

# 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-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Augusta, Maine**  
**2010**

and, if the information is so designated, the provisions of section 1310-B apply.

**Sec. 9. Alternatives assessment study.** The Department of Environmental Protection may supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture of polybrominated diphenyl ethers in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of pallets that is subject to the restrictions in the Maine Revised Statutes, Title 38, section 1609, subsection 5-A that chooses to participate in the study. Any funding received must be deposited in a dedicated account managed by the department. The study must be coordinated with any research, development and demonstration work funded by a manufacturer or owner of shipping pallets subject to the restrictions in Title 38, section 1609, subsection 5-A that supports the planned transition away from the "deca" mixture of polybrominated diphenyl ethers to safer alternatives as soon as practicable. The department may contract with a 3rd party for a study undertaken pursuant to this section, and the study must be prepared consistent with current methodologies for alternatives assessment. Upon the department's request, a manufacturer or owner of shipping pallets subject to the restrictions of Title 38, section 1609, subsection 5-A shall submit to the commissioner all existing information regarding safer alternatives to the "deca" mixture in shipping pallets that is known to, in the possession or control of or reasonably ascertainable by the manufacturer or owner. Information submitted to the department pursuant to this section may be designated as confidential by the submitting party in accordance with Title 38, section 1609, subsection 15.

By January 1, 2011, the department shall determine whether there is a reasonable basis to conclude that a study undertaken pursuant to this section or other information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets that meets the criteria in Title 38, section 1609, subsection 14 exists. In making the determination, the department shall consider any study supervised by the department pursuant to this section and may consider the effect of the safer alternative on the recyclability of the shipping pallets.

**Sec. 10. Standards and approvals.** For purposes of the Maine Revised Statutes, Title 38, section 1609, subsection 5-B and an alternatives assessment study undertaken pursuant to section 9 of this Act, the Commissioner of Environmental Protection shall consider the applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with specifications of the manufacturer and industry practices. If they are approved by the commissioner, the commissioner shall use the applicable fire safety standards, approvals and tests and relevant performance standards submitted by the manufacturer.

**Sec. 11. Study issues.** The Department of Environmental Protection shall, within existing resources, study the issues related to the implementation of the restrictions that a person may not replace the "deca" mixture of polybrominated diphenyl ethers with a chemical alternative that is a brominated or chlorinated flame retardant. By January 15, 2011, the Department of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters its findings and recommendations.

See title page for effective date.

---

## CHAPTER 611

### S.P. 662 - L.D. 1730

#### An Act To Strengthen the Ballot Initiative Process

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

**Sec. 1. 21-A MRSA §901-A, sub-§2,** as amended by PL 2009, c. 341, §5, is further amended to read:

**2. Required statements; placement of information.** ~~The~~ On each page of a petition that contains space intended for voter signatures, the Secretary of State shall include a space at the top right or left corner of each ~~petition~~ such page to be submitted to the voters, which must be filled in with the name of the circulator collecting signatures on that petition and a unique identifying number, and include the fiscal impact of the initiative as described in Title 1, section 353 directly below the following statement at the top of the petition in a type size of no less than 16 points:

"Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State."

**Sec. 2. 21-A MRSA §902, 2nd ¶,** as enacted by PL 1997, c. 581, §5, is amended to read:

The petitions must be signed, verified and certified in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4 and subsection 7, paragraphs A and C. The circulator of a petition must sign the petition and verify the petition by oath or affirmation as described in section 354, subsection 7, paragraph A prior to submitting the petition to the registrar. If the petitions submitted to the registrar are not signed and verified in accordance with this paragraph, the registrar may not certify the petitions and is required only to return the petitions.

**Sec. 3. 21-A MRSA §902-A** is enacted to read:

**§902-A. Copies of petitions required**

If the registrar or clerk suspects that a petition was submitted in violation of any provision of this chapter, the registrar or clerk shall immediately notify the Secretary of State and provide a copy of the petition to the Secretary of State.

**Sec. 4. 21-A MRSA §903-C** is enacted to read:

**§903-C. Direct initiative and people's veto petition organization required to be registered**

A petition organization shall register with the Secretary of State in accordance with this section. For the purposes of this section, "petition organization" means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum.

**1. Registration.** Prior to organizing, supervising or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum, a petition organization, in addition to meeting any other requirement to transact business in this State, shall register with the Secretary of State on a form prescribed by the Secretary of State. The registration form must include the following:

A. The ballot question or title of each direct initiative of legislation or people's veto referendum for which the petition organization will receive compensation;

B. Contact information for the petition organization, including the name of the petition organization, street address or post office box, telephone number and e-mail address; and

C. The name and signature of a designated agent for the petition organization.

The information contained in the registration must be made available for public inspection and must be posted on the publicly accessible website of the Secretary of State.

**Sec. 5. 21-A MRSA §905, sub-§1**, as repealed and replaced by PL 1993, c. 352, §2, is amended to read:

**1. Secretary of State.** The Secretary of State shall review all petitions filed in the Department of the Secretary of State for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17, or for a direct initiative under the Constitution of Maine, Article IV, Part Third, Section 18.

The Secretary of State shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 days ~~after the final~~

~~from the date for of filing the petitions of a written petition~~ in the Department of the Secretary of State under the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

**Sec. 6. 21-A MRSA §905, sub-§2**, as amended by PL 1987, c. 119, §1, is further amended to read:

**2. Superior Court.** Any voter named in the application under section 901, or any person who has validly signed the petitions, if these petitions are determined to be invalid, or any other voter, if these petitions are determined to be valid, may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action ~~shall~~ **must** be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. In reviewing the decision of the Secretary of State, the court shall determine whether the description of the subject matter is understandable to a reasonable voter reading the question for the first time and will not mislead a reasonable voter who understands the proposed legislation into voting contrary to ~~his~~ **that** voter's wishes. This action must be commenced within 5 10 days of the date of the decision of the Secretary of State ~~and shall be tried, without a jury, within 15 days of the date of that decision.~~ Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and stating the reasons for its decision within ~~30 days of the commencement of the trial or within 45~~ 40 days of the date of the decision of the Secretary of State, ~~if there is no trial.~~

See title page for effective date.

---

**CHAPTER 612**

**H.P. 1265 - L.D. 1778**

**An Act To Enable the  
Installation of Broadband  
Infrastructure**

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

**Whereas**, it is important to address in a timely fashion certain important issues relating to a dark fiber project that was recently awarded a grant by the United States Department of Commerce, National Telecommunications and Information Administration pursuant to the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat. 115 (2009); and