

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

Sec. 1. 30-A MRSA §4452, sub-§5, ¶J, as repealed and replaced by PL 1995, c. 58, §1, is amended to read:

J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile recycling businesses, pursuant to chapter 183, subchapter 1 and Title 38, section 1665-A, subsection 3.

Sec. 2. 38 MRSA §1661, sub-§6 is enacted to read:

6. Scrap recycling facility. "Scrap recycling facility" means a fixed location where machinery and equipment are used to process and manufacture scrap metal into prepared grades and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes.

Sec. 3. 38 MRSA §1662, sub-§1, as enacted by PL 1999, c. 779, §2, is amended to read:

1. Labeling required for certain products. Effective January 1, 2002, a manufacturer may not sell at retail in this State or to a retailer in this State, and a retailer may not knowingly sell, a mercury-added product unless the item is labeled pursuant to this subsection. The label must clearly inform the purchaser or consumer that mercury is present in the item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed and reused, recycled or otherwise managed to ensure that it does not become part of solid waste or wastewater. Manufacturers shall affix to mercury-added products labels that conform to the requirements of this subsection.

The board shall adopt rules to establish standards for affixing labels to the product and product package. The rules must strive for consistency with labeling programs in other states and provide for approval of alternative compliance plans by the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

This subsection ~~does not apply~~ applies to mercury-added lamps effective January 1, 2006, except that it does not apply to products containing mercury-added lamps. The manufacturer of a mercury-added lamp is in compliance with this subsection if the manufacturer labels all mercury-added lamps sold in this State in compliance with similar requirements adopted by another state.

Sec. 4. 38 MRSA §1665-A, sub-§3, as enacted by PL 2001, c. 656, §3, is repealed and the following enacted in its place:

3. Removal of certain mercury components when vehicle use ends. A person may not flatten, crush or bale a motor vehicle for the purpose of sending it to a scrap recycling facility, or arrange for a motor vehicle to be flattened, baled or crushed for that purpose, without first removing all mercury switches and mercury headlamps, except that a scrap recycling facility may agree to accept a motor vehicle that has not been flattened, crushed or baled. If a scrap recycling facility accepts such a motor vehicle, the scrap recycling facility is responsible for removing the mercury switches and mercury headlamps before the vehicle is flattened, crushed, baled or shredded. Upon removal, the components must be collected, stored, transported and otherwise handled in accordance with the universal waste rules adopted by the board under subsection 8.

Sec. 5. 38 MRSA §1665-A, sub-§5, ¶B, as enacted by PL 2001, c. 656, §3, is amended to read:

B. Pay a minimum of \$4 ~~§3~~ for each mercury switch brought to the consolidation facilities as partial compensation for the removal, storage and transport of the switches and a minimum of \$4 if the vehicle identification number of the source vehicle must be provided to receive this payment:

See title page for effective date.

CHAPTER 149

H.P. 160 - L.D. 209

An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations

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

Sec. 1. 5 MRSA §17057, sub-§3, ¶B, as enacted by PL 2003, c. 632, §1, is amended to read:

B. ~~This Beginning September 15, 2007, this subsection does not apply to home contact information of a retirement system member or benefit recipient if that person has signed a waiver of the confidentiality of the member's or recipient's home contact information. The retirement system shall make available a waiver form for such purpose.~~

Sec. 2. 5 MRSA §17057, sub-§3, ¶C is enacted to read:

C. This subsection does not apply to the home address of a retirement system member or a

benefit recipient used only for membership recruitment purposes by a nonprofit or public organization established to provide programs, services and representation to Maine public sector retirees unless the retirement system member or benefit recipient has signed a form made available by the retirement system indicating that the individual does not authorize disclosure of that individual's home address. The retirement system may not provide information under this subsection to an organization if the retirement system has determined that the organization obtained information for the purpose of membership recruitment but used the information for a purpose other than membership recruitment. This paragraph is repealed September 15, 2007.

See title page for effective date.

CHAPTER 150

H.P. 671 - L.D. 961

An Act To Establish the Agricultural Water Management and Irrigation Fund

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, adequate water resources are critical to agriculture in the State; and

Whereas, the establishment of a fund and ability to administer that fund must be in place as soon as possible to provide optimal benefits for the 2005 growing season; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA Pt. 1-B, as amended, is further amended by repealing the Part headnote and enacting the following in its place:

PART 1-B

WATER AND SOIL MANAGEMENT

Sec. 2. 7 MRSA c. 13 is enacted to read:

CHAPTER 13

AGRICULTURAL WATER MANAGEMENT AND IRRIGATION

§351. Agricultural Water Management and Irrigation Fund

1. Fund; established. The Agricultural Water Management and Irrigation Fund, referred to in this chapter as "the fund," is established as a nonlapsing fund in the Department of Agriculture, Food and Rural Resources. The commissioner may accept money for the fund from any public or private source and make expenditures from the fund for the purpose of improving the use of irrigation in agriculture and the use of water resources in animal agriculture.

2. Administration. The commissioner shall administer the fund.

3. Rulemaking. The commissioner shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Report. The commissioner shall submit an annual report on March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a summary of money available in the fund, the use of the fund and the status of agricultural irrigation in the State.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Marketing and Production Development 0833

Initiative: Provides an initial allocation for the newly established Agricultural Water Management and Irrigation Fund.

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
All Other	\$500	\$500
OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$500	\$500

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

Effective May 20, 2005.