

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

other entities that they represent, are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the task force or the advisory panel. The Commissioner of Marine Resources shall use funds from the department's existing resources for costs incurred in carrying out the purposes of this resolve.

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

Effective May 21, 2003.

## CHAPTER 41

S.P. 109 - L.D. 327

### **Resolve, Requiring the Department of Agriculture, Food and Rural Resources To Adopt Rules Regarding Care and Treatment of Elephants**

**Sec. 1. Rules. Resolved:** That the Department of Agriculture, Food and Rural Resources shall adopt routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A that reflect the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture on the care and treatment of elephants.

See title page for effective date.

## CHAPTER 42

H.P. 57 - L.D. 49

### **Resolve, Requiring the Department of Inland Fisheries and Wildlife To Implement the Recommendations of the Maine Inland Fisheries Management Program 2002 Review**

**Sec. 1. Implementation of the Maine Inland Fisheries Management Program. Resolved:** That, no later than 7 days after the effective date of this resolve, the Commissioner of Inland Fisheries and Wildlife shall report to the Joint Standing Committee on Inland Fisheries and Wildlife the commissioner's plans to implement the recommendations of the Maine Inland Fisheries Management Program 2002 Review and provide progress reports on the implementation of those recommendations every 6 months thereafter until November 1, 2008.

See title page for effective date.

## CHAPTER 43

H.P. 786 - L.D. 1068

### **Resolve, Directing the Bureau of Veterans' Services To Provide Assistance To Obtain Information Regarding Maine Members of the United States Armed Forces Presumed Lost or Deceased**

**Preamble. Whereas,** the citizens of the State have dutifully supported the United States Armed Forces through faithful service in war and in peace; and

**Whereas,** many of her sons and daughters have made the supreme sacrifice in the preservation of peace and liberty throughout the world during their service in the United States Armed Forces; and

**Whereas,** those who have died or are presumed lost during such service as well as their surviving family members merit all honors and benefits due them in accordance with state and federal law; and

**Whereas,** the citizens of the State have a right to the fullest possible accounting of all Maine members of the United States Armed Forces who are presumed lost or deceased during their active military service, regardless of whether the presumed loss or death occurred in operations during a recognized period of war or conflict; now, therefore, be it

**Sec. 1. Staff assistance; technical assistance. Resolved:** That the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services shall provide to the best of its ability staff assistance and technical assistance to assist individuals in obtaining information that may be available from the appropriate federal or state agencies concerning any Maine member of the United States Armed Forces who is presumed lost or deceased during the member's active military service, regardless of whether the presumed loss or death occurred in operations during a recognized period of war or conflict.

See title page for effective date.

## CHAPTER 44

S.P. 122 - L.D. 346

### **Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife To Allow a Well and Waterline Easement**

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

**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 Department of Inland Fisheries and Wildlife holds a conservation easement on a parcel of land adjacent to the Rangeley River in Rangeley; and

**Whereas,** the conservation easement was acquired from the Rangeley Lakes Heritage Trust with funds from the Land for Maine's Future Fund; and

**Whereas,** the Oquossoc Standard Water District desires to install one or more wells on the parcel of land to provide water to the Village of Oquossoc in the Town of Rangeley; 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. Authority to convey easement. Resolved:** That, in accordance with the Maine Revised Statutes, Title 5, section 6209, the Commissioner of Inland Fisheries and Wildlife may as provided in this section enter into an amendment of the conservation easement that the Department of Inland Fisheries and Wildlife holds in the Rangeley River conservation corridor and that was acquired with funds from the Land for Maine's Future Fund. If the commissioner finds that the conservation values of the Rangeley River conservation corridor will not be adversely affected, the commissioner may allow the Oquossoc Standard Water District to drill for water within 20 feet of the existing waterline on the property, to construct one or more wells within 20 feet of the existing waterline on the property and to connect the wells to the existing waterline in order to provide potable water to the Village of Oquossoc in the Town of Rangeley.

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

Effective May 23, 2003.

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## CHAPTER 45

### H.P. 966 - L.D. 1312

#### Resolve, Relating to Renewable Resources

**Sec. 1. Public Utilities Commission examination. Resolved:** That the Public Utilities Commission shall examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. In particular, the commission shall examine mechanisms that would provide adequate support for indigenous Maine generation facilities, including, but not limited to, hydroelectric facilities with a capacity of 30 megawatts or less, biomass generators and hydrogen-based fuel cell generators. The commission shall develop an analysis that articulates, to the extent possible, the cost of achieving the various goals and the most effective forms of each of the following support mechanisms:

1. A renewable portfolio requirement, similar in design to the current requirement under the Maine Revised Statutes, Title 35-A, section 3210, with appropriate modifications to ensure that it is both effective and permits a reasonable estimate of the cost to consumers;
2. A system benefits charge, with clearly articulated mechanisms for collecting and disbursing funds;
3. A mechanism that would use purchases from Maine's renewable generators to satisfy a portion of standard offer supply, with appropriate specificity for how such purchases would affect consumer prices, by and from whom purchases would be made, for what period of time any renewable portion of the standard offer supply should be offered and the impact on other features of Maine's electricity markets, including in particular the standard offer and the activities of competitive suppliers; and
4. Mechanisms used in other states and whether such mechanisms could be adapted for use in Maine; and be it further

**Sec. 2. Consultation. Resolved:** That, in conducting its examination, the Public Utilities Commission shall consult with entities with expertise or substantial interest in the subject of the examination, including, but not limited to, the Public Advocate, an organization representing independent renewable energy producers in Maine, an organization representing industrial energy consumers, an environmental advocacy group in Maine and representatives of transmission and distribution utilities; and be it further