

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)

STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT**

July 2007

STAFF:

NATALIE L. HAYNES, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. LYNN BROMLEY, CHAIR
SEN. ELIZABETH SCHNEIDER
SEN. JONATHAN T. E. COURTNEY

REP. NANCY E. SMITH, CHAIR
REP. STEPHEN R. BEAUDETTE
REP. RICHARD C. CLEARY
REP. W. BRUCE MACDONALD
REP. MARK PAUL SAMSON
REP. KIMBERLY E. W. SILSBY
REP. CHRISTOPHER W. RECTOR
REP. SUSAN M. W. AUSTIN
REP. MICHAEL GARY BEAULIEU
REP. KERRI L. PRESCOTT

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Business, Research and Economic Development

LD 1759

An Act To Preserve the Recycling Value of Beverage Containers

PUBLIC 299

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-387

This bill makes a series of changes to Maine's so-called "bottle bill."

1. The bill clarifies that the definition of "reverse vending machine" does not include devices such as hand scanners.
2. The bill provides the Department of Agriculture, Food and Rural Resources with the authority to remove any product from sale if that product has not been properly registered pursuant to the Maine Revised Statutes, Title 32, section 1865, subsection 3.
3. The bill allows the distributor to refuse to accept any beverage container that has been processed in a way that reduces the recycling value of the beverage container below current prices.
4. The bill clarifies that the distributor is obligated to pick up beverage containers from dealers to whom that distributor has sold those beverages and from licensed redemption centers designated to serve those dealers in the same quantity as was sold to the dealer.
5. The bill requires any person who tenders more than 1,000 beverage containers for redemption at any dealer or redemption center to provide a name and address and sign a declaration indicating that the containers were collected in Maine. The bill requires that the information be forwarded to the department and kept on file by the dealer or redemption center for a minimum of one year. A person tendering more than 1,000 beverage containers collected at a fixed location when the proceeds are given to not-for-profit groups is, after declaration of a name and address of the collection point, exempt from this requirement.
6. The bill relieves a redemption center of the obligation to pay the cash value for returnable beverage containers at the time they are presented for refund if the redemption center has established a deposit account on behalf of a customer and credits that account within 2 business days of the date of return.

Committee Amendment "A" (H-387)

This amendment removes provisions in the bill proposing that distributors be required to pick up similar quantities of beverage containers as were sold to dealers or their redemption centers and provisions proposing to require that persons redeeming more than 1,000 empty containers sign a declaration indicating that those containers were collected in Maine.

The amendment clarifies provisions in the bill allowing distributors to refuse to accept beverage containers processed in a way that has reduced the container's value below current market recycling value. Distributors are still required, under existing law, to accept beverage containers that are empty, unbroken and reasonably clean. The Department of Agriculture, Food and Rural Resources is directed to adopt routine technical rules establishing the method for determining the current market recycling value of beverage containers. Those rules may authorize the use of a 3rd-party vendor to make that determination and must prescribe how payment for those 3rd-party vendor costs will be allocated among the parties involved.

The amendment also clarifies that the Department of Agriculture, Food and Rural Resources may revoke a dealer or redemption center license if the dealer or redemption center is adjudged to have committed a violation

Joint Standing Committee on Business, Research and Economic Development

of the laws pertaining to the acceptance of empty beverage containers and the payment of refund values and handling fees.

Enacted Law Summary

Public Law 2007, chapter 299 makes a series of changes to Maine's "bottle bill" laws.

1. It clarifies that the definition of "reverse vending machine" does not include devices such as hand scanners.
2. It provides the Department of Agriculture, Food and Rural Resources with the authority to remove any product from sale if that product has not been properly registered pursuant to the Maine Revised Statutes, Title 32, section 1865, subsection 3.
3. It allows distributors to refuse to accept beverage containers processed in a way that has reduced the container's value below current market recycling value. The law still requires distributors to accept beverage containers that are empty, unbroken and reasonably clean. The Department of Agriculture, Food and Rural Resources is directed to adopt routine technical rules establishing the method for determining the current market recycling value of beverage containers. Those rules may authorize the use of a 3rd-party vendor to make that determination and must prescribe how payment for those 3rd-party vendor costs will be allocated among the parties involved.
4. It provides that the Department of Agriculture, Food and Rural Resources may revoke a dealer or redemption center license if the dealer or redemption center is adjudged to have committed a violation of the laws pertaining to the acceptance of empty beverage containers and the payment of refund values and handling fees.

LD 1773 An Act To Encourage Availability of Genuinely Affordable Housing in High-cost Markets

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	ONTP	

This bill creates the definition of "housing affordability index," which is the ratio of a price of a home that is affordable for a household with a labor market's median income to the median home price for the labor market, calculated by the Maine State Housing Authority. This bill requires a developer of a subdivision of more than 5 housing units in a labor market that has an affordability index of less than 0.88 to dedicate at least 10% or one of the units as affordable units. This bill requires the Attorney General to enforce the provisions of this bill, with a person in violation committing a civil violation for which a fine of twice the profit the person made by not making the units affordable if the person sells the units or allowing the court to order the property to conform to the provisions of this bill if the units are rental units still in the possession of the person.

LD 1787 An Act To Amend the Licensing of Landscape Architects

PUBLIC 390

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM MAJ ONTP MIN	H-451

This bill amends the licensing requirements and qualifications for landscape architects. This bill limits the scope of the practice of licensed landscape architecture to services provided for the purposes of landscape preservation, development and enhancement to properties that are open to and accessible by the public and affect public safety, such as site vehicular access and circulation, multi-vehicle parking areas and site grading that affects existing drainage capacity projects.