

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.

Augusta, Maine
2009

and Rural Resources shall serve as cochairs of the work group. The work group shall engage the assistance of a qualified consultant in the relevant fields and tasks to be reviewed. The study must include an assessment of:

1. Current recycling rates;
2. The carbon footprints created by the beverage container recycling laws and municipal recycling programs;
3. Comprehensive recycling programs in the State;
4. Barriers to comprehensive recycling;
5. Alternative models of sustainability;
6. Energy and economic efficiencies;
7. The effect of educational programs on recycling rates;
8. The potential roles of and opportunities for redemption center businesses as the technology advances in recycling programs; and
9. Litter prevention and waste reduction efforts; and be it further

Sec. 2. Funding sources. Resolved: That the expert consultant and study described in section 1 must be funded through private funds received by the State from outside sources and dedicated to this project. The work group described in section 1 shall determine and administer any private funds received with respect to the tasks identified in section 1. The work group has sole discretion to determine how any private funds received to conduct this study are spent and, depending upon the amount of private funds received, the order in which the 9 items set forth in section 1 should be assessed. The work group may rely upon existing data, other studies and any other information it considers pertinent in order to complete the assessment described in section 1. When private funds are received, the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources shall notify the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters; and be it further

Sec. 3. Reporting date. Resolved: That the study described in section 1 must be completed no later than January 15, 2012, unless a one-year extension is necessary to complete the study. The work group shall provide an update to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on January 15, 2010 and again on January 15, 2011 as to the progress of and any initial findings from the study; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Planning Office 0082

Initiative: Allocates funds to allow private outside sources of funds to be used to hire a consultant for a study on beverage container recycling programs.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$250,000

See title page for effective date.

CHAPTER 131

H.P. 581 - L.D. 845

Resolve, To Expand Access to Renewable Energy Programs

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

Whereas, promoting renewable energy and energy efficiency are significant priorities of the American Recovery and Reinvestment Act of 2009; and

Whereas, significant funding from the American Recovery and Reinvestment Act of 2009 will be disbursed to the Public Utilities Commission in the immediate future for energy initiatives, including renewable energy programs; 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

Sec. 1. Renewable energy outreach programs. Resolved: That the Public Utilities Commission, in cooperation with the University of Maine Cooperative Extension Service, shall conduct a 2-year outreach and education program to provide information to residents statewide regarding renewable energy technology and systems for residential use and the renewable energy programs and incentives available through federal, state and local agencies. The program must include at least one informational presentation in each of the 16 counties of the State; and be it further

Sec. 2. Reports. Resolved: That the Public Utilities Commission, in cooperation with the University of Maine Cooperative Extension Service, shall prepare and submit an interim report and a final report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the outreach and education program required by section 1. The interim report must address the status and progress of the program and must be submitted no later than April 1, 2010. The final report on the program and results achieved must be submitted no later than December 31, 2011; and be it further

Sec. 3. Rules. Resolved: That the Public Utilities Commission may adopt rules as necessary to implement this resolve. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective June 15, 2009.

CHAPTER 132

H.P. 913 - L.D. 1310

Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources

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

Whereas, obligations under international trade agreements may compromise the ability of the State to manage its groundwater resources; and

Whereas, an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources will enable the Legislature to make informed and timely decisions; 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

Sec. 1. Review established. Resolved: That the Water Resources Planning Committee, of the Land and Water Resources Council, established pursuant to the Maine Revised Statutes, Title 5, section 3331, sub-

section 8, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission established in Title 5, section 12004-I, subsection 79-A, shall conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources, including, but not limited to, the potential consequences of permitting foreign companies to extract groundwater. The examination may include a review and assessment of the following subjects as they relate to or impact international trade agreement issues and the State's regulation of its groundwater:

1. Property rights related to the ownership of groundwater;
2. The various common law doctrines relating to the use of groundwater, including the absolute dominion rule and the reasonable use rule; and
3. Natural resources other than groundwater; and be it further

Sec. 2. Experts. Resolved: That outside funding accepted by the Citizen Trade Policy Commission pursuant to the Maine Revised Statutes, Title 10, section 11, subsection 10 may be used to contract with experts in the field of international trade agreements; and be it further

Sec. 3. Report. Resolved: That, by January 1, 2010, the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, shall submit a report related to the review to the Joint Standing Committee on Natural Resources. The report must include findings, recommendations and any legislation necessary to implement the recommendations. The Joint Standing Committee on Natural Resources is authorized to report out legislation to the Second Regular Session of the 124th Legislature; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides a base allocation in the event that the Citizen Trade Policy Commission receives outside funding to contract with experts in the field of international trade agreements.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$500	\$0
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OTHER SPECIAL	\$500	\$0
REVENUE FUNDS TOTAL		