

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 41: Special Restrictions on Pesticide Use, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 5, 2012.

CHAPTER 119

H.P. 1209 - L.D. 1601

Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans

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

Whereas, the Task Force on Franco-Americans was established by Resolve 2011, chapter 102 to find ways to promote and preserve the Franco-American heritage that is shared by a great number of Maine citizens; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be convened and completed and a report prepared in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Resolve 2011, c. 102, §4, amended. Resolved: That Resolve 2011, c. 102, §4 is amended to read:

Sec. 4. Appointments; convening of task force. Resolved: That ~~all appointments must be made no later than 30 days following the effective date of this resolve. The~~ the appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. The chairs may call and convene the first meeting of the task force during the Second Regular Session or any subsequent special session of the 125th Legislature. If 30 days or more after the ~~effective date of this resolve~~ adjournment of the Second Regular Session or any subsequent special session of the 125th Legislature a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

; and be it further

Sec. 2. Resolve 2011, c. 102, §6, amended. Resolved: That Resolve 2011, c. 102, §6 is amended to read:

Sec. 6. Staff assistance. Resolved: That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the task force, ~~except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. The Franco-American Center at the University of Maine shall provide necessary staffing services to the task force when the Legislature is in regular or special session;~~ and be it further

; and be it further

Sec. 3. Resolve 2011, c. 102, §7, amended. Resolved: That Resolve 2011, c. 102, §7 is amended to read:

Sec. 7. Report. Resolved: That, ~~no later than December 7, 2011, the task force shall provide a preliminary report with draft recommendations to the Second Regular Session of the 125th Legislature. The notwithstanding Joint Rule 353, the~~ final report, including findings and recommendations, must be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by ~~November 7~~ December 15, 2012. That joint standing committee is authorized to introduce a bill to the First Regular Session of the 126th Legislature related to the subject matter of the report; and be it further

; and be it further

Sec. 4. Resolve 2011, c. 102, §8, amended. Resolved: That Resolve 2011, c. 102, §8 is amended to read:

Sec. 8. Meetings; outside funding. Resolved: That the task force is authorized to hold 4 meetings. The task force shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

; and be it further

Sec. 5. Retroactivity. Resolved: That this resolve applies retroactively to July 6, 2011.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 7, 2012.

CHAPTER 120

S.P. 522 - L.D. 1596

Resolve, To Review Laws and Policies Related to Discontinued and Abandoned Roads

Sec. 1. Department of Conservation stakeholder group on discontinued and abandoned roads. Resolved: That the Department of Conservation shall convene a stakeholder group of no more than 10 members to review laws and policies related to discontinued and abandoned roads. The stakeholder group shall examine issues relating to continued road access through public easements, damage to a road caused by use by abutting property owners, damage to a road caused by members of the public, maintenance of a private road that has a public easement, methods to address problems of road damage and ways to maintain access for intermittent users who need access to a road. The stakeholder group must include representatives from the Department of Transportation, up to 2 residents who own property on a discontinued or abandoned road with a public easement and members from statewide organizations representing municipalities, small woodlot owners, producers of forest products, snowmobilers and other interested parties. The Department of Conservation shall fund the work of the stakeholder group from within existing resources. The Department of Conservation shall report the stakeholder group's findings and any recommendations to the joint standing committee

of the Legislature having jurisdiction over state and local government matters no later than January 15, 2013. The joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation to the First Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 121

S.P. 628 - L.D. 1818

Resolve, To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System

Sec. 1. Resolve 2011, c. 109, §6, amended. Resolved: That Resolve 2011, c. 109, §6 is amended to read:

Sec. 6. Report. Resolved: That, by ~~January 31~~ December 1, 2012, the department shall report the recommendations based on the findings and conclusions, determined by vote, of the working group, along with any recommended implementing legislation, to the ~~Joint Standing Committee on Health and Human Services~~ joint standing committee of the Legislature having jurisdiction over health and human services matters.

; and be it further

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to January 31, 2012.

See title page for effective date.

CHAPTER 122

H.P. 1272 - L.D. 1723

Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative au-