

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 TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

policies, programs and other activities affecting or relating to women in the State;

4. Information. Informing the public about the presence or absence of opportunities for women in the State;

5. Meetings. Conducting public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to the problems of women; and

6. Reports. Making a biennial report to the Governor and the Legislature concerning the work and interests of the commission.

§7030-E. Meetings; compensation

The commission shall meet at the call of the chair not less than 4 times each year.

§7030-F. Staff support

The Secretary of State shall provide staffing support as required.

Sec. 2. 5 MRSA §12004-I, sub-§88-A is enacted to read:

88-A.

<u>Women</u>	<u>Permanent</u>	<u>Not</u>	<u>5 MRSA</u>
	<u>Commission</u>	<u>Authorized</u>	<u>§7029</u>
	<u>on the</u>		
	<u>Status of</u>		
	<u>Women</u>		

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

Effective May 22, 2009.

CHAPTER 192

H.P. 308 - L.D. 420

**An Act To Amend Certain
Laws Related to the
Department of Agriculture,
Food and Rural Resources,
Division of Quality Assurance
and Regulation**

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

Sec. 1. 10 MRSA §2623, sub-§1, as enacted by PL 2001, c. 491, §1, is amended to read:

1. Sales of commodities. Except as otherwise provided by the State Sealer, sales of commodities must comply with the following:

A. Commodities in liquid form must be sold by liquid measure or by weight;

B. Commodities not in liquid form must be sold only by weight, by measure or by count; ~~and~~

C. A seller selling commodities in liquid form and using temperature compensators ~~must~~ shall have the seller's entire fleet of vehicles equipped with temperature compensators or have prior approval by the State Sealer for regional use of temperature compensators; and ~~must~~ shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons. Such equipment must be sealed and in use throughout the year;

D. Beginning January 1, 2010 all new delivery vehicles using vehicle tank meters and intended for the retail sale of refined petroleum products in the State must be equipped with automatic temperature compensating meters. A seller selling refined petroleum products and using temperature compensators shall have the seller's entire fleet of vehicles equipped with temperature compensators; and

E. Beginning January 1, 2015 all delivery vehicles using vehicle tank meters and intended for the retail sale of refined petroleum products in the State must be equipped with automatic temperature compensating meters. A seller selling refined petroleum products and using temperature compensators shall have the seller's entire fleet of vehicles equipped with temperature compensators, and they must be in use throughout the year.

Sec. 2. 10 MRSA §2627, as enacted by PL 1973, c. 91, §10, is amended by inserting at the end a new paragraph to read:

Whenever a package commodity or consumer commodity, as defined in Title 7, section 523, subsection 3, is advertised for retail sale, there must be a declaration of the price of the item either on each individual item, on the shelf where the item is located or on a placard or sign immediately adjacent to the item.

Sec. 3. 10 MRSA §2631 is enacted to read:

§2631. Conformity to national engine fuels and automotive lubricants regulations

The engine fuel and automotive lubricants requirements, as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology uniform regulation "Uniform Engine Fuels and Automotive Lubricants Regulation," apply to any internal combustion engine fuels, lubricating oils or other similar products stored, sold, distributed, transported, exposed for sale or offered for sale, distribution or transportation in the

State, except as specifically modified, amended or rejected by a regulation issued by the state sealer.

See title page for effective date.

CHAPTER 193

H.P. 267 - L.D. 331

An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors

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

Sec. 1. 30-A MRSA §2655 is enacted to read:

§2655. Prohibition on commingling funds

A clerk is prohibited from commingling personal funds with any funds collected for a municipality while performing the duty of clerk.

Sec. 2. 30-A MRSA §5603, sub-§2, ¶C, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9; §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

C. Maintain a bank account in the municipality's name for the deposit of cash receipts. The treasurer shall deposit ~~the all~~ cash ~~balance~~ receipts in the bank within 10 days ~~when it exceeds \$100~~. The treasurer may not commingle funds of the municipality with any personal funds or in any personal account of the treasurer.

Sec. 3. 36 MRSA §759-A is enacted to read:

§759-A. Prohibition on commingling funds

A tax collector is prohibited from commingling personal funds with any funds collected for a municipality while performing the duty of tax collector.

See title page for effective date.

CHAPTER 194

S.P. 80 - L.D. 239

An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund

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

Whereas, the statutory repeal of the law setting aside 12.5% of the Capital Investment Fund for

nonhospital projects takes effect July 1, 2009, which is prior to the expiration of the 90-day period; 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. 2 MRSA §102, sub-§3, as amended by PL 2007, c. 94, §1, is further amended to read:

3. Nonhospital capital expenditures. ~~For the first 7 years of the plan, the~~ The nonhospital component of the capital investment fund must be at least 12.5% of the total.

~~This subsection is repealed July 1, 2009.~~

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

Effective May 22, 2009.

CHAPTER 195

S.P. 258 - L.D. 683

An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist

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

Sec. 1. 32 MRSA §2411, sub-§1, ¶A, as amended by PL 1995, c. 439, §1, is further amended to read:

A. The examination of the eye and related structures without the use of invasive surgery or tissue-altering lasers to ~~ascertain~~ diagnose defects, abnormalities or diseases of the eye;

Sec. 2. 32 MRSA §2411, sub-§3, as amended by PL 1995, c. 606, §1, is further amended to read:

3. Pharmaceutical agent. "Pharmaceutical agent" means any ~~topical-medical~~ therapeutic diagnostic and ~~therapeutic~~ therapeutic substances for use in the diagnosis, cure, treatment, management or prevention of ocular conditions and diseases, ~~and oral medicinal~~ diagnostic and therapeutic substances and quantities for use in the diagnosis, cure, treatment or prevention of ocular conditions and diseases under section 2430, subsection 2 but does not include drugs administered