

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

CHAPTER 174

H.P. 924 - L.D. 1301

**An Act to Conform State Law to
Federal Nuclear Power Plant
Requirements for Off-site
Emergency Planning**

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

Sec. 1. 5 MRSA §12004-I, sub-§48, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 22 MRSA §661, as amended by PL 1997, c. 686, §2, is further amended to read:

§661. Public policy

In the interests of the public health and welfare of the people of this State, it is the declared public policy of this State that a facility licensed by the United States Nuclear Regulatory Commission and situated in the State must be accomplished in a manner consistent with protection of the public health and safety and in compliance with the environmental protection policies of this State. It is the purpose of this chapter, in conjunction with sections 671 to 690; Title 25, sections 51 and 52; and Title 35-A, sections 4331 to 4393; ~~and Title 37-B, chapter 17~~, to exercise the jurisdiction of the State to the maximum extent permitted by the United States Constitution and federal law and to establish in cooperation with the Federal Government a State Nuclear Safety Inspector Program for the on-site monitoring, regulatory review and oversight of a facility within the State that holds a license issued by the United States Nuclear Regulatory Commission. Nothing in this chapter may be construed as an attempt by the State to regulate radiological health and safety reserved to the Federal Government by reason of the United States Atomic Energy Act of 1954, as amended.

Sec. 3. 37-B MRSA §707 is enacted to read:

§707. Grants and gifts

The Maine Emergency Management Agency is authorized to accept gifts, grants and research funds and to undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces.

Sec. 4. 37-B MRSA c. 17, as amended, is repealed.

Sec. 5. 38 MRSA 1482, sub-§5, as enacted by PL 1991, c. 174, is repealed.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE		
Radiological Emergency Preparedness Committee		
Positions - Legislative Count	(-1,000)	(-1,000)
Personal Services	(\$21,938)	(\$29,500)
All Other	(14,558)	(18,929)
Provides for the deallocation of funds to reflect the repeal of the Radiological Emergency Preparedness Committee.		
RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE TOTAL		
	(\$36,496)	(\$48,429)
DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
Emergency Response Operations		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$21,938	\$29,500
All Other	14,558	18,929
Allocates funds to reflect the department's authority to conduct emergency planning activities related to nuclear power facilities in adjacent states or provinces.		
DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT TOTAL		
	\$36,496	\$48,429
SECTION TOTAL ALLOCATIONS		
	\$0	\$0

See title page for effective date.

CHAPTER 175

S.P. 705 - L.D. 1980

An Act to Provide Labeling for Cider

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

Whereas, the appropriate labeling of cider is important to consumers and producers; and

Whereas, cider is a seasonal crop and changes are needed prior to the 1999 cider 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 §543-A, as enacted by PL 1983, c. 220, is repealed and the following enacted in its place:

§543-A. Cider

1. Restriction on product labeled as cider. A person may not sell, advertise, offer or expose for sale any product labeled as "cider" if that product has been heated to a temperature of 155° Fahrenheit or higher for more than 10 seconds.

2. Accepted processing methods. All cider sold, advertised, offered or exposed for sale must be heat treated, treated by ultraviolet light or pressed under a state-approved hazard and critical control plan unless the cider bears a warning label in accordance with subsection 3. A state-approved hazard and critical control plan must prohibit the pressing of apples that have dropped from the trees for use in cider. For the purposes of this section, "heat treated" means heated to a temperature of 155° Fahrenheit or higher for no more than 10 seconds.

3. Warning label. A person selling, advertising, offering or exposing for sale cider that has not been processed in accordance with subsection 2 must affix a label to that product stating: "WARNING: This product has not been pasteurized. It may contain harmful bacteria that can cause serious illness in children, the elderly and persons with weakened immune systems."

4. Exemption. Hard cider as defined in Title 28-A, section 2, subsection 12-A is exempt from this section.

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

Effective May 13, 1999.

CHAPTER 176

S.P. 467 - L.D. 1406

An Act to Prevent Forgery, Alterations or Counterfeiting of Maine State Lottery Tickets

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

Sec. 1. 8 MRSA §389 is enacted to read:

§389. Forged lottery tickets

A person who forges or counterfeits a Maine State Lottery ticket or alters a Maine State Lottery ticket prepared by the Director of the State Lottery; who causes such an alteration or forgery; or who knowingly and willfully publishes, passes or tenders as true such a forged, altered or counterfeited Maine State Lottery ticket is guilty of a Class D crime. If a person with intent to defraud secures, manufactures or causes to be secured or manufactured or has in that person's possession any counterfeit Maine State Lottery ticket or a counterfeiting device, that person is guilty of a Class D crime.

See title page for effective date.

CHAPTER 177

H.P. 1018 - L.D. 1429

An Act to Add Members to the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1965, sub-§2, ¶A, as amended by PL 1995, c. 108, §1, is further amended to read:

A. The authority consists of 4 members. Members of the authority are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over transportation and subject to confirmation