

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

tion over utilities and energy matters no later than January 30, 2005.

See title page for effective date.

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## CHAPTER 120

H.P. 1384 - L.D. 1859

**Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance**

**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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved:** That final adoption of portions of Chapter 850: Health Plan Accountability, a provisionally adopted major substantive rule of the Bureau of Insurance that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 6, 2004.

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## CHAPTER 121

H.P. 1393 - L.D. 1869

**Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education**

**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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved:** That final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a provisionally adopted major substantive rule of the Department of Education, State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 6, 2004.

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## CHAPTER 122

H.P. 1403 - L.D. 1896

**Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land**

**Sec. 1. Town of Eustis authorized to exchange parcel of land. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 13, chapter 93, subchapter 5, the Town of Eustis may exchange a parcel of land owned by the Town of Eustis for a parcel of land owned by SP Forests, LLC.

See title page for effective date.

## CHAPTER 123

S.P. 741 - L.D. 1895

### Resolve, To Reduce the State Valuation for the Town of East Millinocket

**Sec. 1. State valuation for Town of East Millinocket. Resolved:** That, notwithstanding the filing deadline set forth in the Maine Revised Statutes, Title 36, section 208-A, the Town of East Millinocket may request a reduction in its state valuation under Title 36, section 208-A for the year 2004 based on the reduction in value of the former Great Northern Paper mill in the town during its bankruptcy proceedings and before its sale to Katahdin Paper Company, LLC.

See title page for effective date.

## CHAPTER 124

S.P. 733 - L.D. 1887

### Resolve, To Reduce the State Valuation for the Town of Lincoln

**Sec. 1. State valuation for Town of Lincoln. Resolved:** That, due to the sudden and severe disruption of valuation caused by the bankruptcy of Eastern Pulp and Paper Co., notwithstanding the filing deadline set forth in the Maine Revised Statutes, Title 36, section 208-A, the Town of Lincoln may request a reduction in its state valuation under Title 36, section 208-A for the year 2005.

See title page for effective date.

## CHAPTER 125

H.P. 1237 - L.D. 1661

### Resolve, Regarding the Sale of Batteries Containing Mercury

**Sec. 1. Review. Resolved:** That the Department of Environmental Protection shall review the sale of batteries containing mercury. The review must include consideration of the following:

1. The amount of mercury in foreign-made batteries sold in the State and the United States, including, but not limited to, foreign-made batteries sold with a consumer product;
2. Whether stacked button cell batteries meet the mercury content specifications of the Maine Revised Statutes, Title 38, section 2165;
3. Whether Title 38, section 2165 should be amended to include other battery chemistries;
4. Whether and how button cell batteries should be collected for recycling;
5. Whether and how button cell batteries should be labeled;
6. Whether the use of button cell batteries should be prohibited in some applications, including novelties; and
7. Whether nonmercury alternatives are available and, if so, to what extent and at what cost; and be it further

**Sec. 2. Report. Resolved:** That the Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 14, 2005 regarding its review of the sale of batteries containing mercury.

See title page for effective date.

## CHAPTER 126

H.P. 1354 - L.D. 1831

### Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and