

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

J.S. McCarthy Company
Augusta, Maine
1997

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 with amendment. Resolved: That the final adoption of Chapter 301: Standard Offer Service, a provisionally adopted major substantive rule of the Public Utilities Commission, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is modified as follows.

1. An additional provision is inserted that provides that a transmission and distribution utility may recover through a rate case proceeding reasonable costs:

A. That are incurred by the transmission and distribution utility in providing standard offer service at the direction of the commission in the event of a default by the standard offer service provider; and

B. That are not covered by revenues received from standard offer customers or by the bond, letter of credit or corporate guarantee filed by the standard offer provider.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective March 30, 1998.

CHAPTER 101

H.P. 1609 - L.D. 2236

Resolve, Regarding Legislative Review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a Major Substantive Rule of the Department of Conservation

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 Administrative Procedure Act, Title 5, chapter 375, subchapter II-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 Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a provisionally adopted major substantive rule of the Department of Conservation, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective March 30, 1998.

CHAPTER 102

H.P. 1626 - L.D. 2254

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands

Preamble. Whereas, the Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

Whereas, the real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation

may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 553, subsection 3, paragraph F and section 590; now, therefore, be it

Sec. 1. Director of the Bureau of Parks and Lands authorized to convey certain real estate in Colorado. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following property for not less than fair market value or best offer through competitive bidding:

All of the State of Maine's right, title and interest in and to approximately 157 acres in Montezuma County, State of Colorado, more particularly described as the east half of the south west quarter (E 1/2 SW 1/4) and lots six (6) and seven (7) of Section six (6), Township thirty-five (35) north, Range fifteen (15) west, New Mexico Principal Meridien, together with any and all buildings and the improvements thereon situated. Being the same premises devised to the State of Maine by will of Percival Proctor Baxter, who died testate on June 12, 1969, and whose will is duly probated in the Cumberland County Probate Court, State of Maine and in the District Court, County of Montezuma, State of Colorado; and be it further

Sec. 2. Use of proceeds from sale of property. Resolved: That the proceeds from the sale of the property must be invested as a separate trust fund, known as the Mackworth Island Trust, and managed by the Treasurer of State in accordance with the Maine Revised Statutes, Title 5, section 138. The Bureau of Parks and Lands may establish a nonlapsing account to receive income from the Mackworth Island Trust. The bureau may use the income to manage public recreational activities and related resources on land under the bureau's care on Mackworth Island in Falmouth, Maine. If the net income at any time is insufficient to meet the bureau's recreation or resource management expenses on Mackworth Island, the trust's principal may be used; and be it further

Sec. 3. Director of the Bureau of Parks and Lands authorized to convey certain real estate in exchange for other properties. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following properties and provide other consideration to Huber Resources Corporation in exchange for conveyance of properties, described herein, now owned by Huber Resources Corporation:

Properties to be conveyed by the Bureau of Parks and Lands to Huber Resources Corporation:

1. All of the State's common and undivided interest in T13 R10 WELS, which is approximately 972 acres;
2. All of the State's common and undivided interest in T11 R4 NW/4, which is approximately 453 acres; and
3. All of the State's common and undivided interest in T10 R4 W/2, which is approximately 1,633 acres; and

Properties to be conveyed by Huber Resources Corporation to the State of Maine by and through the Department of Conservation, Bureau of Parks and Lands:

1. All right, title and interest in and to approximately 2,075 acres in Wyman Township;
2. All right, title and interest in and to approximately 399 acres in Carrabassett Valley;
3. All of Huber Resources Corporation's common and undivided interest in T9 R13, which is approximately 5 acres;
4. All of Huber Resources Corporation's common and undivided interest in T11 R4, SW/4, east of Squa Pan Lake, which is approximately 6 acres; and
5. All of Huber Resources Corporation's common and undivided interest in T10 R4 NE/4, east of Squa Pan Lake, which is approximately 6 acres; and be it further

Sec. 4. Allocation. Resolved: That the following funds are allocated from Other Special Revenue to carry out the purposes of this resolve.

1998-99

**CONSERVATION,
DEPARTMENT OF**

**Land Management and
Planning**

All Other	\$4,000
Provides an initial allocation to the Mackworth Island Trust to authorize expenditures for the management of public recreational activities on Mackworth Island.	

**Land Management and
Planning**

All Other	\$60,000
Allocates funds from the Public Reserved Lands Acquisition Fund for the	

purchase of certain properties
from the Huber Resources
Corporation.

**DEPARTMENT OF
CONSERVATION**

TOTAL _____ \$64,000

See title page for effective date.

CHAPTER 103

S.P. 480 - L.D. 1482

**Resolve, to Establish a Plan to
Enhance the Enforcement of Civil
and Criminal Violations**

Sec. 1. Plan; joint responsibility. Resolved: That the Secretary of State, the Chief Justice of the Supreme Judicial Court, the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources, the Commissioner of Human Services, the Commissioner of Public Safety and the Governor, referred to as the "planning task force," shall jointly develop a plan to enhance the enforcement of civil and criminal violations and the collection of fines, penalties, forfeitures and other charges. The plan must implement a central credentialing registry and may include an expansion of the jurisdiction of the District Court Violations Bureau. The plan must include the following elements:

1. Prohibition of the renewal or reissuance of any license, certification or registration by any department or agency of the State if the applicant has not paid in full all fines, penalties, forfeitures, fees, assessments or any other charges imposed by a court in this State;

2. A single, current database of all persons who have not paid in full any fines, penalties, forfeitures, fees, assessments or any other charges imposed by a court in this State, including:

A. An update process to ensure accuracy and timeliness of information to the greatest extent possible; and

B. A means for each department and agency that issues licenses, certification or registrations to obtain information in the database within the time period that meets that department's or agency's needs;

3. Revision of license, certification and registration applications that includes appropriate questions to be answered by the applicant to provide the information necessary for the department or agency to determine whether the applicant has paid in full all

fines, penalties, forfeitures, fees, assessments or any other charges imposed by a court in this State;

4. The ability and capacity to compare applications with the database;

5. Revision of the Uniform Summons and Complaint and the Violation Summons and Complaint consistent with the remainder of the plan;

6. Coordination with existing or planned information systems within departments and agencies. The plan must include consideration of the use of federal resources to implement information systems, including child support collections; and

7. A method of identifying violations that are currently crimes that would be more appropriately classified as civil violations; and be it further

Sec. 2. Additional elements. Resolved: That the plan may include any other elements the planning task force determines appropriate including but not limited to an analysis of the benefits and disadvantages of expanding the jurisdiction of the District Court Violations Bureau to include all civil violations; and be it further

Sec. 3. Cooperation. Resolved: That other state departments and agencies shall provide assistance as requested by the planning task force; and be it further

Sec. 4. Participants. Resolved: That each member of the planning task force may designate an individual within that member's department or office to serve on the planning task force as that member's designee. The planning task force may request additional state employees, policymakers and legislators to participate in carrying out this resolve; and be it further

Sec. 5. Drafting assistance. Resolved: That the Legislative Council shall provide assistance in drafting legislation to implement the planning task force's recommendations; and be it further

Sec. 6. Report. Resolved: That the planning task force shall submit a report, including any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters and to the Legislative Council of the 119th Legislature by December 15, 1998.

See title page for effective date.