

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.

Penmor Lithographers
Lewiston, Maine
2003

GENERAL FUND	2003-04	2004-05
All Other	\$25,000	\$0
General Fund Total	\$25,000	\$0

See title page for effective date.

CHAPTER 88

S.P. 61 - L.D. 138

Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland

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 Town of Ashland is the host community to the Boralex Ashland, Inc., formerly Northeast Empire Limited Partnership #II, biomass electrical generation facility; and

Whereas, as a result of severe disruptions in the economics and operations of the biomass electrical generation industry, the Town of Ashland has experienced a sudden and severe disruption of its municipal valuation related to the year 2001 municipal valuation relied upon by the State for purposes of establishing the 2003 state valuation, as determined by the Department of Administrative and Financial Services, Maine Revenue Services, Property Tax Division in September of 2002; and

Whereas, Maine Revenue Services, Property Tax Division has completed its state valuations and the appeal period for the same has passed; and

Whereas, absent this special legislation, there is no means for Maine Revenue Services, Property Tax Division to recalculate an adjusted state valuation for the Town of Ashland for the 2003 state valuation; 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. State valuation for Town of Ashland for year 2003. Resolved: That, due to the sudden and severe disruption of valuation caused by changes in the economics and operations of the biomass electrical generation industry, notwithstanding the Maine Revised Statutes, Title 36, sections 208 and 208-A, the State Tax Assessor shall reduce the

state valuation for the Town of Ashland for the year 2003 state valuation to \$66,950,000; and be it further

Sec. 2. General purpose aid for local schools; Ashland. Resolved: That the Commissioner of Education shall adjust the payments to the Town of Ashland for general purpose aid for local schools in fiscal year 2003-04 to reflect the revised 2003 state valuation provided by this resolve. If any savings occurs in the fiscal year 2003-04 General Purpose Aid for Local Schools account, the appropriate amount of those savings must be applied to increase the Ashland school administrative unit's general purpose aid for local schools in fiscal year 2003-04. If insufficient savings occur to fund all adjustments to 2003 state valuation made pursuant to enactments of the Legislature, the amount of savings must be divided equally among all school administrative units for which adjustments have been made. If insufficient savings occur in the fiscal year 2003-04 General Purpose Aid for Local Schools account to fully fund the adjustment required by this resolve, the appropriate increase in the Ashland school administrative unit's general purpose aid for local schools in fiscal year 2003-04 must be applied as an audit adjustment for general purpose aid for local schools in fiscal year 2004-05.

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

Effective June 23, 2003.

CHAPTER 89

S.P. 446 - L.D. 1358

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

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 119th Legislature originally established the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine in Resolve 1999, chapter 82 and the 120th Legislature reestablished it in Public Law 2001, chapter 462; and

Whereas, Private and Special Law 2001, chapter 71 authorized a general fund bond in the amount of \$7,000,000 to raise funds to construct and upgrade water pollution control facilities, to remove

discharges and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities; and

Whereas, authorization of this commission for an additional period is essential to allow the commission to provide legislative policy guidance on the expenditures of those funds; 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. Commission established. Resolved: That the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 15 members:

1. The President of the Senate shall appoint 2 members of the Senate to the commission. The first Senator appointed pursuant to this subsection is the Senate chair of the commission. When making these appointments, the President of the Senate shall give preference to a Senate member of the Joint Standing Committee on Inland Fisheries and Wildlife and a Senate member of the Joint Standing Committee on Natural Resources;

2. The Speaker of the House shall appoint 2 members of the House to the commission. The first Representative appointed pursuant to this subsection is the House chair. When making these appointments, the Speaker of the House shall give preference to House members of the Joint Standing Committee on Inland Fisheries and Wildlife;

3. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;

4. The Superintendent of Fish Culture, Department of Inland Fisheries and Wildlife;

5. One member of Trout Unlimited nominated by the president of that organization and appointed by the Governor;

6. Two members of the Inland Fisheries and Wildlife Advisory Council appointed by the Governor;

7. Three individuals representing owners or operators of a private fish hatchery in the State appointed by the Governor;

8. Two members of the Sportsman's Alliance of Maine, one of whom is a former chair of the commission, nominated by the president of that organization and appointed by the Governor; and

9. One individual who owns or operates a private aquaculture facility in the State appointed by the Governor; and be it further

Sec. 3. Appointments; convening of commission; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The chairs shall call and convene the first meeting of the commission no later than August 15, 2003. The commission is authorized to hold up to 2 meetings; and be it further

Sec. 4. Duties. Resolved: That the commission shall assist in the expenditure of the funds authorized under Private and Special Law 2001, chapter 71 to implement the recommendations of the final report of the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine as reported to the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Public Law 2001, chapter 462; and be it further

Sec. 5. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 6. Compensation. Resolved: That members who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission that occur on days the Legislature is not in session. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings; and be it further

Sec. 7. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission,

the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds; and be it further

Sec. 8. Appropriations and allocations.

Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

Initiative: Allocates the unexpended balance available from funds already received from the fish hatchery maintenance fund in the Department of Inland Fisheries and Wildlife to support the cost of 2 meetings of the commission.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$440	\$0
All Other	1,271	0
Other Special Revenue		
Funds Total	\$1,711	\$0

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

Effective June 23, 2003.

CHAPTER 90

H.P. 1105 - L.D. 1512

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland

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

1. "Affordable neighborhood development" means a primarily residential development in which at least 30% of the dwelling units are priced at the time of initial sale or rent below the price determined by the Maine State Housing Authority as the maximum that is affordable by households whose incomes are less than 120% of the median income for the labor market area, which price must be established annually by the Maine State Housing Authority. Of the dwelling units in that 30%, at least 1/3 must be priced at the time of initial sale or rent below the price determined by the Maine State Housing Authority as the maximum that

is affordable by households whose incomes do not exceed 80% of the median income for the labor market area, which price must be established annually by the Maine State Housing Authority.

2. "Commissioner" means the Commissioner of Administrative and Financial Services.

3. "State property" means the real estate described in section 3 of this resolve with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies; and be it further

Sec. 2. Authority to convey property. Resolved: That the State, by and through the commissioner, may:

1. Sell the interests of the State in the state property;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

3. Exercise, in accordance with the Maine Revised Statutes, Title 23, chapter 304, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements, conservation easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale or lease of the State's interests; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. 3. Property interests that may be conveyed. Resolved: That the state property authorized to be sold pursuant to this resolve is up to 15 acres of unimproved land, subject to existing rights and easements, designated Parcel D "Terrace Housing" on the "Maine Youth Center" plan developed by Winton Scott Architects; except that any conveyance must be made subject to affordable neighborhood development covenants. The commissioner is also authorized to execute a boundary line agreement with the City of Portland to straighten a jog in the property line separating the old Maine Youth Center from the Portland International Jetport; the parcels exchanged must be roughly equivalent in size and of similar value so that no consideration is required; and be it further

Sec. 4. Property to be sold as is. Resolved: That the commissioner may negotiate and execute purchase and sale agreements upon terms the