

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

not be construed to authorize the Governor to suspend or to modify orders, rules, standards or classifications issued or enforced by the Department of Environmental Protection or the Maine Land Use Regulation Commission.

(2) When an energy emergency proclamation is in effect, the Governor may call the Board of Environmental Protection into extraordinary session to consider temporary waivers or suspensions of rules and standards related to air and water quality necessary to relieve then existing energy shortages. At an extraordinary session, the board is empowered, notwithstanding any other provision of law, to approve suspensions or waivers ~~which that~~ it determines are necessary to relieve or avoid an energy shortage and will not result in environmental degradation of a permanent or enduring nature. In no event may any suspension or modification be granted ~~which that~~ will result in a circumvention of Title 38, sections 481 to 488, 541 and 557. The waiver or suspension ~~shall may~~ not remain in effect longer than 60 days or after the date on which the board renders a further order issued pursuant to the regular procedures specified in Title 38, whichever ~~shall first occur~~ occurs.

E. The Superior Court of the county in which a person fails to obey an order or rule promulgated in accordance with this subsection ~~shall have~~ has jurisdiction to issue a restraining order or injunction to enforce the order or rule. That proceeding ~~shall must~~ be held in accordance with the Maine Rules of Civil Procedure, Rule 65.

F. In the event that an order or rule issued by the Governor, pursuant to the powers granted in paragraph B, are to be in effect for longer than 90 days, the Governor shall, before the 80th day following the issuance of the order or rule, convene the Legislature.

Sec. 6. Resolve 1999, c. 113, §6 is amended to read:

Sec. 6. Consultation; reports. Resolved: That the commission shall consult with the State House and Capitol Park Commission to ensure the appropriateness of the design and location of the new plaque and the selection and placement of the new flag or flags within the State House Hall of Flags. When the commission has agreed upon an appropriate location and design, but not later than October 4, 2000, the commission shall submit its initial report to the Executive Director of the Legislative Council. A

final report must be submitted to the Executive Director of the Legislative Council by ~~November 1, 2000~~ December 1, 2001. Upon submission of its required reports, the commission terminates; and be it further

Sec. 7. Retroactivity. That section of this Act that amends Resolve 1999, chapter 113, section 6 applies retroactively to November 1, 2000.

See title page for effective date.

CHAPTER 354

H.P. 1162 - L.D. 1562

An Act to Update the Name of the Department of Mental Health, Mental Retardation and Substance Abuse Services

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

Sec. 1. 34-B MRSA §1201, first ¶, as enacted by PL 1983, c. 459, §7 and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

There is established a ~~Department of Mental Health, Mental Retardation and Substance Abuse Services~~ Department of Behavioral and Developmental Services.

Sec. 2. Transition. The following provisions apply to the reassignment of the duties and responsibilities of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

1. The Department of Behavioral and Developmental Services is the successor in every way to the powers, duties and functions transferred under this Act and formerly held by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

2. All rules, regulations and procedures of the Department of Mental Health, Mental Retardation and Substance Abuse Services in effect upon the effective date of this Act remain in effect until rescinded, revised or amended.

3. All contracts, agreements and compacts of the Department of Mental Health, Mental Retardation and Substance Abuse Services in effect upon the effective date of this Act remain in effect until they expire or are altered by the parties involved in the contracts, agreements or compacts.

4. Any positions authorized and allocated, subject to the personnel laws, to the Department of Mental Health, Mental Retardation and Substance Abuse Services are transferred to the Department of Behavioral and Developmental Services and may continue to be authorized.

5. All records, property and equipment previously belonging to or allocated for the use of the Department of Mental Health, Mental Retardation and Substance Abuse Services become, on the effective date of this Act, the property of the Department of Behavioral and Developmental Services.

Sec. 3. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Department of Mental Health, Mental Retardation and Substance Abuse Services" appear or reference is made to those words or that department, they are amended to read and mean "Department of Behavioral and Developmental Services" or that department, and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 355

S.P. 476 - L.D. 1540

An Act to Ensure that the State Board of Pesticides Control has Sufficient Resources to Provide Accurate Information About the Use of Pesticides in the State

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

Sec. 1. 22 MRSA §1471-M, sub-§7, as amended by PL 1999, c. 724, §1, is further amended to read:

7. Data collection; report. The board shall implement a system of record keeping, reporting, data collection and analysis that provides information on the quantity of product and brand names of pesticides sold. The board, in cooperation with the University of Maine Cooperative Extension Service, shall study ways to improve pesticide information data bases and to optimize the useful analysis of reported information.

~~No later than October 1, 1998, and each year thereafter, the board shall publish an annual pesticides report containing the quantity of product, sorted by the name and United States Environmental Protection Agency registration number, of all pesticides sold in the prior year, with the data further sorted by sector of use~~

~~wherever possible, except that the pesticides report under this subsection is not required in the years 2000 and 2001.~~

Before April 1, 2002, the board shall submit a report on pesticide activities during the previous calendar year to the joint standing committee of the Legislature having jurisdiction over pesticide control matters. The report must contain sales information on quantities of pesticides sold listed by the common name of the active ingredient.

The board shall also include in the report aggregate data on pesticide use based on reports submitted to the board by commercial applicators and other persons required to submit reports under this chapter and rules adopted pursuant to this chapter. The board shall provide the data by sector of use whenever possible. The board shall provide the data by category of pesticide, including data for herbicides, insecticides, fungicides and other major categories. In addition, the board shall include in the report a summary of survey results or other information published by the University of Maine Cooperative Extension Service or the United States Department of Agriculture relating to pesticides use in the State.

The board shall develop a measure to estimate sales and types of pesticides commonly used by homeowners and track trends in the quantities and types of pesticides used by homeowners.

The board shall provide historical information on pesticide use and sales in the report when the information available is appropriate for comparison.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2001-02

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

State Board of Pesticides Control

All Other	\$30,000
Allocates one-time funds for the costs associated with developing information on the sales and use of pesticides in Maine.	

See title page for effective date.
