

# MAINE STATE LEGISLATURE

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**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.**

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**Augusta, Maine**  
**2009**

**CHAPTER 53**  
**H.P. 782 - L.D. 1138**

**Resolve, To Provide Assistance  
to Private Sellers of Firearms**

**Sec. 1. Department of Public Safety to assist private sellers of firearms. Resolved:** That the Department of Public Safety shall assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. The Department of Public Safety shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to collaborate in order to educate the public and private sellers and encourage access to the United States Department of Justice's Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The Department of Public Safety shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. Once the list is compiled, the Department of Public Safety shall ask the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to maintain the list on their publicly accessible websites, including information about the cost of the service to private sellers. The Department of Public Safety shall also publicize this information to educate the public and shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to do the same; and be it further

**Sec. 2. Report. Resolved:** That the Department of Public Safety shall report its progress in working with the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to implement the proposal under section 1, educate the public and recruit federally licensed firearms dealers who are willing to conduct background checks for private sellers and the number of checks that they conduct to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010.

See title page for effective date.

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**CHAPTER 54**  
**S.P. 131 - L.D. 367**

**Resolve, To Convene a Work  
Group To Design and  
Implement a Statewide  
Disposable Checkout Bag  
Reduction Campaign, with  
Benchmarks**

**Whereas,** the State has adopted a solid waste management hierarchy that places waste reduction and reuse above recycling as preferred management systems for solid waste; and

**Whereas,** the State has been an advocate of policies that reduce litter and enhance the natural beauty of the State; and

**Whereas,** the use of disposable checkout bags consumes valuable natural resources in their production, increases waste generation and contributes to litter; and

**Whereas,** state law designates recycling requirements for retail establishments that distribute plastic bags; and

**Whereas,** grocers and retailers in the State recognize resource limitations and they understand the leadership role they play in participating in public awareness programs and adopting programs that can generate environmental benefits; and

**Whereas,** grocers and retailers in the State have been promoting and encouraging the use of reusable checkout bags for the transport of products and goods from their stores; and

**Whereas,** this legislation establishes a process to review current law and recycling practices and to establish effective and innovative approaches to reduce the use and increase the recycling of disposable checkout bags; now, therefore, be it

**Sec. 1. Convene work group. Resolved:** That the Executive Department, State Planning Office shall establish a work group, through a partnership with state agencies and other appropriate entities, to work together towards a viable solution to the checkout bag issue to achieve environmental benefits, maintain financial viability for manufacturers and retailers and avoid cost impacts for consumers; and be it further

**Sec. 2. Participants. Resolved:** That the Executive Department, State Planning Office shall invite representatives of the following agencies, organizations and businesses to participate in the work group:

1. Department of Environmental Protection;

- 2. Maine Grocers Association;
- 3. Maine Merchants Association;
- 4. Maine Oil Dealers Association;
- 5. Maine State Chamber of Commerce;
- 6. Natural Resources Council of Maine;
- 7. American Chemistry Council;
- 8. A grocery chain with a large number of stores in the State;
- 9. A retail store chain with a large number of stores in the State; and
- 10. Other entities as appropriate; and be it further

**Sec. 3. Duties. Resolved:** That the work group shall:

- 1. Assess existing recycling infrastructure capacities within the State;
- 2. Design a regional pilot program that includes an assessment of current state law governing waste reduction, including, in particular, an assessment of technical assistance available to municipalities and businesses in those municipalities;
- 3. Create a memorandum of understanding with guiding principles, recycling goals and benchmarks for the overall reduction of disposable checkout bag distribution and waste;
- 4. Design a statewide promotional media campaign; and
- 5. Identify funding needs, resources and partners; and be it further

**Sec. 4. Existing resources. Resolved:** That the duties described in section 3 must be completed within existing resources of the Executive Department, State Planning Office; and be it further

**Sec. 5. Report; authority to submit legislation. Resolved:** That, by January 15, 2010, the work group shall submit a report relating to the subject matter of this resolve to the Joint Standing Committee on Natural Resources. The report must include findings, recommendations and draft legislation to implement the recommendations. The Joint Standing Committee on Natural Resources may report out legislation relating to the report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

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**CHAPTER 55**

**H.P. 809 - L.D. 1170**

**Resolve, Directing the Secretary of State To Report on the Accuracy of Election Results**

**Sec. 1. Secretary of State to examine recent election recounts. Resolved:** That the Secretary of State shall examine the results of at least 20 recent election recounts and compare those results with the original vote totals announced for those elections. The Secretary of State shall include in this examination elections that were conducted using electronic vote tally machines and elections in which the ballots were hand-counted; and be it further

**Sec. 2. Report. Resolved:** That the Secretary of State shall issue a report to the Joint Standing Committee on Legal and Veterans Affairs no later than February 15, 2010 based on the examination under section 1 that lists the election night vote tally versus the recount vote tally for the elections examined. The report must include any reasons discovered for discrepancy, including failure to properly follow post-election procedures. The report must make recommendations and suggest legislation that would establish a formal system for comparing election night vote tallies to recount vote tallies to provide ongoing information regarding the accuracy of election results in the State. The Joint Standing Committee on Legal and Veterans Affairs is authorized to report out legislation to the Second Regular Session of the 124th Legislature based on the information received in the report.

See title page for effective date.

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**CHAPTER 56**

**S.P. 441 - L.D. 1193**

**Resolve, To Establish Uniform Protocols for the Use of Controlled Substances**

**Sec. 1. Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances. Resolved:** That the Board of Licensure in Medicine shall convene a group of stakeholders, including but not limited to representatives from the State Board of Nursing, the Board of Osteopathic Licensure, the Board of Dental Examiners, the Maine Board of Pharmacy, the State Board of Veterinary Medicine and the Board of Licensure of Podiatric Medicine and the Director of the Office of Substance Abuse within the Department of Health and Human Services, to develop common protocols for the use and