

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

(2) Statewide and local environmental organizations;

(3) The recycling industry;

(4) Waste-to-energy facility owners or operators; and

(5) Landfill owners or operators; and

C. One member representing industrial waste generators.

The Director of the State Planning Office, or the director's designee, serves as a nonvoting, ex officio member of the council.

The commissioner, or the commissioner's designee, serves as a nonvoting, ex officio member of the council.

3. Terms. All members, except the Director of the State Planning Office and the commissioner, are appointed for staggered terms of 3 years. A vacancy must be filled by the Governor for the unexpired portion of the term. The council shall annually elect a chair from its membership.

4. Quorum. A quorum is a majority of the members of the council. An affirmative vote of the majority of the members present at a meeting is required for any action. An action may not be considered unless a quorum is present.

5. Compensation; meetings. Members are entitled to compensation according to Title 5, section 12004-I, subsection 68-B. The council shall meet at least once a year and at any time upon the call of the chair upon written request to the chair by 5 of the members.

6. Report. The council shall report annually to the Governor and to the Legislature on its activity during the past year.

7. Staff. The office shall provide the council with all necessary staff.

Sec. 5. 38 MRSA §2124-A, as amended by PL 2003, c. 338, §2, is further amended to read:

**§2124-A. Solid waste generation and disposal capacity report**

By January 1, 1997 2008 and every 2 years annually thereafter, the office shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resource resources matters, the Governor and the department setting forth information on statewide generation of solid waste, statewide recycling rates and available disposal capacity for solid waste.

The report must include an analysis of how changes in available disposal capacity have affected or are likely to affect disposal prices. When the office determines that a decline in available landfill capacity

has generated or has the potential to generate supra-competitive prices, ~~the office~~ shall include this finding in its report and shall include recommendations for legislative or regulatory changes as necessary.

**Sec. 6. 38 MRSA §2156-A, sub-§2, as amended by PL 1999, c. 736, §1, is further amended to read:**

**2. Recommendation for development.** When the office finds that ~~4-6~~ years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State, ~~the office~~ shall submit a report recommending the construction and operation of a state-owned solid waste disposal facility for the disposal of the type of waste for which capacity is needed to the joint standing committee of the Legislature having jurisdiction over natural resource matters. The report must recommend which state agency or department will own the facility and how it will be operated. The report must also include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected municipal solid waste and special waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues. It is the intent of the Legislature that the facility be operated by a private contractor. A state-owned solid waste disposal facility may not be constructed or operated unless authorized by legislation pursuant to subsection 3.

See title page for effective date.

**CHAPTER 193**

**S.P. 584 - L.D. 1678**

**An Act To Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws**

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

**Sec. 1. 5 MRSA §1825-B, sub-§12 is enacted to read:**

**12. Vendor's fee.** The State Purchasing Agent may collect a fee in an amount equal to 1% of the bid from a supplier of apparel, footwear or textiles with a winning bid under this section. The State Purchasing Agent shall apply the fee under this subsection to the costs of implementing and administering the state purchasing code of conduct under section 1825-L, including developing a consortium to monitor and in-

investigate alleged violations of the code of conduct. The State Purchasing Agent shall adopt routine technical rules under chapter 375, subchapter 2-A to carry out the purposes of this subsection.

**Sec. 2. 5 MRSA §1825-B, sub-§13** is enacted to read:

**13. Vendor's fee report.** By January 15th of each year the Director of the Bureau of General Services shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters concerning revenue generated by the vendor's fee established in subsection 12.

**Sec. 3. 5 MRSA §1825-S, sub-§1, ¶A,** as enacted by PL 2005, c. 554, Pt. A, §6, is amended to read:

A. Requesting that each party found not to be in compliance with the code of conduct provide continued access to independent monitors, if available;

**Sec. 4. 5 MRSA §1825-T** is enacted to read:  
**§1825-T. Citizens' Code of Conduct Working Group**

The Citizens' Code of Conduct Working Group, as established in section 12004-I, subsection 29-D and referred to in this section as "the group," advises the State Purchasing Agent on matters related to this chapter.

**1. Membership; terms; meetings; removal.** The group consists of 9 members. Of the 9 members, 7 must be members appointed by the Governor, including one member representing an organization that represents uniform-wearing public employees, one member who is an expert in global economics and supply chains, one member who is an expert in business practices and economic development and 4 members who are advocates for labor rights and just working conditions in the apparel, footwear and textile industry and are based in the State. In addition to the members appointed by the Governor, one member must be the Commissioner of Administrative and Financial Services or the commissioner's designee and one member must be the State Purchasing Agent or the State Purchasing Agent's designee.

The Commissioner of Administrative and Financial Services or the commissioner's designee shall convene the first meeting of the group. The members shall elect a chair from the membership by majority vote of the membership at the first meeting of the group. The chair serves for the duration of that member's term unless a majority of the membership elects another chair. At the end of the chair's term as member, the membership shall elect a succeeding chair by majority vote of the membership. Members serve for a term of 2 years. The group shall meet at least annually to con-

duct business and to elect officers. A quorum consists of at least 5 members. The affirmative vote of a majority of the members present is necessary to decide any business brought before the group.

A member may be removed by the Governor for:

- A. Failure to attend group meetings;
- B. Ceasing to represent the interests delineated in this subsection;
- C. Moving out of the State; or
- D. Cause, as determined by the Commissioner of Administrative and Financial Services.

**2. Duties of group.** The group shall:

- A. Assist the State Purchasing Agent in matters relevant to developing a consortium to monitor and investigate alleged violations of the code of conduct;
- B. Assist the State Purchasing Agent and the liaison to the monitoring consortium under section 1825-B, subsection 12 in implementing, administering and enforcing the code of conduct;
- C. Assist the State Purchasing Agent and the liaison to the monitoring consortium under section 1825-B, subsection 12 with educational outreach to state employees and vendors so that the code of conduct can be implemented effectively;
- D. Investigate how the code of conduct may be applied to all purchases of items covered by the code within the open market purchasing limit applicable to state agencies; and
- E. Recommend legislative or rule changes to the code of conduct.

**Sec. 5. 5 MRSA §12004-I, sub-§29-D** is enacted to read:

**29-D.**

Finance	Citizens'	Not	5 MRSA
	Code of	authorized	1825-T
	Conduct		
	Working		
	Group		

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Purchases - Division of 0007**

Initiative: Allocates funds to implement, administer and enforce the state purchasing code of conduct including developing a consortium to monitor and investigate alleged violations.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$4,000	\$4,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,000	\$4,000

See title page for effective date.

**CHAPTER 194**

**H.P. 1211 - L.D. 1728**

**An Act To Strengthen the Authority of Concealed Weapons Permits**

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

**Sec. 1. 15 MRSA §393, sub-§1**, as amended by PL 2005, c. 527, §2, is further amended to read:

**1. Possession prohibited.** A person may not own, possess or have under that person's control a firearm ~~or crossbow~~, unless that person has obtained a permit under this section, if that person:

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A crime in this State that is punishable by imprisonment for a term of one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

(4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

(5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm ~~or crossbow~~ against a person; or

(b) Any other dangerous weapon;

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5); or

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

**Sec. 2. 15 MRSA §393, sub-§1-A**, as amended by PL 2005, c. 419, §8 and affected by §12, is further amended to read:

**1-A. Limited prohibition for nonviolent juvenile offenses.** A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a dis-