

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

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

Sec. 1. 19-A MRSA §1653, sub-§1, ¶C is enacted to read:

C. The Legislature finds and declares that it is the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

Sec. 2. 19-A MRSA §1653, sub-§2, ¶D, as amended by PL 1997, c. 415, §3 and affected by §5, is further amended to read:

D. The order of the court awarding parental rights and responsibilities must include the following:

(1) Allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child as provided in subsection 3. An award of shared parental rights and responsibilities may include either an allocation of the child's primary residential care to one parent and rights of parent-child contact to the other parent, or a sharing of the child's primary residential care by both parents. If either or both parents request an award of shared primary residential care and the court does not award shared primary residential care of the child, the court shall state in its decision the reasons why shared primary residential care is not in the best interest of the child;

(2) Conditions of parent-child contact in cases involving domestic abuse as provided in subsection 6;

(3) A provision for child support as provided in subsection 8 or a statement of the reasons for not ordering child support;

(4) A statement that each parent must have access to records and information pertaining to a minor child, including, but not limited to, medical, dental and school records and other information on school activities, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in

the order its reasons for denying that access;

(5) A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 7; and

(6) A statement of the definition of shared parental rights and responsibilities contained in section 1501, subsection 5, if the order of the court awards shared parental rights and responsibilities.

An order modifying a previous order is not required to include provisions of the previous order that are not modified.

See title page for effective date.

CHAPTER 330

H.P. 952 - L.D. 1266

An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants

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

Sec. 1. 7 MRSA c. 103, sub-c. XI-A is enacted to read:

SUBCHAPTER XI-A

GENETICALLY ENGINEERED PLANTS AND SEEDS

§1051. Definitions

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

1. Cross-contamination. "Cross-contamination" means the unintentional transfer and incorporation of genetic material between a genetically engineered crop, by cross-pollination or other means, and a nongenetically engineered crop or a wild plant population.

2. Genetically engineered. "Genetically engineered" means altered by human manipulation at the molecular or cellular level by processes, including recombinant deoxyribonucleic acid and ribonucleic acid techniques, cell fusion, microencapsulation, macroencapsulation and introduction of foreign genes. "Genetically engineered" does not include products

altered exclusively by breeding, conjugation, fermentation, hybridization, in vitro fertilization or tissue culture.

3. Seed dealer. "Seed dealer" means a person who cleans, processes, sells or offers for sale seeds in this State.

§1052. Responsibilities of manufacturer

A manufacturer of genetically engineered plants, planting stock or seeds that present a risk of cross-contamination and are sold or distributed in this State is subject to the provisions of this subchapter.

1. Instructions. The manufacturer or seed dealer of the genetically engineered plants, plant parts or seeds shall provide written instructions to all growers on how to plant the plant parts, seeds or plants and how to grow and harvest the crop to minimize potential cross-contamination. These instructions must be at least as inclusive as guidelines issued by the United States Department of Agriculture relative to the establishment of buffer zones between genetically engineered plants and wild or cultivated plants subject to the risk of cross-contamination. The manufacturer or seed dealer shall file a copy of these instructions with the commissioner at least 20 days in advance of any sale of the genetically engineered plants, plant parts or seeds in this State.

2. Record keeping. The manufacturer or seed dealer shall identify and maintain, for at least 2 years after the date of sale, a list of the names and addresses of all growers of its genetically engineered plants, plant parts or seeds in this State. The list is not a public record as defined in Title 1, section 402, subsection 3. A manufacturer or seed dealer shall permit the commissioner to inspect the list when requested to facilitate an investigation into a claim of cross-contamination. A manufacturer or seed dealer is not required to keep records on seeds sold at the retail level in packets weighing less than one pound.

A manufacturer of genetically engineered seeds is not required to keep records under this subsection when the required records are being kept by a seed dealer.

3. Violation; penalty. Failure to comply with this subchapter is a civil violation for which a penalty of not more than \$1,500 may be adjudged. In accordance with Title 5, chapter 375, the commissioner may suspend or revoke a license issued under section 1044-A if the holder of the license fails to comply with this subchapter.

See title page for effective date.

CHAPTER 331

H.P. 1095 - L.D. 1464

**An Act to Amend the Laws
Governing the Suspension and
Revocation of Hunting and Fishing
Licenses**

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

Sec. 1. 12 MRSA §7077, sub-§1-A, ¶G, as enacted by PL 1993, c. 136, §1, is repealed.

Sec. 2. 12 MRSA §7077, sub-§1-B, ¶B, as amended by PL 1995, c. 346, §7, is further amended to read:

B. Taking or possessing sport fish in violation of bag, weight and size limits in violation of section 7604, as it relates to trout, salmon, togue and black bass, whenever the violation involves twice the general bag and possession limit adopted by rule by the commissioner for that species of fish ~~in that body of water;~~

Sec. 3. 12 MRSA §7077, sub-§1-B, ¶C, as enacted by PL 1993, c. 136, §1, is repealed.

Sec. 4. 12 MRSA §7077, sub-§1-D is enacted to read:

1-D. Waive. Notwithstanding the provisions of section 7077-D, subsection 3, the commissioner may waive or reduce any mandatory minimum suspension period established in statute, upon determination by the commissioner that an inappropriate action contributed to or resulted in that revocation.

Sec. 5. 12 MRSA §7077-A, sub-§4, as enacted by PL 1995, c. 346, §11, is amended to read:

4. Conviction of violation of Title 17-A while hunting or fishing. If a person holding a license or permit under this chapter is convicted of the violation of any provision of Title 17-A while on a hunting or fishing trip or in the pursuit of wild animals, wild birds or fish, the commissioner ~~may shall~~ revoke the license or permit held by that person for a period ~~not to exceed 5 years of at least one year,~~ except when the killing or wounding of a human being has occurred, in which case the commissioner ~~may shall~~ revoke the license or permit for ~~not less than~~ at least 5 years.

Sec. 6. 12 MRSA §7077-A, last ¶, as amended by PL 1995, c. 346, §11, is repealed.

Sec. 7. 12 MRSA §7456-B, as enacted by PL 1979, c. 543, §43, is repealed.