

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

C. Taste-testing must be conducted within the hours of retail sale established in this Title.

D. A person may not be charged a fee beyond the fee for admission for any malt liquor or wine served as part of a taste-testing festival.

E. Each person attending the festival must be given a card, tickets or some other mechanism to record the number of samples consumed.

F. The licensee must record each sample served.

G. A sample may not be served to a person unless the licensee has verified that the person has not reached the sample limit.

H. A person who is visibly intoxicated may not be served.

6. Excise taxes; premiums. A licensee must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled date of the special taste-testing festival.

See title page for effective date.

CHAPTER 678

H.P. 1883 - L.D. 2618

An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act

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

Whereas, the number of sardine packing companies comprising the Maine sardine industry and the Maine Sardine Council has declined; and

Whereas, the dissolution of the Maine Sardine Council is necessary as soon as possible in order to support changes that the Maine sardine industry has decided are in the industry's best interest; 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Sec. 1. 32 MRSA c. 61, sub-c. II, as amended, is repealed.

Sec. 2. 36 MRSA c. 713, as amended, is repealed.

Sec. 3. 36 MRSA §4821, first ¶, as enacted by PL 1981, c. 706, §32, is amended to read:

No special tax, under chapters 701, 707, 708, and 709 ~~and 713~~, may be imposed on any particular industry, nor may an existing special tax under those chapters be increased, unless the persons required to pay the tax within that industry have given their approval, according to the provisions of this chapter.

Sec. 4. Transfer of assets. All accrued net assets of the Maine Sardine Council as of April 15, 2000, including, but not limited to, equipment, cash balances or other available funds, must be transferred in accordance with Title 32, section 4167, subsection 7 as a refund of taxes paid to the 3 packers with representatives on the Maine Sardine Council as of January 31, 2000: Stinson Seafood Company, Lubec Packing Company and L. Ray Packing Company. The assets must be distributed among those 3 packers based on each packer's percentage of the total quantity of sardines, kippers, steaks and other canned herring products packed during calendar years 1998 and 1999, as reported to the State Tax Assessor.

The State Auditor shall conduct the audit procedures required by the Maine Revised Statutes, Title 32, section 4167, subsection 8 and shall include in the report to the Joint Standing Committee on Marine Resources a report on the assets that must be transferred under this section.

Sec. 5. Termination of Maine Sardine Council; retroactivity. Notwithstanding the Maine Revised Statutes, Title 32, chapter 61, subchapter II, the Maine Sardine Council shall cease its operations and activities on March 31, 2000. This section applies retroactively to March 31, 2000.

Sec. 6. Audit prior to dissolution. Notwithstanding the Maine Revised Statutes, Title 32, section 4167, subsection 8, prior to the dissolution of the Maine Sardine Council, the State Auditor must perform audit procedures on the financial records of the council and report the findings to the joint standing committee of the Legislature having jurisdiction over marine resource matters. The council shall reimburse the State Auditor for costs incurred by the State Auditor to perform the audit procedures.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

MAINE SARDINE COUNCIL**Maine Sardine Council**

All Other (\$400,000)

Deallocates funds to reflect the repeal of the Maine Sardine Council.

Sec. 8. Retroactivity; transition. That section of this Act that repeals the Maine Revised Statutes, Title 36, chapter 713 applies retroactively to March 1, 2000. The State Tax Assessor shall refund to a packer of sardines any amount of tax paid under Title 36, section 4697 on all sardines reported as packed between March 1, 2000 and the effective date of this Act.

Sec. 9. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 32, chapter 61, subchapter II takes effect on April 15, 2000.

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

Effective April 12, 2000, unless otherwise indicated.

CHAPTER 679**S.P. 1069 - L.D. 2662****An Act to Amend the Maine Milk Laws**

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

Whereas, the statutory definitions and provisions relating to the production and sale of milk and milk products need to be revised for efficient administration and enforcement of the laws; and

Whereas, the efficient administration and enforcement of the laws is vital to the interests of the citizens of this State; 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:

PART A

Sec. A-1. 7 MRSA §2900 is enacted to read:

§2900. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Aseptically processed and packaged. "Aseptically processed and packaged" means hermetically sealed in a container and thermally processed to render the product free of microorganisms capable of reproducing in the product under normal nonrefrigeration conditions of storage and distribution.

2. Bulk milk hauler and sampler. "Bulk milk hauler and sampler" means a person who collects samples and transports raw milk from a farm or raw milk products to or from a farm, milk plant, receiving station or transfer station and has in that person's possession a permit from any state to sample such products.

3. Commissioner. "Commissioner" means the Commissioner of Agriculture, Food and Rural Resources or the commissioner's duly authorized agent.

4. Dairy or dairy farm. "Dairy or dairy farm" means any place or premises where one or more cows, goats or sheep are kept and from which milk or milk products are provided, sold or offered for sale.

5. Farm cheese. "Farm cheese" means cheese manufactured within the State on the dairy farm on which the milk is produced from milk that is heat treated. "Farm cheese" does not include cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days.

6. Heat treated. "Heat treated" means processed by heating every particle of milk to a temperature of 145 degrees Fahrenheit for at least 30 minutes using a double boiler.

7. Milk. "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, goats or sheep.

8. Milk distributor. "Milk distributor" means any person who offers for sale or sells to another person any milk or milk products in their final form.

9. Milk plant. "Milk plant" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized,