

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

Sec. 4. Director of Bureau of Parks and Lands authorized to convey certain real estate to Town of Greenville. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey for appraised fair market value, and on such other terms and conditions as the director may direct, to the Town of Greenville a certain lot or parcel of land up to 45 acres located in Little Moose Township, T3R5BKP EKK, said conveyance to be for the limited purpose of expansion of the Greenville Industrial Park and subject to approval by the voters of the Town of Greenville; and be it further

Sec. 5. Director of Bureau of Parks and Lands authorized to convey certain real estate to Town of Corinna. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey for One Dollar, \$1.00, and on such other terms and conditions as the director may direct, to the Town of Corinna a certain lot or parcel of land located at the intersection of Spring Street, Exeter Street and Center Street in the Town of Corinna, Penobscot County, State of Maine, being those same premises described in a deed from the Finance Authority of Maine to Ralph A. Berg, dated July 31, 1997 and recorded in the Penobscot County Registry of Deeds August 21, 1997 in Book 6469, Page 11. Title to the parcel passed to the State in 2000 pursuant to the Maine Revised Statutes, Title 18-A, section 2-105 at the death of Ralph A. Berg, who died testate and whose heirs disclaimed all interest.

See title page for effective date.

CHAPTER 138

H.P. 1443 - L.D. 1943

Resolve, Regarding Legislative Review of Portions of Chapter 299: Highway Driveway and Entrance Rules, a Major Substantive Rule of the Department of Transportation

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 2-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 Portions of Chapter 299: Highway Driveway and Entrance Rules, a provisionally adopted major substantive rule of the Department of Transportation that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 22, 2004.

CHAPTER 139

H.P. 1455 - L.D. 1955

Resolve, Directing the Commissioner of Marine Resources To Review the Licensing Requirements for the Harvest of Certain Marine Resources

Preamble. Whereas, the Legislature finds that state laws pertaining to marine resources, including but not limited to the commercial utilization of lobster, scallop, sea urchins, finfish, marine worms and shellfish, were duly enacted and are constitutionally valid; and

Whereas, it is essential for the long-term viability and health of Maine's marine resources that all of Maine's marine resources-related laws continue to be vigorously enforced; and

Whereas, state laws pertaining to marine resources must function in accordance with numerous federal laws and within the framework established by the United States Constitution and the Constitution of Maine to provide legal stability for the long-term management of these resources; and

Whereas, the periodic review of Maine's marine resources-related laws is necessary to improve the operation and effectiveness of those laws; and

Whereas, the Department of Marine Resources is uniquely situated to identify opportunities that will

ensure the long-term conservation of Maine's outstanding marine resources; now, therefore, be it

Sec. 1. Review of certain licenses. Resolved: That the Commissioner of Marine Resources shall review the State's licensing requirements for the commercial harvest of lobster, scallop, sea urchin, shrimp, shellfish, marine worm and seaweed resources to identify any opportunities to improve the operation and effectiveness of those laws in the context of federal law, the United States Constitution and the Constitution of Maine. In conducting the review, the commissioner shall consult with the Office of the Attorney General and may solicit input from other federal, state or municipal entities and interested parties; and be it further

Sec. 2. Recommendations; report. Resolved: That no later than January 3, 2005 the Commissioner of Marine Resources shall submit the commissioner's report and recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The commissioner is authorized to introduce a bill related to the report to the First Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 140

H.P. 1459 - L.D. 1959

Resolve, Authorizing Professional and Occupational Licensing Authorities in State Government To Defer or Waive Continuing Education Requirements for Military Personnel

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many citizens of Maine have been called to active duty in military service to the United States and will be returning to civilian life during the next 18 months; and

Whereas, it is necessary to ensure continuation of professional and occupational licensure for individuals in active military service; and

Whereas, current Maine law does not adequately provide for deferment or waiver of continuing education requirements to maintain active licensure; 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. Professional and occupational licensing authorities authorized to defer or waive all or any portion of any continuing education requirement with respect to Maine citizens returning from active military duty. Resolved: That state authorities authorized to license and regulate any profession or occupation may waive or defer all or any portion of any continuing education requirement in current law as a condition of license renewal for a person who is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty in support of an operational mission during a period of war declared by the Congress of the United States or a period of national emergency declared by the President of the United States or the Congress of the United States for a period of more than 30 days and who was licensed or registered to engage in a profession or occupation prior to being called to active duty; and be it further

Sec. 2. Reporting date established. Resolved: That the commissioner of a department or the director of an agency of State Government that waives or defers all or a portion of a continuing education requirement pursuant to section 1 of this resolve shall report by December 1, 2004 and monthly thereafter to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters with respect to the deferment or waiver of continuing education requirements for affected military service personnel; and be it further

Sec. 3. Repeal. Resolved: That this resolve is repealed October 1, 2005.

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

Effective April 27, 2004.

CHAPTER 141

H.P. 1447 - L.D. 1947

Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not