

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

of monitoring and managing conservation easements held by each of those state agencies; and be it further

Sec. 2. Coordination by State Planning Office. Resolved: That the Executive Department, State Planning Office shall to the extent practicable within existing resources coordinate the state monitoring and management of conservation easements by:

1. Coordinating the pooling of agency resources; and
2. Encouraging state agencies pursuant to section 1 to compile and maintain monitoring information on all conservation easements they hold and to report annually to the State Planning Office regarding that information.

See title page for effective date.

CHAPTER 32

H.P. 286 - L.D. 364

Resolve, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation

Sec. 1. Phi Eta Kappa Building Association recognized as a nonprofit corporation. Resolved: That the Phi Eta Kappa Building Association, on file with the Secretary of State as a business corporation under the Maine Revised Statutes, Title 13-A, as of the effective date of this resolve must be recognized as a nonprofit corporation for all purposes under Title 13-B. This nonprofit corporation replaces the business corporation, but retains the original filing date of June 24, 1907; and be it further

Sec. 2. Officers and directors. Resolved: That, until the next meeting of the board of directors of the corporation following enactment of this resolve, those individuals that are serving as the directors and officers of the corporation as of the date of enactment of this resolve may continue to serve in those positions at their discretion. Any vacancies on the board or of officer positions must be filled by a vote of the majority of those directors remaining on the board; and be further

Sec. 3. Bylaws. Resolved: That the directors of the corporation may amend the bylaws of the corporation to conform those bylaws with the Maine Nonprofit Corporation Act, the Maine Revised Statutes, Title 13-B; and be it further

Sec. 4. Filing with Secretary of State. Resolved: That the Phi Eta Kappa Building Association file its restated Articles of Incorporation with the

Secretary of State by December 31, 2001. The restatement filing must contain a change in purposes as applicable for a corporation formed under the Maine Revised Statutes, Title 13-B, must designate the registered agent and office address and must include any additional information required by this resolve or Title 13-B; and be it further

Sec. 5. Retroactivity. Resolved: That this resolve applies retroactively to January 1, 2001.

See title page for effective date.

CHAPTER 33

S.P. 401 - L.D. 1317

Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Inland Fisheries Management Program

Sec. 1. Contract for assessment of the fisheries program. Resolved: That the Commissioner of Inland Fisheries and Wildlife, referred to in this resolve as the "commissioner," shall contract with outside experts to assess, evaluate and recommend improvements in all aspects of the inland fisheries management program; and be it further

Sec. 2. Procedures to be used. Resolved: That a contract awarded pursuant to this resolve must be awarded in accordance with applicable state laws, rules and procedures relating to the purchase of services and awarding of contracts. The Department of Inland Fisheries and Wildlife, referred to in this resolve as the "department," shall establish a panel to assist in developing a scope of work and evaluating and selecting a proposal. The panel must include appropriate department staff and up to 5 people representing statewide organizations with an interest in the management of fisheries resources and aquatic habitats; and be it further

Sec. 3. Scope of work. Resolved: That the programmatic review must include, but not be limited to: planning and budgeting; staffing levels; personnel leadership and technical skills; applicable laws, rules and policies governing the program; decision-making processes; and resource management and public involvement practices. In addition to a contract specifying that the contractor must assess the department's professional ability to design and carry out an effective fisheries management program, a contract awarded pursuant to this resolve must include a requirement that the contractor identify members of the public who consider themselves as stakeholders

and include their feedback in the assessment process; and be it further

Sec. 4. Funding. Resolved: That the commissioner may accept grants and donations for the work required pursuant to this resolve and expend those funds as necessary to accomplish the purpose of this resolve. In the event that adequate funds are not secured, the commissioner may at the commissioner's discretion terminate this work; and be it further

Sec. 5. Report required. Resolved: That the commissioner shall submit a report of work conducted in response to this resolve and any findings and recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 2, 2003.

See title page for effective date.

CHAPTER 34

S.P. 536 - L.D. 1667

Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Master plan" means the Augusta State Facilities Master Plan, the official version of which is held by the Department of Administrative and Financial Services, Bureau of General Services; and be it further

Sec. 2. Adoption. Resolved: That the master plan concepts for the East Campus, West Campus and Stevens School in Hallowell are adopted pursuant to Resolve 1989, chapter 60 and the Maine Revised Statutes, Title 5, section 302; and be it further

Sec. 3. Modifications. Resolved: That modifications to the master plan must be approved by the Capitol Planning Commission. Modifications must be reported to the Legislature every 2 years; and be it further

Sec. 4. Consistency. Resolved: That before a project is undertaken within the master plan area, the agency undertaking the project shall present an analysis of the project's consistency with the Master Plan; and be it further

Sec. 5. Outdoor lighting. Resolved: That the Maine Revised Statutes, Title 5, section 1769 does not apply to East Campus or West Campus lighting.

See title page for effective date.

CHAPTER 35

S.P. 591 - L.D. 1766

Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety

Preamble. Whereas, the City of Presque Isle and the Presque Isle Industrial Council desire to realign a roadway to ensure the safer flow of traffic on a roadway abutting the Northern Maine Technical College campus; and

Whereas, the City of Presque Isle and the Presque Isle Industrial Council have agreed to provide certain accommodations to the Northern Maine Technical College in exchange for the college transferring approximately .26 acres of land to the City of Presque Isle to facilitate the realignment; and

Whereas, state law requires legislative approval of such a transfer from the Maine Technical College System; now, therefore, be it

Sec. 1. Transfer property. Resolved: That the Board of Trustees of the Maine Technical College System, on behalf of the Northern Maine Technical College, is authorized to transfer approximately .26 acres of land to the City of Presque Isle for a consideration determined adequate by the trustees.

See title page for effective date.

CHAPTER 36

H.P. 1305 - L.D. 1769

Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources

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 II-A requires legislative