

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council promptly shall provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds. The chairs of the committee may seek and accept grants and other sources of funding on behalf of the committee. Prompt notice of solicitation and acceptance of such funds must be sent to the Legislative Council. All funds accepted must be forwarded to the executive director, along with an accounting that includes amount, date received, from whom, purpose and limitation on use of the funds. The executive director administers any funds received; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

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Study Commissions - Funding

Initiative: Provides a base allocation from the Federal Expenditures Fund in the amount of \$500 in the event grants are awarded and other sources of funds are received to support the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families.

Federal Expenditures Fund	2001-02	2002-03
All Other	\$0	\$500

Study Commissions - Funding

Initiative: Provides a base allocation from Other Special Revenue funds in the amount of \$500 in the event grants are awarded and other sources of funds are received to support the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$500

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DEPARTMENT TOTALS	2001-02	2002-03
FEDERAL EXPENDITURES FUND	\$0	\$500
OTHER SPECIAL REVENUE FUNDS	0	500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1000

See title page for effective date.

CHAPTER 116

H.P. 1593 - L.D. 2096

Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements

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 State Planning Office in the fall of 2001 convened a working group with duties that closely approximate the responsibilities envisioned in this resolve; and

Whereas, this group has engaged the services of a consulting attorney and is close to finalizing its guidelines for easements; and

Whereas, membership of the working group approximates that of the working group envisioned in this resolve with the exception of a Legislator; and

Whereas, participation by a Legislator in the final meetings of the working group is essential to assure that the intent of this resolve has been adequately addressed; 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. Participation in working group.

Resolved: That the Director of the State Planning Office, within the Executive Department, expeditiously shall conclude the deliberations of the working group convened by the director to develop a set of principles to be addressed when any agency of the State is considering a conservation easement to be acquired in whole or in part with state funding. The Speaker of the House shall appoint one Legislator who served on the Committee to Study Access to Private and Public Lands in Maine established by Joint Study Order 2001, H.P. 1387 to participate in the working group; and be it further

Sec. 2. Process to be developed by working group.

Resolved: That the working group described in section 1 shall continue its efforts to develop a process to be used by state agencies involved in negotiating any conservation easement to be acquired with state funds. The process must include provisions for:

1. Legal review by the Attorney General or the Attorney General's designee; and

2. Public comment on a proposed easement. The working group shall identify a process for the release of information to the public, including a description of the proposed project, a summary of provisions to be included in the easement, a draft of the proposed easement and public notice with an address and deadline for submitting comments on the proposed easement. The working group shall develop guidelines for holding public meetings on projects as part of the process. In developing this process, the working group shall make recommendations regarding the protection of information to preserve the State's negotiating position; and be it further

Sec. 3. Criteria for easements to be developed by working group. Resolved: That the working group described in section 1 shall continue and finalize its work on developing criteria for acquiring public access rights when acquiring interest in a property using state funds. For easements in which the right to harvest timber is retained by the landowner, the criteria must include, at a minimum, the right of the public to use the property for traditional, nonmotorized recreation including fishing, hiking, hunting, snowshoeing and nature observation.

The working group shall continue and finalize its work on developing model language to be used for negotiating a major conservation easement when state funds are used to acquire the easement. When the right to harvest timber is retained by the landowner, the model language must provide that the forest be managed to maintain the property's potential to provide fiber and timber and that forest management operations on the land use best management practices. The working group shall finalize guidelines being developed for evaluating the advisability and cost of including additional enforceable conditions to ensure sustainable forest management. These guidelines must also provide definitions and specify measures for monitoring compliance; and be it further

Sec. 4. Notices and report. Resolved: That the Director of the State Planning Office, within the Executive Department, shall provide members of the Joint Standing Committee on Agriculture, Conservation and Forestry with notices of all remaining meetings of the working group. No later than January 15, 2003, the director shall report to the joint standing committee of the Legislature having jurisdiction over public lands matters with a summary of the group's activities and the guidelines and processes established in accordance with this resolve; and be it further

Sec. 5. Funding. Resolved: That notwithstanding the Maine Revised Statutes, Title 5, section 6203, the State Controller shall transfer \$470 from the

Land for Maine's Future Fund to the Legislature to fund the Legislator who participates in the working group. These funds must be used for all costs incurred to pay the per diem and expenses of the Legislator who participates in the working group; and be it further

Sec. 6. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

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Legislature

Initiative: Provides funds for the per diem and expenses of one Legislator who served on the Committee to Study Access to Private and Public Lands in Maine to participate in a working group.

Other Special Revenue Funds	2001-02	2002-03
Personal Services	\$0	\$220
All Other	0	250
	\$0	\$470

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DEPARTMENT TOTAL	2001-02	2002-03
OTHER SPECIAL REVENUE FUNDS	\$0	\$470

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

Effective April 11, 2002.

CHAPTER 117

H.P. 1624 - L.D. 2124

Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education

Mandate preamble; rules. This measure authorizes final adoption of a rule that requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues for which funding for at least 90% of those expenditures has not been provided. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all the members elected to each House