

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

**8. Nondiscriminatory charges.** The alternative form of regulation must ensure that another telephone utility pays the telephone utility providing local telephone service reasonable and nondiscriminatory charges for any service used by the other telephone utility to provide its competing service.

**9. General safeguards.** The alternative form of regulation must include consumer and competitive safeguards.

#### **§9104. Implementation**

The commission may adopt an alternative form of regulation under the following conditions.

**1. Completion by May 15, 1995.** If the commission concludes a proceeding adopting an alternative form of regulation pursuant to section 9102 on or before May 15, 1995, the rule or order adopting the alternative form of regulation takes effect 90 days after the adjournment of the First Regular Session of the 117th Legislature.

**2. Completion by February 1, 1996.** If the commission fails to complete a proceeding adopting an alternative form of regulation pursuant to section 9102 on or before May 15, 1995, the commission must conclude any proceeding it undertakes to adopt an alternative form of regulation under that section by February 1, 1996. Any rule or order providing for an alternative form of regulation adopted after May 15, 1995 takes effect 90 days after the adjournment of the Second Regular Session of the 117th Legislature.

**3. Report to Legislature.** The commission shall submit a report by May 16, 1995 to the joint standing committee of the Legislature having jurisdiction over utility matters on the status of any proceedings it has undertaken under this chapter and must submit any rule or order the commission has adopted in accordance with subsection 1. The commission shall submit a 2nd report by February 2, 1996 to the joint standing committee of the Legislature having jurisdiction over utility matters on the status of any actions it has undertaken under this chapter and must submit any rule or order the commission has adopted in accordance with subsection 2.

The joint standing committee of the Legislature having jurisdiction over utility matters may report out legislation regarding telecommunications regulation to the First or Second Regular Session of the 117th Legislature.

This chapter may not be construed to require the commission to adopt any alternative form of regulation.

#### **§9105. Report to Legislature**

The commission shall provide to the joint standing committee of the Legislature having jurisdiction over utility matters, on an annual basis beginning September 1, 1996, a report describing the activities of the commission pursuant to this chapter and the extent to which the alternative form of regulation has achieved the objectives of this chapter.

See title page for effective date.

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### **CHAPTER 639**

**H.P. 1428 - L.D. 1953**

#### **An Act to Designate Certain Lands under the Constitution of Maine, Article IX, Section 23**

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

**Sec. 1.** 12 MRSA c. 202-D is enacted to read:

#### **CHAPTER 202-D**

#### **DESIGNATED LANDS**

#### **§598. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Lands or land.** "Lands" or "land" means real estate held by the State.

**2. Proceeds.** "Proceeds" means money arising or obtained from the sale of designated lands, excluding the costs of the sale.

**3. Real estate held by the State.** "Real estate held by the State" means real estate wholly owned by the State by fee simple title. "Real estate held by the State" does not mean land partially owned by the State or land owned by someone other than the State in which the State holds an easement, right-of-way or covenant.

**4. Reduced.** "Reduced" means a reduction in the acreage of an individual parcel or lot of designated land under section 598-A. "Reduced" does not mean a reduction in the value of the property.

**5. Substantially altered.** "Substantially altered" means changes in the use of designated lands that significantly alter its physical characteristics in a way that frustrates the essential purposes for which that land is held by the State. The essential purposes

of state parks, historic sites, public access sites, facilities for boats and the Allagash Wilderness Waterway are the protection, management and improvement of these properties for public recreation, conservation, scenic values, nature appreciation, historic preservation and interpretation, public access and related purposes. The essential purposes of public lots and public reserved lands are the protection, management and improvement of these properties for the multiple use objectives established in section 585. The essential purposes of lands acquired through the Land for Maine's Future Board that are not held by the Department of Inland Fisheries and Wildlife or by the Department of Conservation are the protection, management and improvement of those lands for recreation, conservation, farming, open space, plant and animal habitat, scenic values, public access and related purposes. The essential purposes of state-owned wildlife management areas and game farms are the protection, management and improvement of those properties for fish and wildlife habitat and propagation, hunting, trapping, fishing, recreation, propagation and harvesting of forest and other natural products and related purposes.

#### **§598-A. Designated lands**

The following lands are designated lands under the Constitution of Maine, Article IX, Section 23. Designated lands under this section may not be reduced or substantially altered, except by a 2/3 vote of the Legislature. It is the intent of the Legislature that individual holdings of land or classes of land may be added to the list of designated lands under this section in the manner normally reserved for amending the public laws of the State. Once so designated, however, it is the intent of the Legislature that designated lands remain subject to the provisions of this section and the Constitution of Maine, Article IX, Section 23 until such time as the designation is repealed or limited by a 2/3 vote of the Legislature.

Designated lands are:

**1. Certain Department of Inland Fisheries and Wildlife lands.** The following lands held by the Department of Inland Fisheries and Wildlife:

A. State-owned wildlife management areas and public access sites described in section 7652; and

B. Lands held and managed as a state game farm under the provisions of section 7735;

**2. Public lands and public reserve lots.** Lands under the care, custody, control and management of the Bureau of Public Lands pursuant to chapter 202, and public reserved lands as defined in section 585, subsection 2, paragraph B, except for:

A. Submerged lands; and

B. All parcels of public reserved land in the towns of Bradley, LaGrange and Bradford held by the Bureau of Public Lands on January 1, 1994;

**3. Certain Bureau of Parks and Recreation Lands.** The following lands held by the Bureau of Parks and Recreation:

A. Lands that constitute a state park or historic site as those terms are defined in chapter 203;

B. Lands that constitute the Allagash Wilderness Waterway as defined in chapter 206; and

C. Lands used for public boat facilities under the provisions of Title 38, chapter 1, subchapter VIII, including launching ramps, locks, parking sites and access roads;

**4. Baxter State Park Authority lands.** Lands managed by the Baxter State Park Authority not acquired by deed of gift and not contiguous to Baxter State Park. Specifically, lands deeded by Governor Percival P. Baxter by deeds of gift and lands managed by the Baxter State Park Authority that are contiguous to Baxter State Park are not designated lands;

**5. Lands gifted to the State.** Except as provided in subsection 4, lands acquired by a deed of gift for conservation purposes; and

**6. Lands acquired pursuant to referendum.** Lands acquired by the State through the Land for Maine's Future Board under Title 5, Part 15-A.

Notwithstanding any other provision of this section, a state agency owning or holding designated land under this section may contract to operate or manage that land, provided that the contract does not violate any other provision of law.

**§598-B. Proceeds from the sale of designated land; limitation**

Proceeds from the sale of designated land under section 598-A must be used to purchase additional land in the same county for the same purpose.

See title page for effective date.

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## CHAPTER 640

H.P. 1468 - L.D. 1994

### An Act to Correct the Purchasing Laws to Delegate Small Purchases