

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1993

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Legislative Document

No. 1588

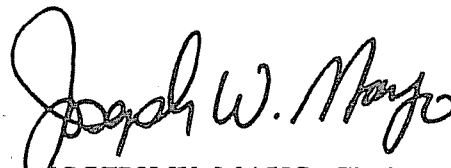
H.P. 1191

House of Representatives, December 29, 1993

**An Act to Provide for Greater Efficiency within the Department of  
Agriculture, Food and Rural Resources.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Received by the Clerk of the House on December 27, 1993. Referred to the Committee on  
Agriculture and 1200 ordered printed pursuant to Joint Rule 14.

  
JOSEPH W. MAYO, Clerk

Presented by Representative TARDY of Palmyra.

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

2  
3       **Sec. 1.** 32 MRSA §1861, sub-§2, as amended by PL 1979, c. 731,  
4 §19, is further amended to read:

6       **2. Intent.** It is the intent of the Legislature to create  
7 incentives for the manufacturers, distributors, dealers and  
8 consumers of beverage containers to reuse or recycle beverage  
9 containers thereby removing the blight on the landscape caused by  
10 the disposal of these containers on the highways and lands of the  
11 State and reducing the increasing costs of litter collection and  
12 municipal solid waste disposal.

14       This chapter will be administered by the Department ~~of~~  
15 ~~Agriculture, Food and Rural Resources~~ Maine Waste Management  
16 Agency with the authority to interpret the chapter and to issue  
17 the necessary rules and regulations in order to carry it into  
18 effect.

20       **Sec. 2.** 32 MRSA §1862, sub-§2-A is enacted to read:

22       2-A. Agency. "Agency" means the Maine Waste Management  
23 Agency.

24       **Sec. 3.** 32 MRSA §1862, sub-§§3 and 6, as amended by PL 1979, c.  
25 731, §19, are repealed.

28       **Sec. 4.** 32 MRSA §1862, sub-§6-A is enacted to read:

30       6-A. Director. "Director" means the Executive Director of  
31 the Maine Waste Management Agency.

32       **Sec. 5.** 38 MRSA §2103, sub-§2, ¶¶J and K, as enacted by PL  
33 1989, c. 585, Pt. A, §7, are amended to read:

36       J. Work with other state agencies, regional associations,  
37 municipalities, regional planning agencies and other  
38 community, private sector and environmental organizations to  
39 manage the State's solid waste; and

40       K. Solicit public comment from all regions of the State; and  
41 and

44       **Sec. 6.** 38 MRSA §2103, sub-§2, ¶L is enacted to read:

46       L. Administer the returnable container law in accordance  
47 with Title 32, chapter 28.

48       **Sec. 7. Transition provisions.** The Maine Waste Management  
49 Agency is the successor in every way to the powers, duties and  
50

2 functions of the Department of Agriculture, Food and Rural  
Resources regarding implementation of the returnable container  
4 law in the Maine Revised Statutes, Title 32, chapter 28. All  
existing rules and procedures in effect regarding the returnable  
6 container law continue in effect until rescinded or revised by  
the Maine Waste Management Agency. All existing contracts,  
8 agreements and compacts currently in effect in the department  
regarding that law continue in effect. All records, property and  
10 equipment of the department used solely in implementing the  
returnable container law become property of the Maine Waste  
Management Agency.

12  
**Sec. 8. Maine Revised Statutes amended; revision clause.** Wherever  
14 in Title 32, sections 1861 to 1872 the word "department" appears  
or reference is made to that word, it is amended to read and mean  
16 "agency" and wherever in those sections the word "commissioner"  
appears or reference is made to that word, it is amended to read  
18 and mean "director" and the Revisor of Statutes shall implement  
this revision when updating, publishing or republishing the  
20 statutes.

22  
**Sec. 9. Study.** The Commissioner of Agriculture, Food and  
Rural Resources shall conduct a study of moving all food  
24 inspection functions into that department to improve the  
efficiency of food safety inspections in the State. The study  
26 shall include a review of the pros and cons of consolidating  
inspection of eating establishments by the Department of Human  
28 Services under the Maine Revised Statutes, Title 22, chapter 562  
and inspection of wholesale and retail seafood licensees by the  
30 Department of Marine Resources under Title 12, chapter 625 with  
existing inspection functions in the Department of Agriculture,  
32 Food and Rural Resources. The commissioner shall consult with  
the Department of Human Resources and the Department of Marine  
34 Resources in conducting the study and shall submit the results of  
the study, including financial analysis and any recommended  
36 legislation, to the joint standing committees of the Legislature  
having jurisdiction over agriculture, human resource and marine  
38 resource matters by January 15, 1995.

40  
**Sec. 10. Plan to improve inspection functions.** The Commissioner  
of Agriculture, Food and Rural Resources shall review the  
42 department's administration of the food inspection program and  
shall plan for improvements to the program, including, where  
44 feasible, the following:

46 1. Cross-training of all department inspectors to permit  
enforcement of multiple laws through single inspections;  
48

2 2. Improving access to training and skills improvement  
programs for inspectors, including the use of teleconference  
training;

4  
6 3. Revising the inspection program to require fewer  
inspections for retail food establishments with good to excellent  
inspection reports; and

8  
10 4. Continuing and expanding the self-inspection pilot  
program and programs to educate retail food establishments about  
food safety.

### 12 STATEMENT OF FACT

14  
16 This bill moves administration of the returnable container  
18 law, known as the "bottle bill" from the Department of  
Agriculture, Food and Rural Resources to the Maine Waste  
20 Management Agency. The bill also requires the Commissioner of  
Agriculture, Food and Rural Resources to study consolidation of  
22 all food inspection functions within the department. Finally,  
the bill requires the Commissioner of Agriculture, Food and Rural  
24 Resources to plan for improvements in the department's food  
inspection program.

26  
28  

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30  
32 This document has not yet been reviewed to determine the  
need for cross-reference, stylistic and other technical  
34 amendments to conform existing law to current drafting standards.