

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

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**Sec. 6. 7 MRSA §3153, sub-§3**, as amended by PL 1995, c. 693, §18 and affected by §25, is repealed.

**Sec. 7. 7 MRSA §3154, sub-§2, ¶B**, as amended by PL 1995, c. 693, §19 and affected by §25, is repealed.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

B. That other person is a law enforcement officer in uniform; or

C. Causes a reasonable person to suffer intimidation, annoyance or alarm.

2. For the purposes of this section, "laser pointer" means a hand-held device that emits a visible light beam amplified by the stimulated emission of radiation.

3. It is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified under chapter 5 in threatening or using physical force upon the other person.

4. Violation of subsection 1, paragraph A or B is a Class D crime. Violation of subsection 1, paragraph C is a Class E crime. As part of every judgment of conviction and sentence imposed, every laser pointer that constitutes the basis for conviction under this section must be forfeited to the State and the court shall so order, unless another person can satisfy the court prior to the judgment and by a preponderance of the evidence that such other person had a right to possess the laser pointer, to the exclusion of the defendant, at the time of the offense.

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

Effective May 13, 1999.

## CHAPTER 164

S.P. 731 - L.D. 2081

### An Act to Make Commercial Vehicle Weight Limits Consistent with Federal Law

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

**Sec. 1. 29-A MRSA §2351, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Interstate Highway System.** "The Interstate Highway System" has the same definition as in the United States Highway Act of 1956, except that it does not include that portion of the Maine Turnpike designated Interstate 95 and 495 and that portion of

Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line.

See title page for effective date.

## CHAPTER 165

H.P. 1200 - L.D. 1710

### An Act to Amend the Membership of the Information Services Policy Board

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

**Sec. 1. 5 MRSA §1887, first ¶,** as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

The Bureau of Data Processing shall provide the major data processing services in State Government, including computer operations and programming and applications systems. The bureau, as authorized by the ~~deputy~~ commissioner, shall work to assure consistency in programming services, stability in data processing functions, reliability in the operation and maintenance of systems throughout State Government and responsiveness and flexibility to react to changing situations and needs.

**Sec. 2. 5 MRSA §1887, sub-§3,** as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

**3. Assist the commissioner.** The bureau shall assist the ~~deputy~~ commissioner in carrying out ~~his~~ the ~~commissioner's~~ duties and responsibilities.

**Sec. 3. 5 MRSA §1888,** as amended by PL 1989, c. 857, §33, is further amended to read:

#### §1888. Noncompliance defined

~~No~~ The purchase of data processing equipment, software or services ~~and no~~ or internal systems development efforts may not be made except in accordance with this subchapter. ~~No~~ An agency may not purchase any data processing equipment, software or services without the prior written approval of the ~~deputy~~ commissioner. ~~The state controller shall~~ State Controller may not authorize payment for data processing equipment, software or services without evidence of prior approval of the purchases by the ~~deputy~~ commissioner.

**1. Definition of noncompliance.** A state agency is deemed in noncompliance with this subchapter if the agency: