

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 TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
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

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.

Sec. 8. 12 MRSA §7901, sub-§3-A, as enacted by PL 1987, c. 89, §2, is repealed.

See title page for effective date.

CHAPTER 332

S.P. 316 - L.D. 1084

An Act to Clarify the State's Burden of Proof in Cases of Criminal Homicide or Serious Bodily Injury Caused by a Person Operating a Motor Vehicle

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

Sec. 1. 29-A MRSA §2411, sub-§6, as repealed and replaced by PL 1999, c. 703, §1, is amended to read:

6. Aggravated punishment category. An operator commits a Class C offense if the State pleads and proves that the operator, while operating a motor vehicle in violation of this section:

A. In fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact caused the death of another person; or

B. Has either a prior conviction for a Class C crime under this section or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood-alcohol content of 0.08% or greater.

In any prosecution under this subsection, the State need not prove that the defendant's condition of being under the influence of intoxicants or having a blood-alcohol level of 0.08% or more caused the serious bodily injury or death alleged. The State must prove only that the defendant's operation caused the serious bodily injury or death. The court shall apply the definition of causation in Title 17-A, section 33.

The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,000 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended.

See title page for effective date.

CHAPTER 333

S.P. 256 - L.D. 886

An Act to Establish a Clean Government Initiative

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

Sec. 1. 5 MRSA §282, sub-§6, as amended by PL 1995, c. 37, §3, is further amended to read:

6. Supervise. To supervise and direct the administration of the State Claims Commission; ~~and~~

Sec. 2. 5 MRSA §282, sub-§7, as enacted by PL 1995, c. 37, §4, is amended to read:

7. Value of fringe benefits. To ensure that all publications that state the salary of an employee or of a position in State Government also include a statement of the dollar value of the fringe benefit package provided. For purposes of this subsection, "fringe benefits" includes an employer's cost of an employee's health insurance, dental insurance and retirement but does not include the amount paid to cover any unfunded liability; and

Sec. 3. 5 MRSA §282, sub-§8 is enacted to read:

8. Serve as director of Clean Government Initiative. To serve as a director, along with the Commissioner of Environmental Protection, of the Clean Government Initiative established in Title 38, section 343-H.

Sec. 4. 38 MRSA §342, sub-§17 is enacted to read:

17. Serve as a director of Clean Government Initiative. The commissioner shall serve as a director, along with the Commissioner of Administrative and Financial Services, of the Clean Government Initiative established in section 343-H.

Sec. 5. 38 MRSA §343-H is enacted to read:

§343-H. Clean Government Initiative

1. Initiative established; directors. The Clean Government Initiative, referred to in this section as the "initiative," is established to assist state agencies in meeting applicable environmental compliance requirements and to incorporate environmentally sustainable practices into all state government functions. The initiative is jointly directed by the commissioner and the Commissioner of Administrative and Financial Services, referred to in this section as the "directors."