

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

Commission, the Executive Director of the Legislative Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services in order to ensure that the energy audit produces cost-effective energy efficiency recommendations that are consistent with the National Register of Historic Places designation of the State House; and be it further

**Sec. 3. Report and implementation. Resolved:** That the Efficiency Maine Trust shall report the results and recommendations from the energy audit under section 1 to the Director of the Bureau of General Services within the Department of Administrative and Financial Services and the Executive Director of the Legislative Council no later than December 7, 2011. The energy audit must rank the recommendations according to their cost-effectiveness. At the joint request of the Executive Director of the Legislative Council and the Director of the Bureau of General Services, the Efficiency Maine Trust shall provide available funds allocated pursuant to section 1 that were not used for the cost of the energy audit to implement cost-effective energy efficiency measures recommended in the energy audit.

See title page for effective date.

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**CHAPTER 41**

**H.P. 397 - L.D. 504**

**Resolve, Directing the Department of Public Safety, Division of Liquor Licensing and Compliance To Amend Its Rules Governing the Return of Spirits by Consumers**

**Sec. 1. Department of Public Safety's division of liquor licensing and compliance to amend rules. Resolved:** That, no later than January 1, 2012, the Department of Public Safety's division of liquor licensing and compliance shall amend its rules regarding the return of spirits by a consumer. The rules must provide that an agency liquor store may permit the return of a bottle of spirits from a consumer if the bottle has not been opened or tampered with and is accompanied by a sales receipt that shows the bottle of spirits was purchased within the last 10 days from that agency liquor store. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 42**

**H.P. 708 - L.D. 964**

**Resolve, Requiring the Department of Education To Amend Its Rules To Prohibit School Administrative Units from Imposing Unreasonable Restrictions That Impede the Ability of Parents and Evaluators To Observe Students**

**Sec. 1. Unrestricted educational observations by qualified examiners; rules. Resolved:** That the Department of Education shall amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to permit a qualified examiner to observe a child at school or at a potential educational placement when the qualified examiner is not employed by the school and is conducting an independent educational evaluation at the request of the parent, at times and durations as the school would permit a qualified examiner that is employed by the school; and be it further

**Sec. 2. Provisional adoption of rules. Resolved:** That the Department of Education shall provisionally adopt the amendments required under section 1 no later than December 1, 2011.

See title page for effective date.

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**CHAPTER 43**

**H.P. 157 - L.D. 180**

**Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules**

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

**Whereas,** rulemaking relating to the management of landfill gas and odor at solid waste facilities is currently in progress and could be complete before this legislation goes into effect unless this legislation is enacted as an emergency; and

**Whereas,** the scope of those rules is greater than expected when the effort was initiated in 2008, particularly with respect to the management of odors and landfill gas; and