of this State; and

**Whereas,** grants awarded can assist in adapting new technology and improved marketing of Maine agricultural products; and

**Whereas,** changes must be made to facilitate the grant process prior to soliciting applications and awarding grants; 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 §125, sub-§7,** as enacted by PL 1997, c. 711, §5, is amended to read:

**7. Long-range plan.** ~~By November 1, 1998~~ January 15, 2000, the board shall establish a long-range plan for operation of the Agricultural Experiment Station and the Cooperative Extension Service programs that includes but is not limited to plans for each of the research farms, joint appointments for experiment station and extension faculty, better utilization of research farms and objectives for research for each agricultural commodity in the State. The plan developed by the board does not include operations, research and programs relating to forestry, wildlife, aquaculture and fisheries.

**Sec. 2. 7 MRSA c. 10** is amended by repealing the headnote and enacting the following in its place:

**CHAPTER 10**

**AGRICULTURAL DEVELOPMENT GRANT PROGRAM**

**Sec. 3. 7 MRSA §305,** as enacted by PL 1987, c. 402, Pt. A, §77, is repealed.

**Sec. 4. 7 MRSA §306,** as enacted by PL 1987, c. 402, Pt. A, §77, is repealed.

**Sec. 5. 7 MRSA §306-A** is enacted to read:

**§306-A. Agricultural Development Fund**

**1. Agricultural Development Fund.** The commissioner shall establish an agricultural development fund to accelerate new market development,

adoption of advantageous technologies and promotion of state agricultural products by state producers.

**2. Fund operation.** The commissioner shall utilize the agricultural development fund to:

A. Provide grants to individuals, firms or organizations to conduct market research or to undertake market promotion activities for the purpose of expanding existing markets and developing new markets for state agricultural products; and

B. Test and demonstrate new technologies related to the production, storage and processing of state agricultural commodities.

**3. Rulemaking.** The commissioner shall establish, by rule, in a manner consistent with Title 5, chapter 375, subchapter II-A criteria for the allocation of grant money, application requirements consistent with the provisions of this section, a schedule for accepting and reviewing applications, reporting requirements on grant expenditures and project results and any other administrative requirements necessary for the efficient implementation of this program. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The commissioner is guided by the following criteria:

A. Applications may be submitted by individuals, firms or organizations;

B. At least 25% of the total cost of any project must be funded by the applicant or applicants and at least 10% of the total cost must be funded from nonpublic sources. A single grant may not exceed 20% of the total funds available to be granted in a given year; however, in no case may a single grant exceed \$30,000;

C. Information relative to market research or development activities provided to the commissioner prior to formal application, included in grant applications or provided to the commissioner to fulfill reporting requirements is confidential information and may not be publicly disclosed by the commissioner as long as:

(1) The person to whom the information belongs or pertains has requested that certain information be designated as confidential; and

(2) The commissioner has determined that the information gives the person making the request opportunity to obtain business or competitive advantage over another person who does not have access to the information or will result in loss of business or

other significant detriment to the person making the request if access is provided to others; and

D. When possible, the commissioner shall award grants to applicants representing diverse agricultural enterprises and geographic areas of the State.

**4. Advisory committee.** The commissioner shall establish the Agricultural Development Committee to evaluate market and production development grant applications and review project results.

**Sec. 6. 7 MRSA §§307, 308 and 309,** as enacted by PL 1987, c. 402, Pt. A, §77, are amended to read:

#### **§307. Special projects**

The commissioner may contract directly with the Agricultural Experiment Station or the Maine Cooperative Extension Service University of Maine System for market research, testing new technologies and for research on pressing, short-term technical problems related to the production, marketing, storage and processing of agricultural commodities.

#### **§308. Special revenues**

Funds Interest in the Agricultural Marketing Loan Fund, established in Title 10, section 1023-J, and funds contributed by commodity groups, associations or individuals, firms or organizations for special projects or for competitive technology transfer agricultural development projects shall must be deposited in a dedicated account which shall that does not lapse. Commodity groups, associations or individuals Individuals, firms or organizations may specify that funds contributed to this account may be used to initiate projects affecting specific commodities.

#### **§309. Annual review**

The commissioner, the Director of the Agricultural Experiment Station and the Director of the Cooperative Extension Service and the Agriculture Development Committee shall, on an annual basis, review the effectiveness of the programs operated under the provisions of this chapter in facilitating the introduction of new technologies for Maine agricultural operations.

**Sec. 7. 7 MRSA §401-D,** as enacted by PL 1987, c. 444, is repealed.

**Sec. 8. 7 MRSA §436,** as enacted by PL 1995, c. 658, §1, is amended to read:

#### **§436. Grants for technical assistance and research**

The commissioner may use all or a portion of the accrued interest in the cash balance of the ~~fund~~ Agricultural Marketing Loan Fund and interest portion of loan repayments, up to a maximum of \$150,000 \$250,000 per year, for ~~grants for technical assistance and for the research programs identified in the technology transfer program in chapter 10, and the Agricultural Market Research and Development Fund established in section 401-D, for the purposes of supporting adoption of new and innovative technology to support agricultural production and marketing the agricultural development grant program in chapter 10.~~ The commissioner may expend grant dollars designated to an applicant in one fiscal year during the following fiscal year.

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

Effective April 16, 1999.

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## CHAPTER 73

### H.P. 623 - L.D. 863

#### An Act to Amend the Pulling Event Laws

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

**Whereas,** certain revisions to the laws governing pulling events are needed; and

**Whereas,** it is critical to the continuing tradition of pulling events throughout the State that pulling superintendents be trained and the Pull Events Commission be revitalized; and

**Whereas,** these changes and training may benefit the 1999 pulling season; 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 §75, sub-§2,** as amended by PL 1995, c. 602, §3, is further amended to read:

**2. Statutory rules.** ~~No~~ A permit may not be issued unless the sponsor has adopted the following rules governing the conduct of each contest.

A. All teamsters who are to compete in contests shall have their teams ready at the published starting time. All classes ~~shall~~ must be closed after the positions are drawn. Classes ~~shall~~ must start as nearly as possible to the published time.

B. Check weighing will be allowed prior to the official weigh-in. All weighing ~~shall~~ must be done in the forenoon if possible. ~~The official weigh in shall start not earlier than 3 hours nor later than 1 1/2 hours before the first class of the day starts.~~ Teams must have on halters ~~and shoes.~~ Horses and ponies must have on shoes.

C. Measuring ~~shall~~ must be in a straight line to the nearest point on the drag. Line-to-line measuring ~~will be~~ is allowed. The front of the drag must touch the line before turning. To get the full-line measure, the drag must be turned more than 1/2 way or the back of the drag must be over the line.

D. Teams ~~shall~~ must stay hooked to the drag at all times. ~~No unhitching~~ Unhitching and re hitching ~~may be~~ are not allowed.

E. An actual separation, breaking or bending of equipment ~~shall constitute~~ constitutes a breakdown. Any team breaking down may take the distance pulled or return to the last position and pull over. Only one breakdown ~~may be~~ is allowed.

F. Time limits ~~shall be~~ are a maximum of 5 minutes ~~unless otherwise agreed upon by teamsters.~~ Time starts when the drag is moved. The time limit to hook on in distance pulls ~~shall be~~ is 3 minutes.

G. On horses, the very light use of the reins on the hind quarters only is allowed and ~~no~~ over and under ~~may be~~ is not allowed. ~~No whip~~ Whips, brads or goads ~~may be~~ are not allowed. Reins ~~shall~~ may not be doubled up. ~~No electrical~~ Electrical or electronic devices ~~may be~~ are not allowed. ~~No open~~ Open bridles ~~may be~~ are not allowed. Ponies ~~shall~~ may not be struck except in a sweepstakes when they may be struck with a cap or bare open hand.

On oxen, the use of the goad ~~shall~~ must be very light. The goad ~~shall~~ may not have ~~no~~ a brad in it, only a plain yoke and chain or pole that may be pulled, except that a rope may be allowed in children's classes as provided in rules adopted pursuant to subsection 7. All chains ~~shall~~ must be covered to the hook. ~~No plastic~~ Plastic goads ~~may be~~ are not allowed. The goad stick ~~must~~ may not be over 4 feet long unless approved by the pull superintendent and ~~must~~ may not exceed 1/2 inch in diameter on the small end. The goad