

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**§1093. Remittance of dues and fair share fees; accounting**

**1. Sale of farm products.** Subject to subsection 3, a dealer or processor shall, on or before the 15th day of each month, pay to an association all dues and fair share fees assigned to the association pursuant to section ~~1091~~ 1091-A with respect to farm products received from members and nonmembers by the dealer or processor during the preceding calendar month. At the time of each monthly payment of dues and fair share fees, the dealer or processor shall provide to the association a summary statement showing, for each member and nonmember, the quantity of farm products received, the payment due to the member and nonmember for those farm products prior to the deduction of dues or fair share fees and the amount of dues or fair share fees deducted therefrom pursuant to the assignment.

**2. Performance of farm services.** Subject to subsection 3, a dealer or processor shall, on or before the 15th day of each month, pay to an association all dues and fair share fees assigned to the association pursuant to section ~~1091~~ 1091-A with respect to services performed by members and nonmembers in the production of farm products ~~which that~~ were received by the dealer or processor during the preceding calendar month. At the time of each monthly payment of dues and fair share fees, the dealer or processor shall provide to the association a summary statement showing, for each member and nonmember, the quantity of farm products for which services were performed and the amount of dues or fair share fees deducted therefrom pursuant to the assignment.

**3. Flat rate dues and fair share fees deductions.** In the event that the dues and fair share fees assigned to the association pursuant to section ~~1091~~ 1091-A are not calculated on the quantity of farm products sold or tendered by members and nonmembers to the dealer or processor, the dealer or processor shall pay the dues and fair share fees to the association according to the payment schedule contained in the assignment. No payment schedule may require the payment of assigned dues and fair share fees more frequently than once a month.

**Sec. 5. 13 MRSA §1958-B, sub-§2**, as enacted by PL 1987, c. 155, §15, is amended to read:

**2. Required mediation.** Any matters remaining in dispute between the handler and a qualified association 30 days prior to the contract date, as defined in subsection 4, ~~shall must~~ be submitted by the parties to required mediation. No later than 30 days prior to the contract date, the parties ~~shall must~~ have mutually agreed on a mediator and on sharing the costs of mediation or ~~shall must~~ have notified the

board that the services of the State's Panel of Mediators will be needed. If services of the State's Panel of Mediators are used, the parties shall share all costs of mediation equally. Mediation ~~shall may not~~ continue for ~~no~~ more than 3 consecutive business days for annual crops; all other commodities ~~shall may not~~ last ~~no~~ more than 5 days, unless the mediator earlier declares that resolution by mediation is not possible. Mediation may be extended by mutual agreement by the bargaining parties. At the end of the mediation period or upon the mediator's earlier declaration, the mediator shall promptly prepare a report specifying all agreements reached in mediation and recommending that the parties either resume bargaining as to all matters remaining in dispute for a period of time not to exceed 2 days or that the parties submit all matters remaining in dispute to arbitration. The parties shall proceed according to the mediator's recommendation. If the parties are to resume bargaining, that bargaining ~~shall must~~ commence on the day after the day on which the mediator makes ~~his the~~ recommendation. Any matters remaining in dispute at the end of the specified bargaining period ~~shall must~~ be submitted to arbitration.

**Sec. 6. 13 MRSA §1958-B, sub-§5, ¶D**, as repealed and replaced by PL 1989, c. 703, §2, is amended to read:

D. Upon notification by the parties as provided in this subsection, the commissioner shall submit to the parties a list containing an odd number of names of members of the panel of arbitrators who are available for the specific pending arbitration and have expressed a willingness to serve. The parties shall alternately strike names from the list until a single name is left, who ~~shall be~~ shall serve as the arbitrator. The order of striking names must be determined by chance.

See title page for effective date.

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**CHAPTER 330**

**S.P. 265 - L.D. 786**

**An Act To Provide "Any-deer"  
Permits to Permanently Disabled  
Nonambulatory Persons**

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

**Sec. 1. 12 MRSA §7076, sub-§17** is enacted to read:

**17. Transfer of antlerless deer permits to person with ambulatory disabilities.** A person who holds a valid antlerless deer permit may transfer that permit to a person who is suffering from the loss of, or

the permanent loss of the use of, both lower extremities. The commissioner shall administer transfers under this subsection.

See title page for effective date.

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**CHAPTER 331**

**S.P. 285 - L.D. 806**

**An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals**

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

**Sec. 1. 12 MRSA §7451, sub-§2,** as repealed and replaced by PL 1989, c. 913, Pt. A, §8, is repealed.

**Sec. 2. 12 MRSA §7451, sub-§4,** as amended by PL 1997, c. 463, §1, is repealed.

**Sec. 3. 12 MRSA §7452, sub-§5-A,** as enacted by PL 1989, c. 913, Pt. A, §9, is repealed.

**Sec. 4. 12 MRSA §7452, sub-§6,** as amended by PL 1997, c. 282, §1, is repealed.

**Sec. 5. 12 MRSA §7452, sub-§7,** as amended by PL 1989, c. 493, §32, is repealed.

**Sec. 6. 12 MRSA §7452, sub-§10,** as enacted by PL 1979, c. 543, §40, is repealed.

**Sec. 7. 12 MRSA §7452, sub-§11,** as amended by PL 1995, c. 455, §27, is repealed.

**Sec. 8. 12 MRSA §7452, sub-§13,** as amended by PL 1999, c. 322, §2, is repealed.

**Sec. 9. 12 MRSA §7452, sub-§14,** as amended by PL 1999, c. 322, §3, is repealed.

**Sec. 10. 12 MRSA §7452, sub-§15,** as amended by PL 1999, c. 322, §§4 to 7, is further amended to read:

**15. Exceptions.** The following exceptions apply:

A. Notwithstanding subsection 2, a person may use a cable trap with a closing diameter of not less than 2 1/2 inches to trap bear in the State during the open season on bear; and

~~A-1. Notwithstanding subsection 6, paragraph C, a person on a hunting trip in an unorganized township and staying at a temporary place of~~

~~lodging may keep an unregistered bear at that temporary place of lodging for a period not to exceed 7 days or until that person leaves the woods, whichever comes first.~~

B. Notwithstanding subsection 9, the head, teeth, gall bladder, claws and hide of any bear may be sold;

~~C. Notwithstanding subsection 10, a person may lawfully possess an unregistered bear in accordance with chapter 709, subchapter IV;~~

~~D-1. Notwithstanding subsection 13, paragraph A, that provision does not apply to bear legally registered in accordance with this subchapter; and~~

~~G. Notwithstanding subsection 14, any nonresident who has legally killed and registered a bear may have the bear or its parts transported beyond the boundaries of the State by a transportation company, including common carriers, whether or not licensed in Maine. If transported by other than a Maine licensed transportation company, the bear or its parts shall be accompanied by a nonresident transportation permit which may be obtained by the licensee from any game warden.~~

**Sec. 11. 12 MRSA §7457, sub-§2,** as amended by PL 1989, c. 493, §35, is repealed.

**Sec. 12. 12 MRSA §7457, sub-§3,** as amended by PL 1997, c. 463, §2, is repealed.

**Sec. 13. 12 MRSA §7458, sub-§4,** as amended by PL 1981, c. 414, §33, is repealed.

**Sec. 14. 12 MRSA §7458, sub-§4-A,** as amended by PL 1997, c. 282, §2, is repealed.

**Sec. 15. 12 MRSA §7458, sub-§5,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 16. 12 MRSA §7458, sub-§6,** as amended by PL 1995, c. 455, §32, is repealed.

**Sec. 17. 12 MRSA §7458, sub-§7,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 18. 12 MRSA §7458, sub-§11,** as amended by PL 1999, c. 322, §8, is repealed.

**Sec. 19. 12 MRSA §7458, sub-§12,** as amended by PL 1999, c. 322, §9, is repealed.

**Sec. 20. 12 MRSA §7458, sub-§15,** as amended by PL 1999, c. 588, §2, is further amended to read:

**15. Exceptions.** The following exceptions apply: