

# 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**

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

Effective July 3, 1995.

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## CHAPTER 52

H.P. 956 - L.D. 1345

### Resolve, to Require a Review of the Beverage Container Deposit Laws

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

**Whereas,** since the addition of many items to Maine's beverage container deposit laws in 1989, the Legislature each year considers many bills concerning the functioning of these laws; and

**Whereas,** it is felt to be desirable to take the time necessary to have a comprehensive review of these laws; and

**Whereas,** the issues to be considered are so numerous and controversial that it will not be possible to resolve them by the next regular session of the Legislature unless this review is authorized on an emergency basis; 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. Creation and charge. Resolved:** That the Task Force to Review the Beverage Container Deposit Laws, referred to in this resolve as the "task force," is established. The task force is charged to review all aspects of the beverage container deposit laws and to report to the Legislature; and be it further

**Sec. 2. Membership. Resolved:** That the task force consists of 6 members as follows:

1. Two members of the Joint Standing Committee on Business and Economic Development and 2 members of the Joint Standing Committee on Natural Resources, chosen jointly by the President of the Senate and the Speaker of the House so that both houses of the Legislature are represented;

2. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designated representative; and

3. The Director of the State Planning Office or the director's designated representative.

All appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Executive Director of the Legislative Council shall contact those authorities who have not made their appointments as of the required date; and be it further

**Sec. 3. Convening. Resolved:** That the Chair of the Legislative Council shall call the task force together for its first meeting no later than 15 days after adjournment of the First Regular Session of the 117th Legislature. If the first meeting is not called within the assigned time, the Governor shall call the first meeting for a date no later than 10 days after the initially required date. It is not necessary for all members to be appointed in order for the task force to meet. A quorum consists of a majority of those appointed; and be it further

**Sec. 4. Chair. Resolved:** That the senior appointed Legislator in legislative experience shall act as chair of the first meeting. The task force shall select a permanent chair from among the legislative members at the conclusion of the first meeting; and be it further

**Sec. 5. Study subject. Resolved:** That the task force shall study the beverage container deposit laws with the purpose of recommending to the Legislature how those laws might be amended to improve the program for all interested parties. In conducting its work, the task force shall study, but is not limited to, the following issues:

1. Changes in the minimum container deposit value;

2. The impact of the returnable container law on municipal solid waste and the corresponding costs of the returnable container laws;

3. The status of municipal recycling for materials currently covered by the returnable container laws;

4. The extent of fraudulent redemption and misredemption of beverage containers;

5. The need for additional licensure and regulation of redemption centers operating in the State;

6. Beverage container sorting and pickup requirements for redemption centers, distributors and 3rd-party agents; and

7. Enforcement, including the responsible agency and penalties.

In examining these issues, the task force may hold 3 meetings, including the initial organizational meeting. The task force shall hold its last meeting no later than October 15, 1995; and be it further

**Sec. 6. Staffing. Resolved:** That, at the task force's request, the Legislative Council shall provide staffing assistance if the task force has met the deadline for convening and agrees to meet the deadline for its final report; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the task force are entitled to per diem and expenses. Other members are not entitled to compensation; and be it further

**Sec. 8. Report. Resolved:** That, no later than November 15, 1995, the task force shall submit a written report together with any recommended legislation to the Joint Standing Committee on Business and Economic Development with a copy to the Executive Director of the Legislative Council and the Law and Legislative Reference Library. The task force shall make an oral report to the Joint Standing Committee on Business and Economic Development no later than January 30, 1996. The Joint Standing Committee on Business and Economic Development is authorized to report out any legislation during the Second Regular Session of the 117th Legislature concerning the findings and recommendations of the task force.

The task force may take additional time to complete its study beyond the dates specified in this section if necessitated by a failure of the task force to hold its first meeting on the date specified in this resolve; and be it further

**Sec. 9. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

**LEGISLATURE**

**Task Force to Review the Beverage Container Deposit Laws**

Personal Services	\$660
All Other	1,340
<b>TOTAL</b>	<b>\$2,000</b>

Provides funds for the per diem and expenses of

legislative members and miscellaneous costs of the Task Force to Review the Beverage Container Deposit Laws.

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

Effective July 3, 1995.

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**CHAPTER 53**

**H.P. 954 - L.D. 1343**

**Resolve, Establishing a Commission to Study the Trespass Laws**

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

**Whereas,** the State contains a vast amount of private land that is traditionally used by the public for outdoor recreation; and

**Whereas,** a growing number of landowners wish to restrict or otherwise control the use of their land by the public; and

**Whereas,** there are over 100 laws relating to trespass scattered throughout the State's statutes, making it difficult for landowners, the public and law enforcement agencies to understand and enforce trespass laws; 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. Commission created and charged. Resolved:** That there is established the Commission to Study Trespass Laws, referred to in this resolve as the "commission." The commission shall study existing trespass laws and make recommendations and suggest legislative changes regarding the consolidation and revision of existing laws into a functional set of trespass statutes that best provides for the needs of landowners and citizens of the State as well as facilitating the enforcement of trespass; and be it further

**Sec. 2. Appointment. Resolved:** That the commission consists of the following 16 persons: