

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.

Penmor Lithographers
Lewiston, Maine
2007

Sec. 2. Reporting date established. Resolved: That the Department of Economic and Community Development shall report on the progress of each working group established under section 1 to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2008.

See title page for effective date.

CHAPTER 39

H.P. 620 - L.D. 823

Resolve, To Create an Effective Deer Habitat Enhancement and Coyote Control Program

Sec. 1. Deer habitat enhancement and coyote control program. Resolved: That the Commissioner of Inland Fisheries and Wildlife shall establish a working group to review existing programs and efforts related to creating, enhancing and maintaining critical deer habitat in the State and reducing predation of deer by coyotes. In reviewing the programs and efforts, the working group shall look for ways to improve and increase wintering habitat for deer and for ways to increase the survivorship of deer on a year-round basis. The working group shall also establish methods of controlling coyote populations and set goals to manage the coyote populations; and be it further

Sec. 2. Report. Resolved: That the Commissioner of Inland Fisheries and Wildlife shall report the working group's findings, recommendations and draft legislation under section 1 to the Joint Standing Committee on Inland Fisheries and Wildlife by December 30, 2007. The Joint Standing Committee on Inland Fisheries and Wildlife may submit legislation related to the report to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 40

H.P. 895 - L.D. 1267

Resolve, To Estimate the Annual Value of Uncollected Bottle Deposits, Fraud and Total Costs under Maine's Bottle Bill

Sec. 1. Unclaimed deposits. Resolved: That the Department of Agriculture, Food and Rural Resources shall, in conjunction with other state agencies and 3rd-party administrators of beverage container commingling agreements that have knowledge of unclaimed beverage container deposits, estimate the

unclaimed beverage container deposits that revert each year to the State and to beverage distributors; and be it further

Sec. 2. Redemption fraud. Resolved: That the Department of Agriculture, Food and Rural Resources shall estimate the total number of beverage containers that are illegally redeemed in the State each year; and be it further

Sec. 3. Total costs. Resolved: That the Department of Agriculture, Food and Rural Resources shall estimate the total annual costs to Maine's beverage distributors to fulfill their obligations under Maine's beverage container deposit law; and be it further

Sec. 4. Reporting date established. Resolved: That the Department of Agriculture, Food and Rural Resources shall report its findings and any recommendations based on the estimates developed pursuant to this resolve to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2008. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation concerning this report to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 41

H.P. 961 - L.D. 1369

Resolve, To Promote High-quality Before-school and After-school Programs

Sec. 1. Convene working group. Resolved: That the Department of Health and Human Services shall convene a working group to review and make recommendations for administrative or legislative action, or both, concerning ways to provide high-quality before-school and after-school programs through child care licensing and quality ratings. The department shall invite the participation of the Maine After School Network, the Maine School Age Care Alliance, recreation organizations, the Maine Mentoring Partnership, the United States Department of Education's 21st Century Community Learning Centers program and other interested parties. The department shall appoint the representative of the Maine After School Network as the chair of the working group, and the department's Office of Child Care and Head Start and Division of Licensing, Child Care Licensing Unit shall participate in the working group; and be it further

Sec. 2. Charge of working group. Resolved: That the working group shall review the rules, standards and policies for the range of before-

school and after-school programs for school-age children, with particular attention to the differences in custodial and noncustodial programs, and make recommendations on how these might be standardized in the best interest of all children served, how these might be adjusted to best meet the broad range of the needs of children and families and how to encourage community collaboration to maximize all community resources for integration of the programs within existing support systems for children and families; and be it further

Sec. 3. Report. Resolved: That the working group shall provide a report to the Joint Standing Committee on Health and Human Services with findings and recommendations for changes in rules, standards and policies no later than March 1, 2008. The joint standing committee is authorized to introduce legislation to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 42

H.P. 1234 - L.D. 1768

Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine and Chapter 255: Imported Seed Potatoes, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources

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 rules have 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 rules; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine and Chapter 255: Imported Seed Potatoes, provisionally adopted major substantive rules of the Department of Agriculture, Food and Rural Resources that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 29, 2007.

CHAPTER 43

H.P. 1278 - L.D. 1831

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education

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 115: Certification, Authorization and Approval of Educational Personnel