

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

Sec. 1. 29-A MRSA §2073, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Municipal request. If a municipal request to the Department of Transportation to change a speed limit is denied, the department shall inform the municipality in writing of the reasons for that denial and shall offer to meet with the municipal officials in that municipality to review those reasons. The municipality may request the department to hold a public hearing within the municipality to provide the department with the views of the public on the requested speed limit change. The department shall:

- A. Hold the hearing within 30 days of the request; and
- B. Inform the municipality of a final decision on the requested speed limit change within 30 days after the hearing.

See title page for effective date.

CHAPTER 161

S.P. 460 - L.D. 1335

An Act to Simplify the Collection of Fees for the Maine Dairy Promotion Board and Maine Dairy Nutrition Council

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

Whereas, the collection and distribution of dairy promotion funds are critical to the success of the dairy industry; and

Whereas, the existing statutory method of collection results in significant delays and inefficiencies in the distribution of money for dairy promotion; and

Whereas, the structure of the dairy industry in Maine makes the current collection and distribution system obsolete; 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 §2956, 3rd ¶ from the end, as amended by PL 1995, c. 693, §5 and affected by §25, is further amended to read:

Each licensed dealer shall pay to the commission an annual license fee of \$1 and the sum of ~~6 1/2¢~~ 5¢ per hundredweight as monthly payments, based on quantity of milk purchased or produced in any market area, or purchased or produced in an uncontrolled area and sold in any market area. Two and one-half cents per hundredweight may be deducted by dealers from amounts paid by them to producers of such milk, except that the milk farm-processed into cream for the manufacture of butter is not subject to such sums of ~~6 1/2¢~~ 5¢ per hundredweight. ~~Of the amount paid by each dealer, 1 1/2¢ per hundredweight must be paid by the commission to the Maine Dairy and Nutrition Council for the purposes authorized by section 2999. The commission shall make payments to the Maine Dairy and Nutrition Council on a monthly basis.~~

Sec. 2. 7 MRSA §2993-A is enacted to read:

§2993-A. Collection of fees

A dealer as defined in section 2991 shall withhold from each Maine milk producer a fee of 10¢ per hundredweight on all milk produced and shall forward that payment to the board no later than the last day of the month following the month in which the milk was produced.

All producer dealers shall pay to the board a fee of 10¢ per hundredweight on all milk produced by the producer dealer no later than the last day of the month following the month in which the milk was produced.

Sec. 3. 7 MRSA §2999-A is enacted to read:

§2999-A. Collection of fees

A dealer as defined in section 2997 shall pay a fee of 1 1/2¢ per hundredweight based on quantity of milk purchased from Maine producers or purchased from producers outside of the State and sold within the State and shall forward that payment to the council no later than the last day of the month following the month in which the milk was purchased.

All producer dealers shall pay to the council a fee of 1 1/2¢ per hundredweight on all milk sold by the producer dealer no later than the last day of the month following the month in which the milk was produced.

Sec. 4. 7 MRSA §3152-A, sub-§2, as enacted by PL 1985, c. 646, §3, is repealed.

Sec. 5. 7 MRSA 3153, sub-§1, as corrected by RR 1997, c. 2, §32, is amended to read:

1. Establishment. Within 180 days after September 23, 1983, the commissioner shall adopt rules establishing a fund to be known as the "Maine Milk Pool," to which all money collected from Maine dealers pursuant to ~~subsections~~ subsection 2 and 3 must be credited. These funds must be redistributed to eligible Maine market producers, eligible northern Maine market producers and eligible Boston market producers according to procedures established under subsection 4.

Sec. 6. 7 MRSA §3153, sub-§3, as amended by PL 1995, c. 693, §18 and affected by §25, is repealed.

Sec. 7. 7 MRSA §3154, sub-§2, ¶B, as amended by PL 1995, c. 693, §19 and affected by §25, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect June 1, 1999.

Effective June 1, 1999.

CHAPTER 162

H.P. 566 - L.D. 787

An Act to Amend the Membership of the Commission on Safety and Health in the Maine Workplace

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

**Sec. 1. 26 MRSA §51, sub-§1, ¶¶A, B and
C,** as amended by PL 1991, c. 93, §2, are further
amended to read:

A. The Commissioner of Labor serves as an ex officio voting member. The Governor shall appoint the other members of the commission, which consists of not more than 12 members, including:

- (1) Three members with expertise and professional qualifications in the field of occupational safety and health;
- (2) Two members representing workers and 2 members representing private employers, all of whom must be knowledgeable in the area of workplace safety; and
- (3) Other members the Governor considers necessary and appropriate to carry out the purposes of this section.

B. ~~Initial~~ Except for the Commissioner of Labor,
initial appointments are made for terms of one, 2,

3 and 4 years such that the terms of approximately 1/4 of the members expire in each year. All subsequent appointments are for terms of 4 years. Each member shall hold office until a successor is appointed and qualified.

C. ~~The Governor~~ commission shall appoint by majority vote the chair and vice-chair of the commission ~~and the Commissioner of Labor shall serve as vice chair.~~ Appointments as chair and vice-chair are for 2 years. The commission shall actively seek information and involvement from organized labor, the professional safety community, the various state and federal agencies concerned with safety and interested private citizens, groups and organizations.

See title page for effective date.

CHAPTER 163

H.P. 190 - L.D. 268

An Act to Prohibit the Misuse of Laser Pointers

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

Whereas, the inappropriate use of laser pointers by directing them at people is increasing and poses a danger to health and safety; and

Whereas, the dangers include potential eye damage and fear that a person is being targeted by a weapon; 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. 17-A MRSA §1002-A is enacted to read:

§1002-A. Criminal use of laser pointers

1. A person is guilty of criminal use of a laser pointer if the person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and:

A. Causes bodily injury to that other person;