

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

The 3rd party selected by the department to conduct such verification must be agreed upon by the beverage manufacturing industry association.

The department may reject the petition for review if the beverage manufacturing industry association fails to provide sufficient information, as determined by the department, for the department to make a determination under this subsection regarding the need for a reduction in the post-consumer recycled plastic requirement under subsection 2 or if the association fails to reach an agreement with the department regarding the selection of a 3rd party to verify the accuracy of submitted information.

B. After conducting the review authorized by this subsection, the department may adopt rules reducing the applicable post-consumer recycled plastic content requirement under subsection 2.

8. Department reporting. Beginning February 15, 2025, and annually thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the requirements of this section and including any recommendations for changes to those requirements. The report must describe, in the aggregate, the data submitted to the department by initiators of deposit and spirits manufacturers under subsection 4.

A. Beginning February 15, 2028, and annually thereafter, the report under this subsection must include information regarding initiator of deposit and spirits manufacturer compliance with the requirements of subsection 2, including, at a minimum, information on the number of noncompliant initiators and spirits manufacturers, the number of waiver requests received and granted or rejected by the department under subsection 6 and the total funds generated from payment of the annual registration fee under subsection 4 and the payment of the post-consumer recycled plastic content fee as calculated under subsection 5. The report must include any recommendations by the department regarding whether the requirements of this section should be amended to better ensure initiator of deposit and spirits manufacturer compliance.

B. The report under this subsection may be included in the report required pursuant to section 1772, subsection 1. After reviewing the report under this subsection, the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters may report out legislation relating to the report.

9. Administration and enforcement; rules. The department shall administer and enforce this section and may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical

rules as defined in Title 5, chapter 375, subchapter 2-A. The department may, as necessary, contract with qualified 3rd-party entities to assist in the implementation of this section and the development of any rules to be adopted pursuant to this subsection.

10. Violations. A person that violates a provision of this section is subject to civil penalties under section 349.

11. Preemption. Beginning April 1, 2024, the State intends to occupy the whole field of regulation of the amount of post-consumer recycled plastic contained in plastic beverage containers. A local government may not adopt an ordinance regulating the amount of post-consumer recycled plastic contained in plastic beverage containers and, beginning April 1, 2024, any ordinance or regulation that violates this subsection is void and has no force or effect.

See title page for effective date.

CHAPTER 743

H.P. 1121 - L.D. 1513

**An Act To Establish the Maine
Abandoned and Discontinued
Roads Commission**

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

Sec. 1. 5 MRSA §12004-I, sub-§83-A is enacted to read:

83-A.

Transportation: Maine Abandoned and Expenses 23 MRSA
Roads Discontinued Roads Only §3036
Commission

Sec. 2. 23 MRSA §3036 is enacted to read:

§3036. Maine Abandoned and Discontinued Roads Commission

The Maine Abandoned and Discontinued Roads Commission, referred to in this section as "the commission," is established by Title 5, section 12004-I, subsection 83-A and operates in accordance with this section.

1. Members. The commission consists of the following 12 members:

A. One member who is an employee of the Department of Inland Fisheries and Wildlife, designated by the Commissioner of Inland Fisheries and Wildlife;

B. One member who is an employee of the Department of Agriculture, Conservation and Forestry, designated by the Commissioner of Agriculture, Conservation and Forestry;

C. One member who is an employee of the Department of Transportation, designated by the Commissioner of Transportation;

D. One member who is an employee of the Office of the Attorney General, designated by the Attorney General;

E. Four members appointed by the President of the Senate, who, in making the appointments, shall take into consideration any recommendation made by the association or organization from whose membership the appointment is made, as follows:

- (1) One member of a statewide association representing municipalities;
- (2) One member of a statewide association representing woodland property owners;
- (3) One member of a statewide association of attorneys who has expertise in real estate law; and
- (4) One member of a land trust organization; and

F. Four members appointed by the Speaker of the House, who, in making the appointments, shall take into consideration any recommendation made by the association or organization from whose membership the appointment is made, as follows:

- (1) One member of a statewide association representing county governments;
- (2) One member of a statewide organization representing all-terrain vehicle users or snowmobile users;
- (3) One member of a statewide association representing residents of the State living on or owning property that abuts an abandoned or discontinued road or that is accessible only by traveling over an abandoned or discontinued road; or, if no such association exists, a resident of the State living on property that abuts an abandoned or discontinued road or that is accessible only by traveling over an abandoned or discontinued road; and
- (4) One member of the general public who is a resident of the State not directly affected by matters related to abandoned or discontinued roads.

2. Duties. The commission shall:

A. Consider the following:

- (1) Property owner liability, including personal injury, property damage and environmental damage liability resulting from public use of an abandoned or discontinued road;

(2) Public easement retention over an abandoned or discontinued road, including the scope of permitted and actual public use;

(3) Statutory terminology related to abandoned or discontinued roads; and

(4) The statutory process for the abandonment or discontinuation of a road, including barriers to determining the legal status of a road;

B. For matters relating to abandoned and discontinued roads other than those described by paragraph A, prioritize matters for consideration by the commission by determining which matters related to abandoned and discontinued roads have a significant negative impact, qualitatively or quantitatively, on:

- (1) Owners of property that abuts an abandoned or discontinued road;
- (2) Owners of property accessible only by traveling over an abandoned or discontinued road;
- (3) Recreational users of an abandoned or discontinued road;
- (4) Members of the public;
- (5) Municipal, county or state governments; and
- (6) The physical integrity of an abandoned or discontinued road and surrounding land;

C. Develop recommendations on ways to address matters considered by the commission, including recommendations for statutory changes; and

D. Review legislation affecting abandoned or discontinued roads and provide information to joint standing committees of the Legislature upon request.

3. Chair. The members of the commission shall elect from among the membership a chair, who serves a 3-year term. The chair continues to hold the office until a successor is elected and may serve multiple terms. The chair calls and presides over meetings of the commission. In the absence of the chair, the member designated by the Commissioner of Inland Fisheries and Wildlife or the member designated by the Commissioner of Agriculture, Conservation and Forestry may preside over meetings.

4. Term of office. Members of the commission serve 3-year terms. A member may serve after the expiration of that member's term until a successor has been appointed. A member may serve multiple terms.

5. Meetings. The commission shall meet at least 3 times, but may meet no more than 6 times, each year.

6. Subcommittees. The commission may establish subcommittees to meet to conduct the work of the commission. Subcommittees may invite persons who are not members of the commission to participate in a non-voting capacity.

7. Public comment. The commission shall accept public comment during its meetings.

8. Staff support. The Office of the Attorney General shall provide staff support to the commission.

9. Bylaws. The commission may, by a majority vote of the members, adopt or amend bylaws as necessary or appropriate to carry out the purposes or exercise the powers of the commission. Prior to adoption or amendment of bylaws, the commission shall ask the member designated by the Attorney General to review the bylaws and provide comments to the commission.

10. Fund established. The Road Commission Fund is established as a nonlapsing fund within the Office of the Attorney General to support the work of the commission. The fund consists of any funds received from any public or private source.

11. Report. By February 1, 2023, and annually thereafter, the commission shall submit a report of its activities and any recommended statutory changes to the joint standing committee of the Legislature having jurisdiction over state and local government matters, the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. If the report includes recommended statutory changes, the committee with jurisdiction over the subject of that statute may report out a bill related to the recommendation.

Sec. 3. Initial meeting. The initial meeting of the Maine Abandoned and Discontinued Roads Commission, established pursuant to the Maine Revised Statutes, Title 23, section 3036, must be called within 60 days of the effective date of this Act by the member designated by the Attorney General.

Sec. 4. Initial terms. Notwithstanding the Maine Revised Statutes, Title 23, section 3036, subsection 4, of the members initially appointed to the Maine Abandoned and Discontinued Roads Commission, the following members must be appointed to an initial term of 2 years:

1. The member designated by the Commissioner of Transportation;
2. The member designated by the Attorney General;
3. The member from a statewide association representing county governments;
4. The member from a statewide association of attorneys;

5. The member from a statewide organization representing all-terrain vehicle users or snowmobile users; and

6. The member who is a member of the general public.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Provides funding for one Research Assistant Paralegal position and related All Other costs in the Office of the Attorney General, natural resources division to provide staff support to the Maine Abandoned and Discontinued Roads Commission and to assist the commission in the conduct of its duties.

GENERAL FUND	2021-22	2022-23
POSITIONS -	0.000	1.000
LEGISLATIVE COUNCIL		
Personal Services	\$0	\$59,188
All Other	\$0	\$3,919
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GENERAL FUND TOTAL	\$0	\$63,107

Road Commission Fund N950

Initiative: Provides a base allocation for the newly established Road Commission Fund program to support the work of the Maine Abandoned and Discontinued Roads Commission in the event that funds are received from public or private sources.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Unallocated	\$0	\$500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$63,107
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$63,607

See title page for effective date.