

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

board, ~~shall must~~ be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings may be called by the board in like manner at any time, and notice of special meetings ~~shall must~~ state the business to be transacted ~~thereat at the meeting~~. Ten per cent of the voters qualified to vote in such meetings ~~shall constitute constitutes~~ a quorum. ~~If for any reason a legally sufficient annual meeting is not held on the above date, a meeting in lieu thereof may be called in like manner to be held within 2 months from said date.~~

Sec. 6. Transition; trustees in office. Trustees of the Clinton Water District in office on the effective date of this Act may continue in office for the remainder of their terms. When the term of office of a trustee expires, that trustee's successor is elected in accordance with this Act.

See title page for effective date.

CHAPTER 23

H.P. 729 - L.D. 1054

An Act To Promote Economic Development in the Greater Portland Region

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

Sec. 1. P&SL 1945, c. 123, §2, as amended by P&SL 1951, c. 204, §1, is further amended to read:

Sec. 2. Powers. The said corporation ~~shall have~~ has the power, within the confines of Portland and, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough, to ~~acquire, manage, operate or lease any business, facility structure, building, machinery or equipment owned by the federal government or any agency thereof, which may hereafter become surplus property and not needed for any function of said federal government, including, but not restricting the power aforesaid, the utilization of shipyards, wharves, trackage, dry docks and any facilities useful or necessary in connection therewith, and shall also have the power to acquire, build, manage, operate, rent or lease, other properties both real and personal, within said confines of Portland and South Portland, and for those purposes to purchase, lease, hold, own, manage, control, sell, mortgage, lease or let land, buildings, real estate and rights in real estate, and all manner of personal property, administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough and to accept gifts thereof in trust, or otherwise.~~

Sec. 2. P&SL 1945, c. 123, §5, as amended by P&SL 1951, c. 204, §3, is further amended to read:

Sec. 5. Annual report. The corporation shall ~~have power to fix and receive by private contract or regularly established fees, revenue for the use, occupation or enjoyment of any of its property, and shall devote the same exclusively to the management, repair, replacement, construction, and reconstruction, purchase and general development of its property within the scope of its powers as herein defined, and shall render an account thereof annually to the governor and his council. It shall be the policy of the said corporation to establish as rental for the facilities to be leased by it a sum which will be in parity with comparable facilities established by private enterprises so as to prevent any undue competitive condition which would tend to handicap, destroy or put out of business existing competitive comparable facilities. submit to the Governor, and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, not later than 120 days after the close of the corporation's fiscal year, a complete report on the activities of the corporation. The report must include all of the following for the previous year:~~

1. A description of the corporation's operations;
2. An accounting of the corporation's receipts, expenditures, assets and liabilities at the end of its fiscal year;
3. A statement of the corporation's proposed and projected activities for the ensuing year; and
4. Recommendations regarding further actions that may be suitable for achieving the purposes of this charter.

Sec. 3. Conduct of business. Notwithstanding Resolve 2007, c. 224, the Greater Portland Public Development Commission may expend funds, incur new liabilities and obligations and conduct current and new business activities in carrying out its powers.

See title page for effective date.

CHAPTER 24

H.P. 774 - L.D. 1119

An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay

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

PART A

Sec. A-1. P&SL 1883, c. 248, §1, as amended by P&SL 2005, c. 68, §1, is further amended to read:

Sec. 1. Boundaries extended. All that part of the city of Saco lying within the following described lines and boundaries, namely; commencing at the easterly corner between the said city of Saco and the town of Scarborough; thence by the line between said city of Saco and said town of Scarborough northwesterly to a stone in the sea wall; thence N 42°55' W by a set line 693 rods, to a granite stone placed at a point where the line between said city of Saco and said town of Scarborough intersects with a line in the said city of Saco known as the Granger line; thence S 47°12' W 5,416 feet, more or less, to a granite stone inscribed "S" on the northwest side and "O" on the southeast side found set in the ground on the southwesterly side of the old location of the "East Old Orchard" Road; thence continuing on the same course 4,252.10 feet to a point located N 43°42'45" W 4.50 feet from a granite monument with drill hole found set in the ground; thence N 43°42'45" W 31.54 feet to a granite monument with drill hole found set in the ground; thence N 46°40'30" E 273.94 feet to the base of an old loose granite monument found set in the ground; thence N 47°11'45" W 148.88 feet to a granite monument with drill hole found set in the ground; thence S 55°19'45" W 1,451.87 feet to an iron pipe found driven into the ground; thence S 47°57'30" E 389.34 feet to a point located N 47°57'30" W 1.97 feet from a granite monument with drill hole found set in the ground; thence S 47°12'00" W 862.86 feet to a granite monument with iron rod inscribed "S" on the northwest side and "O" on the southeast side found set in the ground on the "Middle Line" so-called; thence continuing on the same course 3,850 feet, more or less, to a granite stone on the bank of Goose Fair Brook in said city of Saco; thence southeasterly by said Goose Fair Brook to the sea; thence southeasterly, on the same course ~~1,000 feet~~ 3 miles to a point; thence northeasterly, parallel to and ~~1,000 feet~~ 3 miles distant from the shore to a point ~~1,000 feet~~ 3 miles southeasterly from the boundary first above named; thence northwesterly ~~1,000 feet~~ 3 miles to the boundary first above named, or to such distance as the city of Saco may have owned or controlled prior to February 20, 1883; with all the sea shore and flats and all other interests in said land lying between the medial line of said Goose Fair Brook extended and said easterly corner of the city of Saco; and also that parcel of land described as follows: Beginning at a capped iron rod set (PLS #2190) on the northwesterly sideline of a private way known as Trotter Lane and the existing town line of Old Orchard Beach and city of Saco as of May 10, 2006 at the corner of land now or formerly of Ronald Patoine; said point of beginning being N 37° 07' 57" W a distance of 59.85 feet from a capped iron rod found (PLS #2190) in the town of Old Orchard Beach at the intersection of the southeasterly sideline of said Trotter Lane and the northwesterly sideline of the cul-de-sac of Patoine Place, so-called, at the easterly corner of land of Ronald Patoine; thence from said point of beginning S

49° 46' 25" W across the land of Ronald Patoine and along the existing Old Orchard Beach and city of Saco town line as of May 10, 2006 a distance of 210.17 feet to a point and land now or formerly of Ronald and June LaPointe; thence N 37° 07' 57" W along the land of said LaPointe a distance of 149.81 feet to a capped iron rod found (PLS #1235) and land now or formerly of Biddeford & Saco Water Company; thence N 57° 55' 58" E along the land of Biddeford & Saco Water Company a distance of 594.18 feet to a capped iron rod to be set (PLS #2190) and land now or formerly of Richard and Ronald Patoine; thence S 41° 07' 26" E along the land of Richard and Ronald Patoine a distance of 65.27 feet to a capped iron rod found (PLS #1293) and the northwesterly sideline of said Trotter Lane and the existing town line of Old Orchard Beach and city of Saco as of May 10, 2006; thence S 49° 46' 25" W along the northwesterly sideline of said Trotter Lane and along the existing town line of Old Orchard Beach and city of Saco as of May 10, 2006 a distance of 387.11 feet to the point of beginning is hereby incorporated into a separate town by the name of Old Orchard Beach and the inhabitants thereof are hereby invested with all the powers and privileges and are made subject to all the duties and liabilities incident to other towns within this state. ~~Provided the town of Old Orchard Beach pay to the city of Saco, as damages, such an amount as a committee, composed of the chairs of the boards of assessors of said Saco and of said Old Orchard Beach and one other disinterested person by them selected, may determine is just and equitable.~~ Notwithstanding the 3-mile seaward boundary of the town of Old Orchard Beach, the islands of Bluff and Stratton remain as part of the city of Saco.

Sec. A-2. Contingent effective date; notice.

This Part does not take effect unless the Town of Old Orchard Beach adopts a municipal zoning ordinance relating to marinas that includes standards that are at least as strict as those adopted in the City of Saco at the time of passage of this Act.

Upon adoption of the ordinance and determination by the town manager of Old Orchard Beach that it is at least as strict as the City of Saco ordinance, the town manager of Old Orchard Beach shall notify the City of Saco and the Revisor of Statutes of this adoption.

PART B

Sec. B-1. Working group established. The Town of Old Orchard Beach and the City of Saco may provide representatives to convene a working group to examine regulatory jurisdictions, including zoning, parameters for future development in Saco Bay, uniform environmental regulations for Saco Bay and the feasibility of establishing an oversight group made up of residents from communities bordering Saco Bay. If a working group is convened, the Legislature intends that the Director of the State Planning Office within

the Executive Department or the director's designee be invited as well as representatives of the Department of Marine Resources and the Department of Conservation, Bureau of Parks and Lands and any other departments that are determined appropriate by the working group. Representatives of the Town of Scarborough and the City of Biddeford must also be invited to participate in the working group.

Sec. B-2. Working group report. If a working group is established pursuant to section 1, it is authorized to submit a report on its findings related to municipal boundaries, regulatory jurisdictions, uniform environmental regulations and future development strategies in Saco Bay to the Joint Standing Committee on State and Local Government no later than February 15, 2010.

Sec. B-3. Authority to submit legislation. The Joint Standing Committee on State and Local Government is authorized to submit legislation concerning the working group's findings to the Second Regular Session of the 124th Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 25

H.P. 594 - L.D. 863

An Act To Continue the Position of Director of Recreational Access and Landowner Relations

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

Sec. 1. Transfer; Department of Inland Fisheries and Wildlife, Carrying Balances - General Fund account. Notwithstanding any other provision of law, on or before September 1, 2009, the State Controller shall transfer \$45,214 from the Department of Inland Fisheries and Wildlife, Other Special Revenue Funds account to the Department of Conservation, Maine State Parks Development Fund, Other Special Revenue Funds account to fund 1/2 of the cost of the limited-period landowners relations program for fiscal year 2009-10.

Sec. 2. Working group on the recreational access and landowner relations program. The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Conservation shall jointly convene a working group on the recreational access and landowner relations program, referred to in this section as "the program." At least one other employee from each department shall serve on the working group and the commissioners shall invite the participation of a least 2

landowners and 2 recreation users in the working group. The working group shall:

1. Create a work plan for the program through June 2011;
2. Review the scope of the duties, structure, funding level and support for the position of the Director of Recreational Access and Landowner Relations, referred to in this section as "the position";
3. Identify sustainable funding sources for the position as a permanent position;
4. Propose grant-funding opportunities to strengthen outreach efforts;
5. Develop recommendations for enhanced volunteer efforts, including building on existing agency volunteer programs;
6. Review distribution of the costs of and support for the program to ensure that it is fairly aligned with those benefited by the program; and
7. Review landowner relations programs in other states.

The working group shall submit a report, including its findings, by December 31, 2009 to the Governor, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Agriculture, Conservation and Forestry. The working group shall include in its submission recommendations for permanent funding of the position for inclusion in the next biennial budget.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

CONSERVATION, DEPARTMENT OF

Administrative Services - Conservation 0222

Initiative: Continues one limited-period Public Service Coordinator I position in the Maine State Parks Development Fund program and provides funding for the associated All Other costs in the Administrative Services - Conservation program. This position was originally established in Resolve 2007, chapter 130. This position will end on June 11, 2011.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$2,500	\$2,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,500	\$2,500

Maine State Parks Development Fund 0342

Initiative: Continues one limited-period Public Service Coordinator I position in the Maine State Parks Development Fund program and provides funding for the