

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

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

Effective May 2, 2006.

---



---

**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.

---



---

**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

appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The first-named Senate member and the first-named House member are co-chairs of the commission and shall call and convene the first meeting of the commission no later than July 30, 2006; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall undertake a comprehensive review of the management of solid waste in this State:

1. The commission shall give priority consideration to the following issues:

A. The State's importation and exportation of municipal solid waste and construction and demolition debris. The commission's review must include an evaluation of the economic and environmental impacts of the importation, processing and disposal of construction and demolition debris and of any imposed limitation on the burning of construction and demolition debris;

B. A management structure for how solid waste should be managed in the State, taking into consideration the current management structure for solid waste in the State, trends in solid waste management, solid waste management models, state solid waste policies, future solid waste management needs of the State and the work done by the Executive Department, State Planning Office pursuant to the Maine Revised Statutes, Title 38, section 2123-B; and

C. The solid waste management hierarchy as specified in Title 38, section 2101.

2. The commission shall also review the following:

A. The definition of "host community" for the purpose of eligibility for host community benefits;

B. Municipal solid waste incineration;

C. The state recycling and waste reduction goals specified in Title 38, section 2132; and

D. Other matters considered relevant by the commission; and be it further

**Sec. 5. Authorized number of meetings; public comment. Resolved:** That the commission is authorized to hold 10 meetings, including at least one meeting at which the commission provides an opportunity for public comment; and be it further

**Sec. 6. Report. Resolved:** That, no later than January 1, 2007, the commission shall submit a report of its findings, together with any necessary

implementing legislation, to the Joint Standing Committee on Natural Resources. The report must include recommendations with respect to the appropriate solid waste management regime in this State, including the management of construction and demolition debris, and the appropriate solid waste management hierarchy for this State. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out a bill during the First Regular Session of the 123rd Legislature concerning the findings and recommendations of the commission; and be it further

**Sec. 7. Extension. Resolved:** That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 8. Compensation. Resolved:** That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

**Sec. 9. Outside funding for consultant. Resolved:** That the commission may seek outside funds to fund the costs of contracting with a consultant or expert to provide support to the commission. Contributions to support the work of the commission may not be accepted from any party having pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chair of the commission when sufficient funding has been received; and be it further

**Sec. 10. Staffing. Resolved:** That the Department of Environmental Protection shall provide primary staff support to the commission. At the

request of the commission, the Executive Department, State Planning Office shall provide staffing assistance to the commission; and be it further

**Sec. 11. Commission meetings. Resolved:** That meetings of the commission are public proceedings and records of the commission are public records as defined in the laws governing freedom of access, the Maine Revised Statutes, Title 1, chapter 13; and be it further

**Sec. 12. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Remediation and Waste Management 0247**

Initiative: Allocates for departmental coordination and professional facilitation of stakeholder meetings at various locations statewide.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
All Other	\$0	\$5,850
OTHER SPECIAL REVENUE FUNDS	\$0	\$5,850
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2005-06</b>	<b>2006-07</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$5,850</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$5,850</b>

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Allocates for the per diem and expenses of the Blue Ribbon Commission on Solid Waste Management. These funds must be transferred from the Maine Solid Waste Management Fund to the Legislature no later than July 1, 2006 to carry out the purposes of this resolve.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
Personal Services	\$0	\$3,850
All Other	\$0	\$5,300
OTHER SPECIAL REVENUE FUNDS	\$0	\$9,150
<b>LEGISLATURE DEPARTMENT TOTALS</b>	<b>2005-06</b>	<b>2006-07</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$9,150</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$9,150</b>
<b>SECTION TOTALS</b>	<b>2005-06</b>	<b>2006-07</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$15,000</b>

SECTION TOTAL - ALL FUNDS	\$0	\$15,000
---------------------------	-----	----------

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

Effective May 4, 2006.

**CHAPTER 208**

**H.P. 1481 - L.D. 2090**

**Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife**

**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 10: Significant Wildlife Habitat, a provisionally adopted major substantive rule of the Department of Inland Fisheries and Wildlife 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 rule is amended to provide that the definition of "shorebird coastal feeding area" includes a zone of 250 feet around the feeding area.

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

Effective May 4, 2006.