

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

Human Services 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 19, 2006.

CHAPTER 196

H.P. 1458 - L.D. 2062

Resolve, Regarding Legislative Review of Portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the Department of Health and Human Services

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 III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a provisionally adopted major substantive rule of the Department of Health and Human Services 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 19, 2006.

CHAPTER 197

H.P. 1415 - L.D. 2015

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

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.

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.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation is authorized, but not directed, to convey for appraised fair market value all of the State's interest in and to certain lots or parcels of land located in the townships and counties listed below and on such other terms and conditions as the director may direct:

1. County of Aroostook, State of Maine: A certain lot or parcel of land, being the Glenwood West Public Lot located in the Township of Glenwood Plantation; a certain lot or parcel of land, being the Glenwood Center Public Lot located in the Township of Glenwood Plantation; a certain lot or parcel of land, being the Glenwood East Public Lot located in the

Township of Glenwood Plantation; the Public Lot located in Township 2, Range 4 WELS; the common and undivided interest of the South Public Lot located in Township 4, Range 3 WELS; and the fee interest of the North Public Lot located in Township 4, Range 3 WELS; and all located in the County of Aroostook, State of Maine;

2. County of Penobscot, State of Maine: A certain lot or parcel of land, being the Greenfield Large Public Lot located in Greenfield Township; a certain lot or parcel of land, being the Greenfield Small Public Lot located in Greenfield Township; a certain lot or parcel of land, being a portion of the LaGrange North Public Lot located in the Town of LaGrange; and a certain lot or parcel of land, being the Public Lot located in Township 2, Range 9 NWP; and all located in the County of Penobscot, State of Maine;

3. County of Washington, State of Maine: A certain lot or parcel of land, being the Public Lot located in Township 8, Range 3 NBPP, County of Washington, State of Maine; and

4. County of Franklin, State of Maine: A certain lot or parcel of land, being a portion of the Public Lot located in Wyman Township, County of Franklin, State of Maine, being subject to an option to lease agreement between the State of Maine as lessor and Redington Mountain Windpower, LLC dated February 5, 2004, a copy of which is on file in the offices of the State of Maine, Department of Conservation, Bureau of Parks and Lands, Augusta, Maine, and further subject to a contract of sale between the State of Maine as seller and Gareth V. Warren as purchaser and as authorized by Resolve 2005, chapter 97, section 2. A copy of said contract is on file in the offices of the State of Maine, Department of Conservation. Authorization for transfer does not include a parcel of land of approximately 143 acres located on the eastern part of the Wyman Lot, on the southerly side of and adjacent to Route 27 and in the vicinity of the Appalachian Trail Corridor. This parcel is to be retained by the Bureau of Parks and Lands; and be it further

Sec. 2. Conditions for transfer of public lots. Resolved: That the conveyance of the public lots authorized in section 1 is contingent upon:

1. The transfer of approximately 4,040 acres in the northwestern quadrant of Township 3, Range 8 to the Baxter State Park Authority for inclusion in Baxter State Park;

2. The transfer of approximately 1,975 acres in the southwestern quadrant of Township 4, Range 8 to the Department of Conservation, Bureau of Parks and Lands;

3. The Bureau of Parks and Lands' securing an option to purchase approximately 8,000 acres in Township 3, Range 8 and Township 4, Range 8 owned by the Gardner family and east of the acreage proposed for transfer under subsections 1 and 2;

4. The Bureau of Parks and Lands' obtaining a temporary easement allowing public access and recreational use over the approximately 8,000 acres in Township 3, Range 8 and Township 4, Range 8 described in subsection 3. This easement must be in effect for the duration of the option to purchase. If the option to purchase is not exercised, the Bureau of Parks and Lands shall seek to acquire a permanent easement allowing public access and recreational use over the approximately 8,000 acres. A 3rd-party appraisal must be used to determine the value of a permanent easement;

5. Bureau of Parks and Lands' procuring a signed statement from a grantee receiving the lots authorized for transfer in section 1 stating that the grantee is willing to continue existing independent 3rd-party certification of those lands under the Sustainable Forestry Initiative or Forest Stewardship Council certification programs; and

6. Notification to the Bureau of Parks and Lands that the grantee receiving the lots authorized for transfer in section 1 has entered into an agreement with the Department of Inland Fisheries and Wildlife to continue management of winter habitat for white-tailed deer on those lots that is consistent with the management agreement between the Department of Inland Fisheries and Wildlife and the Bureau of Parks and Lands in effect on March 30, 2006 and that the agreement between the grantee and the Department of Inland Fisheries and Wildlife will remain in effect as long as the grantee owns the lots; and be it further

Sec. 3. Strategies to increase snowmobiling opportunities. Resolved: That the Department of Conservation shall develop a comprehensive plan to increase snowmobiling opportunities in the Katahdin Region. The department shall explore strategies to secure continuing use of existing snowmobile trails through easements or other means and also explore ways to improve existing trails or develop new ones where necessary or preferable. In developing the plan, the department shall work with public and private landowners to explore strategies for improving and expanding snowmobiling in the region. The department shall consider a comprehensive set of strategies and engage local officials and citizens in the development of the plan. The department shall provide a copy of its plan and recommended strategies to all stakeholders, including the Baxter State Park Authority, for their information and consideration. For purposes of this section and section 5, "the Katahdin Region," means the area from Millinocket, East

Millinocket and Medway to the south and extending north to Shin Pond and west into Piscataquis County. No later than March 15, 2007, the Commissioner of Conservation shall provide the joint standing committee of the Legislature having jurisdiction over public lands matters with a progress report on actions taken to meet these objectives and a list of officials, landowners and citizens participating in this process; and be it further

Sec. 4. Management of Wyman Lot. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation shall manage the eastern 143 acres of the Wyman Lot described in section 1 and retained by the Bureau of Parks and Lands. The director shall consult with the Flagstaff Regional Advisory Council in developing a management plan for this acreage; and be it further

Sec. 5. Commissioner of Conservation to convene a working group. Resolved: That the Commissioner of Conservation shall convene a working group on the acquisition of land for multiple uses. The group must include, but is not limited to, representatives of the Katahdin Region. The group shall review possible options for the public acquisition of land or interest in land that is crucial for hunting, snowmobiling and other types of recreation that have a significant impact on the economy of the region; and be it further

Sec. 6. Proceeds from sale of certain public lots. Resolved: That the proceeds from the sale of the public lots in Penobscot County authorized for transfer in section 1 be applied towards the purchase of the approximately 1,975 acres in the southwest quadrant of Township 4, Range 8 to be transferred to the Department of Conservation, Bureau of Parks and Lands pursuant to section 2, subsection 2; and be it further

Sec. 7. Proceeds from sale of certain public lots. Resolved: That, subject to the restrictions of the Constitution of Maine, Article IX, Section 23 and except as provided in section 6, the proceeds from the sale of the public lots authorized for transfer in section 1 must be applied towards the purchase of land of state, regional or local significance by the Land for Maine's Future Board, in accordance with the criteria set forth in the Maine Revised Statutes, Title 5, chapter 353 and the State Controller shall transfer the proceeds from the sale of the public lots authorized for transfer in section 1 to the Land for Maine's Future Board for the purpose set out in this section. The land purchased must be of a value similar to the parcels conveyed pursuant to section 1, including, but not limited to, similarity in conservation value, habitat value and wildlife value; and be it further

Sec. 8. Real estate taxes; transfer to Organized Townships Fund. Resolved: That, notwithstanding any provision of law to the contrary, until 90 days after adjournment of the Second Regular Session of the 123rd Legislature, the Township of Glenwood Plantation and the Town of LaGrange upon receiving property taxes on a parcel of land that is transferred by the State on or after July 1, 2006 pursuant to section 1 shall transmit an amount equal to the property tax collected to the Treasurer of State, who shall deposit those funds into the Organized Townships Fund to be expended in accordance with the purposes of the fund set forth in the Maine Revised Statutes, Title 12, section 1854; and be it further

Sec. 9. Maintenance of hiking trail. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation shall construct and maintain a hiking trail through the 8,000 acres described in section 2, subsection 4. The director shall consult with the Baxter State Park Authority on connecting this trail to trails within Baxter State Park leading to the shore of Katahdin Lake; and be it further

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

CONSERVATION, DEPARTMENT OF

Land Management and Planning 0239

Initiative: Allocates funds necessary to cover administrative costs associated with the acquisition of certain new properties.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$0	\$100,000
<hr/>		
OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$0	\$100,000

See title page for effective date.

CHAPTER 198

H.P. 1293 - L.D. 1853

Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification

Sec. 1. Commissioner of Agriculture, Food and Rural Resources to conduct outreach activities about animal identification proposals. Resolved: That the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee shall conduct outreach activities to inform the agricultural community and the