

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

ture having jurisdiction over human resource matters at the end of the project.

See title page for effective date.

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## CHAPTER 42

### H.P. 805 - L.D. 1122

#### **Resolve, Urging Efforts to Enhance Opportunities for Businesses that Use Recycled Materials as Raw Materials**

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

**Whereas,** legislation has been proposed to eliminate the Maine Waste Management Agency; and

**Whereas,** the Maine Waste Management Agency was responsible for promoting and facilitating recycling of solid waste in the State; and

**Whereas,** it is anticipated that an existing state agency will assume certain of the agency's recycling programs; and

**Whereas,** matching businesses that need recycled materials as raw materials with producers of recyclable materials may be beneficial both to businesses and waste producers; and

**Whereas,** staff resources at the successor agency are limited, making it inadvisable to impose additional duties on that staff; and

**Whereas,** the successor agency is likely, when it first assumes recycling duties, to review staff assignments and goals and that review process provides an opportunity to determine how the staff can facilitate recycling; 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. Provision of assistance to businesses. Resolved:** That in structuring its operations and establishing goals and assigning duties to its staff, the successor agency to the Maine Waste Management Agency shall include as a goal the provision of assistance to businesses that use recycled products as raw materials; and be it further

**Sec. 2. Pursuit of goals. Resolved:** That in pursuing that goal the successor agency is urged within available resources to:

1. Develop, in cooperation with the Department of Economic and Community Development and other state, municipal and business assistance and trade organizations, programs that support the increased collection of recycled materials for use by Maine businesses;

2. Convene task forces to coordinate policy on a case-by-case basis when businesses or recycling programs identify shortages or lack capacity to produce sufficient raw materials;

3. Review existing marketing and brokering services to determine adequacy in meeting the needs of businesses dependent upon recycled materials for raw materials; and

4. Determine and recommend to the Legislature whether to include newspapers or any other materials as mandatory items under Title 38, section 2138 to ensure adequate flow of raw materials to businesses dependent upon recycled materials.

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

Effective June 30, 1995.

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## CHAPTER 43

### H.P. 459 - L.D. 625

#### **Resolve, to Reduce the Economic Impacts of the Clean Air Act on Maine's Citizens and Businesses**

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

**Whereas,** this resolve requires that the Department of Environmental Protection provide a petition to the Governor in order that the petition may be submitted to the United States Environmental Protection Agency in a timely manner; and

**Whereas,** this resolve requires the Department of Environmental Protection to submit to the United States Environmental Protection Agency as soon as practicable a request to redesignate areas of the State for purposes of the federal Clean Air Act ozone requirements; 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. Petition for removal from ozone transport region.**

**Resolved:** That, not later than 30 days after the effective date of this resolve, the Department of Environmental Protection shall provide to the Governor a petition that requests the removal of areas of the State other than those listed in the Federal Register of November 6, 1991 as moderate or marginal ozone nonattainment areas from the ozone transport region established pursuant to the federal Clean Air Act, 42 United States Code, Section 7511c. The Governor shall submit the petition to the United States Environmental Protection Agency within 2 weeks of the receipt of the petition from the department; and be it further

**Sec. 2. Request for redesignation as attainment areas. Resolved:** That the Department of Environmental Protection shall submit to the United States Environmental Protection Agency a request for the redesignation to attainment for ozone of all areas of the State that qualify for that designation under the federal Clean Air Act, including, but not limited to, Hancock, Kennebec and Androscoggin counties and those parts of Franklin, Oxford and Somerset counties designated as nonattainment and incomplete data areas. The department shall submit a report to the Joint Standing Committee on Natural Resources by October 1, 1995 describing the department's progress in preparing the request. The department shall finalize and submit the redesignation request to the United States Environmental Protection Agency not later than January 1, 1996; and be it further

**Sec. 3. Request for redesignation as rural transport areas. Resolved:** That the Department of Environmental Protection shall submit to the United States Environmental Protection Agency a request, together with all necessary supporting documentation, to redesignate to rural transport areas under 42 United States Code, Section 7511a(h) all areas of the State that are currently designated nonattainment for ozone, do not qualify for redesignation to attainment and are eligible for designation as rural transport areas. The department shall submit a report to the Joint Standing Committee on Natural Resources by October 1, 1995 describing the department's progress in preparing the request. The department shall finalize and submit the redesignation request to the United States Environmental Protection Agency not later than January 1, 1996.

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

Effective June 30, 1995.

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**CHAPTER 44**

**H.P. 1135 - L.D. 1579**

**Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1995**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** Androscoggin County has certain expenses and liabilities that must be met as they become due; and

**Whereas,** it is necessary that the taxes for the year 1995 be immediately assessed in order to provide the required revenue for the county; 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. Androscoggin County; taxes apportioned. Resolved:** That the following sum is granted as a tax on Androscoggin County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized in this resolve, and for other purposes of law, for the calendar year 1995:

**1995 TAX**

\$4,464,585

; and be it further