

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

J.S. McCarthy Company
Augusta, Maine
1995

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
TOTAL	\$2,000

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.

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:

1. Three commissioners or their designees.

The Commissioner of Inland Fisheries and Wildlife, the Commissioner of Public Safety and the Commissioner of Conservation, or their designees;

2. Ten private sector members.

The president or executive director of the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine Forest Products Council, the Sportsman's/Forest Landowner Alliance, the Small Woodland Owners Association of Maine, Inc., the Maine Farm Bureau Association, the Sportsman's Alliance of Maine, the Maine Snowmobile Association, Inc., the Governor's Council on Landowner/Sportsmen Relations and the Maine State Bar Association. The president or executive director of any of these organizations may name a person who is a member of the organization to serve in the president's or executive director's place;

3. Two legislative members.

One member of the House of Representatives and one member of the Senate who are members of the Joint Standing Committee on Inland Fisheries and Wildlife. The member of the House of Representatives is appointed by the Speaker of the House of Representatives. The member of the Senate is appointed by the President of the Senate; and

4. One public member.

One member of the public appointed by the Governor.

All appointments must be made no later than 30 days after the effective date of this resolve. Persons responsible for making appointments under this section shall notify the Executive Director of the Legislative Council of the names of the persons appointed; and be it further

Sec. 3. Convening the commission.

Resolved: That the chair of the Legislative Council shall convene the first meeting of the commission after all members of the commission have been appointed; and be it further

Sec. 4. Election of chair. Resolved:

That, at its first meeting, the commission shall elect a chair from among its members. The chair shall call all subsequent meetings of the commission; and be it further

Sec. 5. Compensation. Resolved:

That members of the commission serve without compensation, except that members who are Legislators are entitled to reimbursement of expenses related to attending meetings of the commission; and be it further

Sec. 6. Staff assistance. Resolved:

That the Office of Policy and Legal Analysis, with the approval of the Legislative Council, shall provide

research, clerical and computer assistance to the commission; and be it further

Sec. 7. Report. Resolved: That the commission shall submit a report, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature by December 1, 1995; and be it further

Sec. 8. Costs paid by department. Resolved: That the Department of Inland Fisheries and Wildlife shall reimburse the Legislature for expenses of the commission upon request by the Executive Director of the Legislative Council.

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

Effective July 3, 1995.

CHAPTER 54

H.P. 1075 - L.D. 1514

Resolve, Establishing the Task Force on Alcoholic Beverage Sales

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 task force created by this legislation needs to begin its work as soon as possible to deal with the complexity of its charge and to meet the reporting date; 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. Task force established. Resolved: That there is established the Task Force on Alcoholic Beverage Sales, referred to in this resolve as the "task force." The task force shall study and report its recommendations regarding the following matters:

1. The feasibility of closing all retail state-operated liquor stores and replacing them with licensed agency stores, including:

A. The number of replacement agency stores to be approved and the maximum number, if any, of agency stores to be licensed;

B. The financial implications of the staff reductions in closing the state stores;