

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

CHAPTER 142

H.P. 1278 - L.D. 1838

Resolve, Directing the Office of Substance Abuse To Study the Potential Use of Liquor License Fees and Liquor Taxes To Fund Efficient Delivery of Substance Abuse Treatment and Prevention Programs

Sec. 1. Director of Office of Substance Abuse to study funding of substance abuse treatment and prevention programs. Resolved: That the Director of the Office of Substance Abuse within the Department of Health and Human Services shall examine potential sources of funding for the efficient and effective delivery of substance abuse prevention and treatment programs, including, but not limited to, increasing liquor licensing fees based on sales volume, increasing the taxes levied on liquor, public-private partnerships and using money from the revenue-sharing agreement between the State and the private distributor who wholesales spirits listed for sale by the State Liquor and Lottery Commission. The Director of the Office of Substance Abuse shall also examine the current funding for and adequacy of substance abuse prevention and treatment programs offered in the State and the best practices for the delivery of substance abuse prevention and treatment programs, including an examination of industry-funded programs. In conducting this study, the Director of the Office of Substance Abuse shall seek comment from the Department of Public Safety, Division of Liquor Licensing and Compliance; the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations; and representatives of the alcoholic beverage industry; and be it further

Sec. 2. Reporting date established. Resolved: That the Director of the Office of Substance Abuse within the Department of Health and Human Services shall report the findings under section 1, including proposals for legislation, to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters and the joint standing committee of the Legislature having jurisdiction over substance abuse prevention and treatment programs matters by January 15, 2007.

See title page for effective date.

CHAPTER 143

S.P. 465 - L.D. 1338

Resolve, To Require the Reporting of Mercury Amalgam Supplied to Dentists

Sec. 1. Report concerning amalgam fillings. Resolved: That, annually by January 1st of 2007, 2008 and 2009, any person that supplies mercury amalgam to dentists or dental offices in this State shall report to the Department of Environmental Protection the volume of amalgam the person supplied to dentists and dental offices in this State during the prior year. Annually by February 1st of 2007, 2008 and 2009, the Department of Environmental Protection, in consultation with the Board of Dental Examiners, shall report the quantity of amalgam supplied to dentists and dental offices in this State to the joint standing committee of the Legislature having jurisdiction over natural resources matters. For the purposes of this section, "person" means an individual, partnership, corporation or other legal entity.

See title page for effective date.

CHAPTER 144

H.P. 1280 - L.D. 1840

Resolve, To Study the Recycling of Cellular Telephones

Sec. 1. Report regarding cellular telephones. Resolved: That, by January 15, 2007, the Department of Environmental Protection shall report on the effectiveness of cellular telephone recycling collection programs in the State to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include information on:

1. The collection and ultimate disposal of used cellular telephones in the State, including the recycling efforts of the Rechargeable Battery Recycling Corporation;
2. The amount of recycling of cellular telephones that is taking place in the State;
3. The current infrastructure for cellular telephone recycling and how it can be improved; and
4. The financial consequences to nonprofit programs if a regulatory program is established for the collection of used cellular telephones.

The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the department's report pursuant to this resolve to the First Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 145

S.P. 719 - L.D. 1802

Resolve, To Give the Town of Pownal Additional Time To Comply with the Subdivision Laws

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

Whereas, current law invalidates local ordinances that define a subdivision as the creation of 2 lots in a 5-year period; and

Whereas, this legislation gives the Town of Pownal additional time to enforce its local ordinance; 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. Additional time to comply with subdivision definition. Resolved: That, notwithstanding the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1, until January 1, 2008 the Town of Pownal may enforce an ordinance that defines "subdivision" as "the division of a tract or parcel of land into 2 or more lots within a 5-year period that begins on or after September 23, 1971" as long as that definition was enacted by the town prior to July 25, 1992 and the town filed its definition at the county registry of deeds by June 30, 2003; and be it further

Sec. 2. Single-lot review process. Resolved: That the Executive Department, State Planning Office shall assist the Town of Pownal in exploring options for establishing a review process for the creation of single residential lots using criteria determined by the town.

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

Effective March 28, 2006.

CHAPTER 146

H.P. 1286 - L.D. 1846

Resolve, Directing the Department of Health and Human Services To Establish a Working Group To Examine Ways for Municipalities To Distribute More Heating Assistance

Sec. 1. Department of Health and Human Services to establish a working group to examine ways for municipalities to distribute more heating assistance. Resolved: That the Department of Health and Human Services shall establish a working group to examine ways for municipalities to provide additional heating assistance for low-income individuals, including through the municipal general assistance program, particularly during periods of unmet need under the federal Low Income Heating Assistance Program. For the purposes of the study, "low-income individuals" means persons eligible for the federal Low Income Heating Assistance Program. The working group must include representatives from each of the agencies and organizations on the general assistance committee established in Resolve 2003, chapter 116 as well as at least one representative from the Maine State Housing Authority and at least one representative from community action programs. The working group may also include any other persons or representatives of organizations determined appropriate by the department; and be it further

Sec. 2. Report and recommendations. Resolved: That the Department of Health and Human Services shall report its findings under section 1 and recommendations, including suggested legislation if appropriate, to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than December 15, 2006; and be it further

Sec. 3. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation concerning the study under section 1 to the First Regular Session of the 123rd Legislature.

See title page for effective date.