

# 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.**

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**Penmor Lithographers**

**Lewiston, Maine**

**2006**

## CHAPTER 204

H.P. 1504 - L.D. 2112

**Resolve, To Extend the Reporting  
Deadline for the Task Force on  
Citizenship Education**

**Sec. 1. Task force reestablished. Resolved:** That the Task Force on Citizenship Education, established by Resolve 2003, chapter 143, Part B and referred to in this resolve as "the task force," is reestablished for the purposes set forth in that resolve, and those members serving on the board on December 5, 2005 continue to serve as members; and be it further

**Sec. 2. Reporting deadline extension. Resolved:** That, no later than December 7, 2006, the task force shall submit its final report, including findings, recommendations and suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over education matters, the Commissioner of Education and the Chair of the State Board of Education. The joint standing committee of the Legislature having jurisdiction over education matters has authority to report out legislation based on the report to the First Regular Session of the 123rd Legislature.

See title page for effective date.

## CHAPTER 205

H.P. 1501 - L.D. 2109

**Resolve, Regarding Legislative  
Review of Portions of Chapter 17:  
Rules Regarding Proof of Ownership  
by Employers Employing Foreign  
Laborers To Operate Logging  
Equipment, a Major Substantive  
Rule of the Department of Labor**

**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 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule of the Department of Labor 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. In section I(G) it is clarified that "logging equipment" means harvesting equipment used directly in the cutting and transporting to roadside of logs and the production of wood chips in the field and that equipment used for construction of logging roads or for transporting logs or other wood products off-site or on roadways or in ancillary activities such as record-keeping and equipment repair is not "logging equipment" as used in the rule;

2. In section III(C) it is clarified that the form requires that the employer or a representative of the employer certify that any information provided on the form and any additional documents provided are true and accurate; that failure to provide full and accurate disclosure constitutes a civil violation pursuant to the Maine Revised Statutes, Title 26, section 872; and that a false statement may also be subject to criminal prosecution under applicable statutes, including but not limited to Title 17-A, section 453, which governs unsworn falsification;

3. In section IV(B) it is clarified that if, at the time the notice outlined in section III is filed, the employer has not paid the tax for the current tax year because the tax has not been assessed or is not yet due, the employer shall provide documentation that demonstrates that the employer has paid the tax in the past and will pay any taxes due on the subject equipment; that this documentation may include proof of taxes paid in a prior period, reports filed with the taxing authority and assessments received for the current period; and that the employer shall provide proof of payment of the taxes when the taxes are paid;

4. Section IV(B)(1) is deleted from the rule; and

5. Any technical changes to the rule necessary to accomplish the changes described in this resolve are made.

The Department of Labor is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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

Effective May 2, 2006.

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**CHAPTER 206**

**H.P. 415 - L.D. 560**

**Resolve, Directing the Department of Public Safety To Study the Issues of Alcohol Regulation and To Review the Impact of Out-of-state Sales and Direct Distribution to Maine Consumers**

**Sec. 1. Liquor Licensing and Tax Division to study the issues of alcohol regulation.**

**Resolved:** That the Liquor Licensing and Tax Division within the Department of Public Safety shall examine all issues of alcohol regulation, including, but not limited to, the issues of out-of-state sales and direct distribution to consumers in the State and the issues of current law that bypass the national 3-tier alcohol distribution system and the impact on the State. The Liquor Licensing and Tax Division shall meet with the interested stakeholders, which must include, but may not be limited to, retailers; local law enforcement; alcohol distributors; manufacturers, both in-state and out-of-state; substance abuse and treatment professionals; and other interested parties to review the alcohol laws and policies of the State and determine whether the laws and policies satisfy the intended public policy goals of preventing youth access to alcohol; proper oversight and collection of taxes and state revenues; and adequate licensing and enforcement. In addition, the review must consider the pending lawsuit, Cherry Hill Vineyard vs. State of Maine, and the issues identified in this matter; and be it further

**Sec. 2. Reporting date established. Resolved:** That the Liquor Licensing and Tax Division within the Department of Public Safety 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 by January 30, 2007.

See title page for effective date.

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**CHAPTER 207**

**S.P. 694 - L.D. 1777**

**Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management**

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

**Whereas,** this resolve establishes the Blue Ribbon Commission on Solid Waste Management; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Commission established. Resolved:** That the Blue Ribbon Commission on Solid Waste Management, referred to in this resolve as "the commission," is established to study the management of solid waste in this State; and be it further

**Sec. 2. Membership. Resolved:** That the commission consists of 9 members having a broad range of expertise in the area of solid waste management policy appointed as follows:

1. Three members appointed by the President of the Senate, including at least one member of the Senate with knowledge of solid waste management matters and at least one public member with expertise in solid waste management matters;

2. Four members appointed by the Speaker of the House, including at least one member of the House with knowledge of solid waste management matters and at least one public member with expertise in solid waste management matters;

3. The Commissioner of Environmental Protection or the commissioner's designee; and

4. The Director of the State Planning Office within the Executive Department or the director's designee; and be it further

**Sec. 3. Appointments; chair. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The