

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

JOINT STUDY ORDERS

JOINT STUDY ORDER ESTABLISHING THE JOINT STUDY COMMITTEE TO STUDY GROWTH MANAGEMENT

H.P. 1330

ORDERED, the Senate concurring, that the Joint Study Committee to Study Growth Management is established as follows.

1. Committee established. The Joint Study Committee to Study Growth Management, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 9 members appointed as follows. The President of the Senate shall appoint 3 members from the Senate and the Speaker of the House shall appoint 6 members from the House of Representatives. Of these members, at least 3 must be members of the Joint Standing Committee on Natural Resources and the remaining members must be members of the Joint Standing Committee on Transportation, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation, the Joint Standing Committee on State and Local Government, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Inland Fisheries and Wildlife.

3. Committee chairs. The first named Senator is the Senate chair of the committee and the first named member of the House is the House chair of the committee.

4. Appointments; convening of committee; number of meetings. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which may be no later than August 1, 2001. The committee may not meet more than 3 times.

5. Duties. The committee shall study issues related to sprawl and growth management in Maine, including, but not limited to, the issues addressed in L.D. 1478, "An Act to Amend Maine's Growth Management Law and Related Laws"; L.D. 1643, "An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances"; L.D. 1693, "An Act to Amend the Comprehensive Planning and Land Use Regulation

Laws"; and L.D. 1444, "An Act to Enhance Local Accountability."

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at authorized meetings of the committee.

8. Report. The committee shall submit its report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 120th Legislature no later than December 5, 2001. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 120th Legislature at the time of submission of its report.

9. Extension. If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the committee terminates.

10. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget of \$3,635. Within 10 days after its first meeting, the committee shall present a work plan to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

**Passed by the Senate June 20, 2001 and the
House of Representatives June 20, 2001.**

**JOINT STUDY ORDER
ESTABLISHING THE COMMITTEE
TO STUDY THE NEEDS OF PERSONS
WITH MENTAL ILLNESS WHO ARE
INCARCERATED**

H.P. 1383

WHEREAS, the joint study order establishes the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated; and

WHEREAS, persons with mental illness who are incarcerated in the county jails and state prisons need proper care and treatment that is safe and humane; and

WHEREAS, corrections officers and others in the jails and prisons who are responsible for persons with mental illness who are in their custody require proper training to care for these inmates; and

WHEREAS, the current corrections system does not provide adequate care for incarcerated persons with mental illness, nor does it provide those responsible for the care with the tools and training necessary to provide care; and

WHEREAS, the Legislature would benefit from a study of the needs of persons with mental illness who are incarcerated in Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated is established as follows.

1. Committee established. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice.

3. Chairs. The Senate chair and the House chair of the Joint Standing Committee on Criminal Justice shall serve as the chairs of the committee.

4. Meetings; public hearings. The chairs of the committee shall call and convene the first meeting of the committee no later than 45 days after passage of this order. The committee may hold up to 6 meetings, 3 of which may be public hearings held in locations throughout the State.

5. Duties. The committee shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:

A. Evaluate the availability and appropriateness of current mental health services for persons incarcerated in Department of Corrections facilities and in county jails, including but not limited to: access to forensic beds for prisoners in need of that level of mental health intervention; the provision of mental health services within the institutions provided by or in partnership with the Department of Mental Health, Mental Retardation and Substance Abuse Services; and involuntary medication of prisoners with mental illness;

B. Identify what additional mental health services are needed for incarcerated persons and how those services may best be implemented, provided and funded;

C. Identify what mental health training is required for law enforcement and corrections officers who work in corrections facilities and jails and how that training may best be implemented, provided and funded; and

D. Identify steps necessary for county jails to seek and achieve accreditation.

The experts and interested parties with whom the committee may consult include but are not limited to the following: representatives from the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services; representatives from state, county and municipal law enforcement; persons with mental illness who were formerly incarcerated in a Department of Corrections facility or a county jail; parents or guardians of persons with mental illness who are or were formerly incarcerated in a Department of Corrections facility or a county jail; representatives from advocacy groups for persons with mental illness; and representatives from community mental health agencies. The committee also may consult with other interested parties who may provide additional information.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. The members of the committee are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than December 5, 2001. If the committee requires a limited extension

of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

Passed by the House of Representatives June 20, 2001 and the Senate June 21, 2001.

**JOINT STUDY ORDER
ESTABLISHING THE COMMITTEE
TO STUDY THE LOSS OF
COMMERCIAL FISHING
WATERFRONT ACCESS AND
OTHER ECONOMIC DEVELOPMENT
ISSUES AFFECTING COMMERCIAL
FISHING**

H.P. 1384

WHEREAS, it is necessary and vital to the people of the State that Maine's fishing heritage be preserved; and

WHEREAS, this order convenes a committee to study waterfront access and other policies concerning the commercial fishing industry; and

WHEREAS, the Legislature would benefit from a study of issues and recommendations regarding loss of waterfront access for commercial fishing and economic development issues affecting commercial fishing; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing is established as follows.

1. Committee established. The Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 10 members appointed as follows:

A. One Senator appointed by the President of the Senate;

B. Three members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Marine Resources, appointed by the Speaker of the House of Representatives;

C. Two members representing the fishing industry, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

D. Two members of the general public, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. The member appointed by the Speaker of the House of Representatives must be a representative of municipal government; and

E. The Governor is invited to appoint 2 members representing state agencies that regulate the fishing industry.

3. Chairs. The first named Senator is the Senate chair of the committee and the first named member of the House is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall review current policy regarding the State's fishing industry and make recommendations to preserve the fishing industry. Specifically, the committee shall address the following issues:

A. Waterfront access for commercial fisheries, including zoning restrictions, municipal comprehensive plans, current-use taxation, smart growth and set asides; and

B. Economic development, including incentives and disincentives, taxation policies, promotion and marketing issues, financing and workforce development.

6. Staffing. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing services to the committee. The Department of Marine Resources and the Executive Department, State Planning Office shall provide

information and assistance as requested by the chairs of the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, together with any recommended implementing legislation, to the Joint Standing Committee on Marine Resources no later than December 5, 2001. The Joint Standing Committee on Marine Resources may report out a bill during the Second Regular Session of the 120th Legislature concerning the findings and recommendations of the committee. If the committee requires a limited extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

Passed by the House of Representatives June 20, 2001 and the Senate June 21, 2001.

**JOINT STUDY ORDER
ESTABLISHING THE COMMITTEE
TO REVIEW THE CHILD
PROTECTIVE SYSTEM**

H.P. 1385

WHEREAS, there is tremendous concern that the existing child protective laws and system are not adequately and consistently protecting the children they were designed to serve; and

WHEREAS, families and other participants in the system believe their rights and interests are not adequately and consistently taken into account; and

WHEREAS, the Legislature would benefit from a study of issues relating to the existing child protective laws and system; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Review the Child Protective System is established as follows.

1. Committee established. The Committee to Review the Child Protective System, referred to in this joint order as the "committee," is established.

2. Committee membership. The committee consists of the following 11 members:

A. Two members of the Senate, appointed by the President of the Senate;

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives;

C. An attorney who has experience representing parents in child protective cases, appointed by the President of the Senate;

D. An attorney who has experience serving as a guardian ad litem in child protective cases, appointed by the Speaker of the House of Representatives;

E. An advocate for children, appointed by the President of the Senate;

F. A current or former foster parent, appointed by the Speaker of the House of Representatives;

G. A court-appointed special advocate volunteer, appointed by the President of the Senate; and

H. A caseworker or supervisor employed by the Department of Human Services. The Commissioner of Human Services is requested to designate the caseworker or supervisor to be a member of the committee.

The Chief Justice of the Supreme Judicial Court is requested to designate a District Court Judge to participate with the committee.

3. Chairs. The first named Senate member is the Senate chair of the committee and the first named House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage

of this joint order. The appointing authorities shall notify the Executive Director of the Legislative Council once the selections have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the child protective system and make recommendations for changes in laws, rules and procedures.

A. In conducting the study, the committee shall examine the following issues:

- (1) Information about rights and future proceedings that should be given to parents at every stage of the child protective process;
- (2) The availability of information in the possession of the Department of Human Services to parents and their attorneys, and the timing and extent of discovery;
- (3) The accurate preservation of interviews involving employees of the Department of Human Services, communications with employees of the Department of Human Services and communications involving parents, including the reliability of the preservation and appropriate use of the communications;
- (4) The appropriate role of intervenors; who, if anyone, should have automatic intervenor status; who should be permitted to apply for intervenor status; and what criteria the court should use in determining whether to grant intervenor status;
- (5) The determination of the best interest of the child, while balancing the child's safety and privacy interests with the public's interest in openness in governmental actions and records, particularly with regard to termination of parental rights hearings;
- (6) The appropriate standard of proof that the State must bear at each stage of child protection proceedings;
- (7) The role of and requirements that apply to guardians ad litem and the extent to which guardians ad litem are fulfilling their responsibilities;
- (8) The liability of the State, the Department of Human Services and employees of the Department of Human Services, either as a governmental entity or personally, for

removal of children from their homes or other actions when such actions are overturned by the court as erroneous or unnecessary;

(9) The mandatory reporting laws concerning child and adult abuse and neglect; the consequences of failing to report; and the State's role in educating the public about reporting child abuse and neglect; and

(10) Any other issues the committee determines appropriate.

B. In examining these issues, the committee may:

- (1) Hold a public hearing;
- (2) Hold informational sessions for discussions with knowledgeable persons;
- (3) Review laws, procedures and activities in other jurisdictions; and
- (4) Carry out other activities relevant to the purposes of the study.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. The members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Judiciary no later than December 5, 2001. The Joint Standing Committee on Judiciary may introduce legislation related to the report to the Second Regular Session of the 120th Legislature. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for

approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

Passed by the House of Representatives June 21, 2001 and the Senate June 21, 2001.

**JOINT STUDY ORDER
ESTABLISHING THE COMMITTEE
TO STUDY THE BENEFITS AND
COSTS FOR INCREASING ACCESS
TO FAMILY AND MEDICAL LEAVE
FOR MAINE FAMILIES**

H.P. 1386

WHEREAS, employees in Maine experience family and medical challenges that impose stress on the employee and the employee's family; and

WHEREAS, stress on the employee and employee's family generates the potential for difficulties in the workplace, to the detriment of the employee and the employer; and

WHEREAS, family and medical leave programs have impacts on employers; and

WHEREAS, information is needed regarding the potential benefits and costs of providing paid medical leave; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families is established as follows.

1. Committee established. The Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 15 members:

A. Seven members appointed by the President of the Senate as follows:

- (1) One Senator;
- (2) One representative of employers in the health care industry;
- (3) One representative of employers in the insurance industry;

(4) One representative of municipal employers; and

(5) Three members representing labor, women's groups and senior citizens;

B. Six members appointed by the Speaker of the House of Representatives as follows:

(1) One member of the House of Representatives;

(2) One representative from the low-income advocacy field;

(3) One representative of a child care organization;

(4) One parent or educator; and

(5) Two members of the business community, one representing a large business and one representing a small business; and

C. The President of the Maine State Chamber of Commerce or the president's designee.

The Commissioner of Labor or the commissioner's designee is requested to participate as a member of the committee.

The Senator and the member of the House of Representatives may not be members of the same political party.

3. Chairs. The Senate member is the Senate chair of the committee and the House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the benefits and costs of providing family and medical leave benefits.

A. In conducting the study, the committee shall examine:

- (1) The expected number of employees who would use paid family and medical leave;

(2) The percentage of family and medical leaves of absence that employers currently fund in full or in part;

(3) The impact of implementing a state program of paid family and medical leave on these employer policies;

(4) The impact of providing paid family and medical leave on other state-funded programs, including temporary assistance for needy families, unemployment compensation and Medicaid payments to nursing homes;

(5) The public health costs of not providing paid family and medical leave, including the frequency and cost of deferring medical treatment and the impact on infant care;

(6) The impact on employers of providing paid family and medical leave, including the impact on overall employment, retention, recruitment and training costs and productivity; and

(7) The feasibility of providing paid family and medical leave through existing systems, such as unemployment compensation, or through alternative systems, such as a state temporary disability insurance program or a family and medical leave insurance fund.

B. In examining the issues set out in paragraph A, the committee may hold up to 4 meetings. At those meetings, the committee may:

(1) Hold informational sessions for discussions with knowledgeable persons;

(2) Conduct, summarize and analyze the results of a literature search;

(3) Procure and analyze relevant data;

(4) Conduct legal research and prepare opinions on legal questions within the scope of the study; and

(5) Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title

3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee only if sufficient outside funds are received for this purpose in accordance with section 9 of this order.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than December 5, 2001. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget; grants. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds. The chairs of the committee may seek and accept grants and other outside funding on behalf of the committee. Prompt notice of solicitation and acceptance of such funds must be sent to the Legislative Council. All funds accepted must be forwarded to the executive director, along with an accounting that includes amount, date received, from whom, purpose and limitation on use of the funds. The executive director administers any funds received.

Passed by the House of Representatives June 21, 2001 and the Senate June 21, 2001.

**JOINT STUDY ORDER
ESTABLISHING THE COMMITTEE
TO STUDY ACCESS TO PRIVATE
AND PUBLIC LANDS IN MAINE**

H.P. 1387

WHEREAS, this joint study order establishes the Committee to Study Access to Private and Public Lands in Maine; and

WHEREAS, the charge of this committee is vital to the interests of Maine citizens and camp and business owners in this State; and

WHEREAS, the spring and summer months begin the seasons of peak use of the Maine woods for

Maine citizens and tourists and, therefore, are the optimal time for the committee to gather information and study issues related to access to lands; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study Access to Private and Public Lands in Maine is established as follows.

1. Committee established. The Committee to Study Access to Private and Public Lands in Maine, referred to in this order as the "committee," is established.

2. Committee membership; chairs. The legislative members appointed to the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 1999, House Paper 1951 shall continue to serve on that committee. The Legislators serving as chairs shall continue to serve in that capacity.

3. Meetings. The chairs shall call and convene the first meeting of the committee within 30 days of adjournment of the First Regular Session of the 120th Legislature. The committee shall hold not more than 4 meetings.

4. Duties. The committee shall fulfill all the duties required by Joint Order 1999, House Paper 1951 and shall:

- A. Determine the status of public access to flowed lakes in the State;
- B. Review and report on the issue of the division and sale of land by timber companies and the private acquisition of large tracts of undeveloped land surrounding the State's great ponds;
- C. Consider policy options to promote continued access to public and private land; and
- D. Work with the Department of Inland Fisheries and Wildlife and the Department of Conservation, Bureau of Forestry to develop a map that shows significant areas in the State where public access is restricted, prohibited or permitted with the payment of a fee.

5. Report. The committee shall submit its report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry not later than December 5, 2001. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 120th Legislature not later than December 5, 2001. If the committee requires a limited extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing assistance to the committee.

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. Budget. The chairs of the committee, with the assistance from the committee staff, shall administer the committee's budget. The committee may not incur expenses exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee and its staff with a status report on the committee's budget, expenditures incurred and remaining available funds.

Passed by the House of Representatives June 20, 2001 and the Senate June 21, 2001.

**JOINT STUDY ORDER
ESTABLISHING THE COMMITTEE
TO STUDY REIMBURSEMENT
RATES FOR MAINE'S BOTTLE
REDEMPTION BUSINESSES AND
OTHER ISSUES RELATED TO THE
HANDLING AND COLLECTION OF
RETURNABLE CONTAINERS**

H.P. 1389

WHEREAS, the reimbursement rate for the cost of the handling of beverage containers by local redemption centers has not been increased since 1990; and

WHEREAS, this reimbursement rate is established in law by the Legislature; and

WHEREAS, the number and complexity of issues surrounding the handling and collection of returnable containers require the collection of additional data before an informed decision on a change in the rate for reimbursement of handling costs can be made; and

WHEREAS, the Legislature would benefit from a comprehensive study of reimbursement rates for container redemption businesses and other related issues; now, therefore, be it

ORDERED, the House concurring, that the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues

Related to the Handling and Collection of Returnable Containers is established as follows.

1. Committee established. The Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 13 members appointed as follows:

- A. One member of the Senate, appointed by the President of the Senate;
- B. Two members of the House of Representatives, appointed by the Speaker of the House;
- C. Three members representing owners or operators of bottle redemption centers currently operating in the State, appointed by the President of the Senate;
- D. Two members representing bottling companies, one of whom represents microbreweries, appointed by the Speaker of the House;
- E. Two members representing beverage distributorships operating in the State, appointed by the President of the Senate;
- F. One member representing recycling firms operating in the State, appointed by the Speaker of the House;
- G. One member representing 3rd-party collection agents, appointed by the President of the Senate; and
- H. One member representing an association of grocery stores with membership in the State, appointed by the Speaker of the House.

3. Appointments; cochairs. All appointments must be made no later than 30 days following passage of this joint study order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Senator named to the committee serves as Senate chair and the first named House member serves as House chair. When the appointment of all members is completed, the chairs of the committee shall call and convene the first meeting of the committee no later than 15 days after the last member is appointed.

4. Duties. The committee shall study reimbursement rates for Maine's bottle redemption businesses and other issues related to the handling and collection of returnable containers. In examining these issues, the committee shall:

A. Study the current operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is necessary and, if an increase is necessary, recommend the amount of the increase;

B. Identify the interrelationships between beverage producers, distributors and redemption centers concerning the collection of returnable containers, review the current laws governing redemption centers and recommend any changes that will improve the efficiency and effectiveness of current bottle redemption and collection processes;

C. Identify and investigate changes in technology relating to handling and recycling returnable containers that might assist bottle redemption centers in making their operations more efficient;

D. Consult with representatives of the Department of Economic and Community Development and the Finance Authority of Maine to identify programs and funding sources to assist redemption centers in upgrading their operations;

E. Investigate the nature and extent of fraudulent redemptions, review current state laws governing the illegal redemption of beverage containers not purchased in this State and make recommendations on ways to reduce or eliminate this activity; and

F. Consider whether or not the State should continue to set the reimbursement rate for redemption centers for handling costs.

5. Technical and staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee. The Department of Agriculture, Food and Rural Resources, the Department of Economic and Community Development, the Finance Authority of Maine and the State Planning Office shall provide technical assistance to the committee upon request by the chairs.

6. Reimbursement. Members of the committee who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

7. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days

after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

8. Report. The committee shall submit a report that includes its findings and recommendations including suggested legislation to the Joint Standing Committee on Business and Economic Development and the Legislative Council by December 5, 2001. Following receipt and review of the report, the Joint Standing Committee on Business and Economic Development may report out a bill to the Second Regular Session of the 120th Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension.

Passed by the House of Representatives June 21, 2001 and the Senate June 21, 2001.

**JOINT STUDY ORDER
ESTABLISHING THE COMMITTEE
TO STUDY ISSUES CONCERNING
CHANGES TO THE TRADITIONAL
USES OF MAINE FORESTS AND
LANDS**

H.P. 1391

WHEREAS, individuals from out of state have recently purchased large tracts of land in the State, including a recent purchase of over 20,000 acres of land in the unorganized territory around Moosehead Lake, known as the Township of East Middlesex; and

WHEREAS, there is a long, historic, traditional relationship between landowners and holders of recreational and seasonal leases of camp lots; and

WHEREAS, there is a long history and tradition of public access along private roads, recreation trails and rights-of-way to great ponds; and

WHEREAS, one landowner is now terminating and restricting the existing leases on that individual's land and may close off all public access to the land; and

WHEREAS, such a shift in the traditional relationship between a person leasing a camp lot in the woodlands and wildlands of the State and the landowner may have a negative economic impact on the State; and

WHEREAS, this joint order establishes the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, which is

charged with the duties of assessing the economic and societal impact of the elimination and restriction of camp lot lease arrangements in the State and of developing a plan to address this problem; and

WHEREAS, the Legislature would benefit from a study of these issues; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands is established as follows.

1. Committee established. The Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 7 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, who shall give preference to members representing the unorganized territories in the State and members who serve on the Joint Standing Committee on State and Local Government or the Joint Standing Committee on Natural Resources;

B. Three members of the House of Representatives, appointed by the Speaker of the House, who shall give preference to members representing the unorganized territories in the State and members who serve on the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation or the Joint Standing Committee on Judiciary;

C. The Commissioner of Conservation or the commissioner's designee is invited to participate as a member of the committee; and

D. The Governor is invited to appoint one representative from the Maine Land Use Regulation Commission.

3. Chairs. The first named Senate member is the Senate chair of the committee and the first named House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following the passage of this order. The Executive Director of the Legislative Council must be notified by the appointing authorities once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the economic and societal impact of the termination of camp lot lease arrangements and of the public enjoyment of state lands, including the lands of the unorganized territory, and develop a plan to preserve the traditional camp lot lease arrangements in and public enjoyment of state lands.

A. In conducting the study, the committee shall examine and report on the following issues:

- (1) The history of and recent changes to camp lot lease arrangements in state lands, including those of the unorganized territory;
- (2) Efforts to help promote the State's working forests;
- (3) The economic impact of the termination of camp lot leases and of the closing of public access;
- (4) The economic impact of the real estate transfer tax program and the maintenance of land for tree growth;
- (5) Issues of colonial law and any other legal implications arising in this context;
- (6) The traditional camp lot lease arrangements in the state lands purchased by private individuals; and
- (7) The impact on individuals whose camp lot leases are terminated.

The plan must, to the extent possible, build upon current efforts and must include an estimate of the costs associated with implementing it.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, including the plan required by subsection 5 of this order, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than November 1, 2001. If the

committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

**Passed by the House of Representatives June
21, 2001 and the Senate June 21, 2001.**
