

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

with a fee imposed at the end of life of the computer monitor or television.

B. Beginning July 1, 2007, and annually thereafter, a manufacturer that offers a computer monitor or television for sale in this State shall submit a report to the department that includes the following: a description of the collection, consolidation and recycling services utilized to recover the manufacturer's products; substantiated estimates, on an annual basis for the preceding calendar year, of the quantities of covered electronic devices marketed to retail consumers in this State and collected for recovery in this State; the capture rate for electronics based on sales in this State; ~~substantiated estimates of the percentage of collected materials that are reused and recycled from its products; the identification of end markets for the collected waste;~~ and any systems implemented by the manufacturer to ensure environmentally sound management of its products. The department may keep information submitted pursuant to this paragraph confidential as provided under section 1310-B.

Sec. 9. 38 MRSA §1665-A, sub-§5, ¶B, as amended by PL 2005, c. 148, §5, is repealed and the following enacted in its place:

B. Pay for each mercury switch brought to the consolidation facilities as partial compensation for the removal, storage and transport of the switches a minimum of \$4 if the vehicle identification number of the source vehicle is provided. If the vehicle identification number of the source vehicle is not provided, no payment is required;

Sec. 10. PL 2003, c. 227, §9 is amended to read:

Sec. 9. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 38, section 465, subsection 1, paragraph A; subsection 2, paragraph A; subsection 3, paragraph A; and subsection 4, paragraph A and section 465-A, subsection 1, paragraph A take effect when the water use standards for maintaining in-stream flows are finally adopted as provided in Title 38, section ~~470-B~~ 470-H.

Sec. 11. PL 2005, c. 452, Pt. C, §5 is amended to read:

Sec. C-5. Report. The work group established under section 2 of this Part shall provide updates or reports to the council as determined by the council. The council shall submit its final report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than November 1, ~~2007~~ 2006.

Sec. 12. Payment required; no vehicle identification number. Notwithstanding the Maine Revised Statutes, Title 38, section 1665-A, subsection 5, paragraph B, until 45 days after the effective date of this Act, an automobile manufacturer shall pay for each mercury switch brought to a consolidation facility as partial compensation for the removal, storage and transport of the switch a minimum of \$3 if the vehicle identification number of the source vehicle is not provided as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine.

See title page for effective date.

CHAPTER 562

H.P. 1395 - L.D. 1993

An Act Regarding Testimony Presented to Joint Select and Joint Standing Committees of the Legislature by Persons Paid To Testify

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

Sec. 1. 3 MRSA §319-A is enacted to read:

§319-A. Testimony before Legislature; lobbyist

1. Disclosure of compensation. A lobbyist or lobbyist associate who testifies before a joint select or joint standing committee of the Legislature shall disclose to the committee as part of the testimony the name of the person or organization that the lobbyist or lobbyist associate is representing. A lobbyist or lobbyist associate shall disclose to the committee orally or in written form the name of any person who is being compensated by the lobbyist or lobbyist associate or by the person or organization that the lobbyist or lobbyist associate is representing to testify before that committee.

2. Report of violation. A member of the Legislature may file a complaint with the commission alleging a violation of this section in accordance with the Joint Rules of the Legislature. The commission shall notify all interested parties and shall investigate any apparent violations of this section.

3. Penalty. If a lobbyist or lobbyist associate fails to disclose information required in subsection 1, the commission may:

A. Suspend the lobbyist or lobbyist associate from further lobbying by written notice of the commission; and

B. Assess a penalty of up to \$5,000 against the lobbyist or lobbyist associate.

See title page for effective date.

CHAPTER 563

H.P. 1391 - L.D. 1985

An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs

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

Sec. 1. 5 MRSA §12004-G, sub-§3-A, as amended by PL 2001, c. 421, Pt. B, §1 and affected by Pt. C, §1, is further amended to read:

3-A.	Pull Events	Expenses	7 MRSA
Agriculture	Commission	Only	§75-A-
			§98

Sec. 2. 7 MRSA c. 3, as amended, is repealed.

Sec. 3. 7 MRSA c. 4 is enacted to read:

CHAPTER 4

AGRICULTURAL FAIRS AND PULLING EVENTS

§81. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agricultural fair. "Agricultural fair" or "fair" means an exhibition that is designed to promote education and encourage improvement in agriculture and that includes, but is not limited to, the following:

A. The awarding of premiums for livestock competitions;

B. The display of and awarding of premiums for horticultural products; and

C. The display and presentation of agricultural activities and projects undertaken by youth organizations.

2. Agricultural society. "Agricultural society" means a nonprofit organization or association incorporated in the State to promote education and encourage improvement in agriculture.

3. Animal. "Animal" means an animal entered in an event.

4. Event. "Event" means a pulling competition or livestock exhibition.

5. Fair Fund. "Fair Fund" means the fund established in section 85.

6. Fair licensee. "Fair licensee" or "licensee" means a person, agricultural society or other entity licensed to conduct an agricultural fair in accordance with section 83.

7. Licensed veterinarian. "Licensed veterinarian" means a person licensed as a veterinarian by the State who is operating under the direction or authority of the department.

8. Livestock. "Livestock" means cattle, equines, goats, members of the genus *Lama*, rabbits, sheep and swine.

9. Poultry. "Poultry" means domesticated fowl and domesticated waterfowl.

10. Premium. "Premium" means a ribbon, trophy or monetary amount or a service or object with monetary value awarded as a prize in a competition.

11. Prohibited substance. "Prohibited substance" means:

A. A stimulant, depressant, tranquilizer or local anesthetic that could affect the conduct, actions, endurance, strength, speed, performance, appearance or disposition of an animal;

B. Any substance that the commissioner through rulemaking in accordance with section 96, subsection 6 determines could affect the conduct, actions, endurance, strength, speed, performance, appearance or disposition of an animal;

C. A drug, regardless of how harmless or innocuous, that interferes with the detection of any other prohibited substance; or

D. A metabolite or derivative of a prohibited substance.

12. Stipend. "Stipend" means an amount distributed from the Stipend Fund or the Fair Fund to a qualifying fair licensee.

13. Stipend Fund. "Stipend Fund" means the fund receiving money in accordance with Title 8, sections 286 and 287 to provide aid and encouragement to fair licensees.

14. Trainer. "Trainer" means a person who has the responsibility for the care, training, custody or performance of an animal, including, but not limited to, any person who signs an entry blank for an event.