

# 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**

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**Sec. 1. 7 MRSA §543-A,** as enacted by PL 1983, c. 220, is repealed and the following enacted in its place: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

by the Legislature. The Commissioner of Transportation is a member ex officio. The Commissioner of Transportation may designate a deputy, director, assistant or other officer or employee of the department to represent the Commissioner of Transportation at meetings of the authority with full power to act and vote on behalf of the Commissioner of Transportation. Upon the expiration of the term of office of any member, the Governor shall appoint a new member who serves in office for a term of 7 years and until a successor is duly appointed and qualified, and any member of the authority is eligible for reappointment. In the event of a vacancy in the membership of the authority caused by the death, incapacity, resignation or removal of a member, the Governor shall appoint a member to fill that vacancy only for the unexpired term of office of the member whose death, incapacity, resignation or removal created the vacancy, but the newly appointed member may be reappointed at the end of the unexpired term in accordance with this subsection. In all events, a member may not be appointed to the authority who is not a resident of the State at the time of the appointment and qualification, or who has not been a qualified voter in the State for a period of at least one year next preceding the appointment.

**Sec. 2. 23 MRSA §1965, sub-§2, ¶¶A-1 and A-2** are enacted to read:

A-1. The authority consists of the Commissioner of Transportation, who is an ex officio member, and:

(1) Four members appointed by the Governor pursuant to paragraph A. Three members of the authority constitute a quorum and 3 votes are required for the authority to act on any matter, although a lesser number may adjourn a meeting;

(2) On and after August 1, 2000, 5 members appointed by the Governor pursuant to paragraph A. Three members of the authority constitute a quorum and 3 votes are required for the authority to act on any matter, although a lesser number may adjourn a meeting; and

(3) On and after August 1, 2002, 6 members appointed by the Governor pursuant to paragraph A. After August 1, 2002, 4 members of the authority constitute a quorum and 4 votes are required for the authority to act on any matter, although a lesser number may adjourn a meeting.

A-2. In making appointments under this subsection, the Governor shall ensure that after August

1, 2002 or at the earliest opportunity thereafter, the authority includes at least one person who is a resident of York County and who is named by the Governor as that county's representative on the authority; one person who is a resident of Cumberland County and who is named by the Governor as that county's representative on the authority; one person who is a resident of Androscoggin County and who is named by the Governor as that county's representative on the authority; and one person who is a resident of Kennebec County and who is named by the Governor as that county's representative on the authority. A member named to represent a certain county ceases to be a member if that person's residency changes to another county. Vacancies created as a result of changes in residency must be filled by the Governor as provided for other vacancies in paragraph A.

**Sec. 3. 23 MRSA §1965, sub-§2, ¶B**, as enacted by PL 1981, c. 595, §3, is amended to read:

B. Immediately after their appointments, the members of the authority shall enter upon their duties. The Governor shall name one of the appointed members as ~~chairman~~ **chair** of the authority. The authority shall elect a secretary and treasurer who need not be a member of the authority, and shall elect an executive director or general manager who is not a member of the authority. ~~Three members of the authority shall constitute a quorum and 3 votes shall be required for the authority to act on any matter, although a lesser number may adjourn.~~ No vacancy in the authority impairs the right of a quorum of the members to exercise all the rights and perform all the duties of the authority.

**Sec. 4. Existing members not affected.** Nothing in this Act may be construed to affect the appointment or term of members of the Maine Turnpike Authority appointed prior to the effective date of this Act.

See title page for effective date.

---



---

## CHAPTER 178

H.P. 192 - L.D. 270

### An Act to Enable Counties to Establish Electricity Agencies

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

**Sec. 1. 30-A MRSA §903-A** is enacted to read: