

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

CHAPTER 641

H.P. 852 - L.D. 1234

**An Act To Reestablish the Maine
Coast Environmental Trust Fund
within the Department of Marine
Resources**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6136 is enacted to read:

§6136. Maine Coast Environmental Trust Fund

1. Creation of trust fund. There is established the Maine Coast Environmental Trust Fund, referred to in this section as "the trust," as an Other Special Revenue Funds account within the Department of Marine Resources.

2. Purpose of trust. The purpose of the trust is to protect and improve the quality of the State's marine environment by providing grants to qualifying organizations for activities to advance scientific research concerning the nature, magnitude and effect of pollution of the State's estuarine, near-shore and off-shore marine environments and the means to abate pollution or preserve and enhance estuarine, near-shore and off-shore marine habitats.

3. Sources for trust. Money obtained from the following sources must be paid to the Treasurer of State for the benefit of the trust:

A. Gifts, bequests and donations to the trust from private individuals or corporations desiring to protect and improve the marine environment through applied research;

B. Grants to the trust from private or public foundations desiring to protect and improve the marine environment through applied and basic research;

C. Funds stipulated for deposit in the trust as part of the terms of settlement of legal actions against corporations, partnerships or individuals for violations of environmental laws, rules or regulations;

D. Funds for research received under any federal oil spill trust fund;

E. Revenues that may be from time to time realized through public bond issues;

F. Federal grants and loans; and

G. Appropriations and transfers authorized by the Legislature.

4. Use and administration of trust. Trust funds must be used to provide grants to meet the purposes of this section. The department shall administer the trust as follows.

A. Unless otherwise specified by the source of a contribution to the trust, 50% of a contribution to the trust must be deposited in a principal account and maintained as a permanent endowment. The income earned on funds held in this account, combined with the remaining 50% of funds contributed to the trust, must be deposited in an operating account and made available for disbursement as grants to accomplish the purposes of this section and as expenditures for purposes of administering the trust.

B. An executive agency is not eligible to receive funding from the trust unless the agency jointly undertakes a research proposal with another entity that is not an executive agency.

C. The department shall give preference to institutions, organizations and entities located and operated in the State.

D. Principal, or interest earned from principal, with special instructions from contributors must be awarded in accordance with the contributors' instructions.

E. All money in the trust not immediately required for payment, pursuant to the provisions of this section, must be invested by the Treasurer of State as authorized by Title 5, section 138, except that the securities in which the trust money is invested must remain part of the trust until exchanged for other securities and the income from all investments must remain a part of the trust unless prohibited by federal law.

5. Report, amendment and termination of trust. The department shall file a report as follows.

A. The department shall report to the Legislature on a biennial basis concerning the activities of the trust.

B. In the event the department determines that the provisions of the trust should be amended, the department shall make appropriate recommendations to the Legislature in its biennial report.

C. The department may recommend in its biennial report that the trust be terminated if termination is determined to be appropriate. In the event that the Legislature terminates the trust, the principal and operating funds must be disbursed in a manner consistent with the purpose of the trust.

Sec. 2. Transfer of funds. Notwithstanding any other provision of law, on or before October 1, 2006, the State Controller shall transfer \$25,000 from the unappropriated surplus of the General Fund to the Maine Coast Environmental Trust Fund account as established pursuant to the Maine Revised Statutes, Title 12, section 6136.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Maine Coast Environmental Trust Fund

Initiative: Provides funds to restore the clam flats in Stockton Harbor.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$0	\$25,000
OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$0	\$25,000

See title page for effective date.

CHAPTER 642

S.P. 417 - L.D. 1203

**An Act To Amend the Laws
Concerning Eminent Domain**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §244, sub-§1, ¶C, as amended by PL 1989, c. 208, §§12 and 21, is further amended to read:

C. Actual reasonable expenses, but not to exceed ~~\$1,000~~ \$2,500, in searching for a replacement business or farm; and

Sec. 2. 23 MRSA §244, sub-§1, ¶D, as enacted by PL 1989, c. 208, §§12 and 21, is amended to read:

D. Actual reasonable expenses necessary to re-establish a displaced farm, nonprofit organization

or small business at its new site, in accordance with criteria to be established by the department, but not to exceed ~~\$10,000~~ \$20,000.

Sec. 3. 23 MRSA §244, sub-§3, as amended by PL 1989, c. 208, §§12 and 21, is further amended to read:

3. Fixed payments for business or farm displacements. Any displaced person eligible for payments under subsection 1 who is displaced from that person's place of business or farm operation and who is eligible under criteria established by the department may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection 1. The payment ~~shall consist~~ consists of a fixed payment in an amount to be determined according to criteria established by the department, except that any such payment ~~shall be~~ may not be less than \$1,000 nor more than ~~\$20,000~~ \$100,000. A person whose sole business at the displacement dwelling is the rental of property to others ~~shall~~ does not qualify for a payment under this subsection. In the case of a business no payment may be made under this subsection unless the department is satisfied that the business:

- A. Cannot be relocated without a substantial loss of its existing patronage; and
- B. Is not part of a commercial enterprise having more than 3 other establishments not being acquired by the department, ~~which that~~ that are engaged in the same or similar business.

Sec. 4. 30-A MRSA §3101, sub-§§3 and 4 are enacted to read:

3. Business relocation benefits. Whenever the acquisition of real property pursuant to this section results in the displacement of a business or farm, the municipality shall provide payment for moving and related expenses as applicable under Title 23, section 244.

4. Residence relocation benefits. Whenever the acquisition of real property pursuant to this section results in the displacement of a person from a dwelling, the municipality shall provide payment for moving and related expenses, as well as replacement housing as applicable under Title 23, sections 244 to 244-C.

Sec. 5. 30-A MRSA §5204, sub-§§10 and 11 are enacted to read:

10. Business relocation benefits. Whenever the acquisition of real property pursuant to this section results in the displacement of a business or farm, the municipality shall provide payment for moving and