

# 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**

**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

**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 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if:

1. Section 3, subsection A is amended to provide an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers as described in Title 32, section 1866, subsection 4, paragraph D are required to pay only a \$50 annual license fee;

2. Section 9 is amended to provide that a distributor designated in a qualified commingling agreement pursuant to Title 32, section 1866, subsection 4, paragraph C is required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and

3. Section 5 is amended to provide that any wine container that is required to have a deposit and refund value and that is marked by the manufacturer with a label consistent with section 5, subsection C is not required to have any additional label, sticker or marking.

The Department of Agriculture, Food and Rural Resources is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective April 9, 2004.

## CHAPTER 127

### H.P. 1372 - L.D. 1846

#### **Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission**

**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 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. In the provision identified in the rule as Section 6(A)(1)(d) the language is modified to read substantially as follows:

d. Except as otherwise provided in this provision of the rule, each Dig Safe System member shall provide to the Dig Safe System the location of all underground facilities that the member would be obligated to mark upon receipt of notice pursuant to Section 6(B). The location must be identified either by association with a street or road, if the facility is within 100 feet of a street or road, or, if the facility is not within 100 feet of a street or road, with sufficient specificity to allow the Dig Safe System to determine the actual location of the facility within a tolerance of 133 feet and in a