

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

6-A. Independent agricultural contractor. "Independent agricultural contractor" means a person who grows under contract, or who harvests or hauls forest products under contract, as ~~his~~ the person's primary activity or as part of a general agricultural activity.

Sec. 2. 13 MRSA §1953, as enacted by PL 1973, c. 621, §1, is amended to read:

§1953. Legislative findings and purpose

Because agricultural products are produced by numerous individual farmers and independent agricultural contractors, the marketing and bargaining position of individual farmers and independent agricultural contractors will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Furthermore, membership by a farmer or independent agricultural contractor in a cooperative organization can only be meaningful, if a handler of agricultural products is required to bargain in good faith with an agricultural cooperative organization as the representative of the members of such organization who have had a previous course of dealing with such handler. The purpose of this Article is to provide standards for the qualification of agricultural cooperative organizations for bargaining purposes, to define the mutual obligation of handlers and agricultural cooperative organizations to bargain with respect to the production, sale and marketing of agricultural products and to provide for the enforcement of such obligation.

Sec. 3. 13 MRSA §1955, sub-§5, as enacted by PL 1973, c. 621, §1, is amended to read:

5. Producer. "Producer" means a person engaged in the production of agricultural products, ~~excluding forest products~~, as a farmer, planter, rancher, ~~poultryman poultry farmer, dairyman dairy farmer~~, fruit, vegetable or nut grower, or independent agricultural contractor as specified in section 1774, subsections 6-A and 8-A. If a producer is also a handler, ~~he shall be the producer~~ is considered only a handler for the purposes of this Act.

Sec. 4. 13 MRSA §1957, sub-§3, ¶D, as amended by PL 1991, c. 116, is further amended to read:

D. The association represents ~~51% of the 10 or more producers or produced at least 1/2 of the volume~~ of a particular agricultural product for a specific handler involved with those producers and that agricultural product during the previous 12 months, ~~not including any volume produced by the handler, its subsidiaries, agents or employees or procured by the handler from sources other than producers~~; for the purposes of this article, members of ~~farmer~~ agricultural cooperatives are counted as individual ~~farmer~~ members; if the board has reasonable cause to question such representation, the board shall require a secret ballot

election to certify the ~~percentage~~ of representation; and

Sec. 5. 13 MRSA §1958-B, sub-§5-A, ¶D, as enacted by PL 1989, c. 703, §3, is amended to read:

D. The producer's costs of production including the cost that would be involved in paying ~~farm~~ labor a fair wage rate;

Sec. 6. Legislative findings. The Legislature finds that:

1. The harvesting and hauling of forest products are performed by numerous loggers and forest products haulers who individually are not able to bargain effectively with forest landowners;

2. The marketing and bargaining position of individual loggers and forest products haulers is adversely affected unless they are free to join together voluntarily in cooperative organizations;

3. The inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for the services of loggers and forest products haulers; and

4. It is in the public interest to:

A. Promote, foster and encourage the intelligent and orderly marketing of forest products, as well as other agricultural products;

B. Make the distribution of forest products, as well as other agricultural products, between producer and consumer as direct as can be efficiently done and eliminate speculation and waste;

C. Stabilize the marketing of forest products, as well as other agricultural products;

D. Expand application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products; and

E. Ensure consistency with the federal Clayton Act, 15 United States Code, Section 45(a)(1).

See title page for effective date.

CHAPTER 249

H.P. 1117 - L.D. 1534

**An Act To Amend Maine
Fireworks Laws To Include
Flame Effects**

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

Sec. 1. 8 MRSA §221-A, sub-§3, as enacted by PL 1999, c. 671, §2, is amended to read:

3. Display. "Display" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks, flame effects or special effects. "Display" includes a special effects display.

Sec. 2. 8 MRSA §227-A, sub-§1, as amended by PL 2003, c. 521, §1, is further amended to read:

1. Permits; requirements. A person may not conduct a display without a permit. The commissioner shall issue a permit to possess and conduct a fireworks or flame effects display to an applicant who:

A. Applies in writing to the commissioner for a permit at least 20 days in advance of the proposed display;

B. Applies on forms furnished by the department. An application for a permit must include:

(1) A certificate of public liability insurance in the amount of \$1,000,000 to cover loss, damage or injuries to persons or property that might result from the display; and

(2) A site plan for the proposed display depicting a diagram of the grounds or facilities at which or in which the display will be held. The diagram must show points of discharge, fallout areas, any buildings or other structures in proximity to the display site and the location of any audience that may be present. Distances of and distances between the points of discharge and any buildings or structures must be stated on the diagram; and

C. Submits with the application fees set out in subsection 3.

Sec. 3. 8 MRSA §227-A, sub-§3, as amended by PL 2003, c. 521, §2, is further amended to read:

3. Fees. The fee for a permit is \$30 per display and the fee for a site inspection is \$111. The fee for all ~~monitored inspected~~ indoor pyrotechnic and flame effects events that occur outside of normal business hours is \$100.

Sec. 4. 8 MRSA §227-A, sub-§§4 and 5, as enacted by PL 2003, c. 452, Pt. C, §6 and affected by Pt. X, §2, are amended to read:

4. Permits; violation. A person may not conduct a fireworks or flame effects display in violation of the permit issued under subsection 1.

5. Penalties. The following penalties apply.

A. A person who conducts a fireworks or flame effects display without a permit commits a Class D crime.

B. A person who conducts a fireworks or flame effects display in violation of a permit issued under subsection 1 commits a Class E crime.

Sec. 5. 8 MRSA §227-A, sub-§7, as enacted by PL 2003, c. 521, §3, is amended to read:

7. Indoor pyrotechnics and flame effects. All indoor pyrotechnic and flame effects events must be ~~monitored inspected~~ by the State Fire Marshal or the State Fire Marshal's designee.

See title page for effective date.

CHAPTER 250

H.P. 1124 - L.D. 1541

An Act To Establish "Ballad of the 20th Maine" as the Official State Ballad

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

Sec. 1. 1 MRSA §210-B is enacted to read:

§210-B. State ballad

The official ballad of the State is the ballad entitled "Ballad of the 20th Maine," as recorded and performed by the band The Ghost of Paul Revere and written by Griffin Sherry.

See title page for effective date.

CHAPTER 251

S.P. 494 - L.D. 1559

An Act To Require the Public Utilities Commission To Permit the Public Advocate To Access Certain Information Related to a Management Audit

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

Sec. 1. 35-A MRSA §113, sub-§5 is enacted to read:

5. Public Advocate; access to information. Throughout the course of a management audit performed pursuant to this section, the commission, upon request of the Public Advocate, shall:

A. Permit the Public Advocate to access information supplied by a public utility to the auditor and information supplied by the auditor to the commission; and

B. Provide the Public Advocate the opportunity to comment on information received under this subsection.