

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

CHAPTER 177
H.P. 1434 - L.D. 2050

**Resolve, Directing the Public
Utilities Commission and the
Public Advocate To Advocate
for the Adoption and
Implementation of Demand-
side Management Programs**

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

Whereas, demand-side management programs save money for Maine energy consumers by reducing the need for new generation plants and minimizing the use of existing generation plants and protect the environment by avoiding the burning of fossil fuels and the creation of carbon dioxide emissions; and

Whereas, the Independent System Operator New England regional transmission organization, of which 2 of Maine's transmission and distribution utilities are members, has established demand-side management programs that compensate participants for reductions in energy and capacity demand on the transmission and distribution system; and

Whereas, in response to the ISO New England demand-side management programs and encouragement from ISO New England to participate in these programs, many of Maine's largest consumers of electricity invested in special equipment and training and revised their business protocols in order to utilize the programs; and

Whereas, ISO New England has recently adopted changes to its demand-side management programs that compromise the value of the significant investments that have been made by large consumers of electricity in Maine in order to utilize those programs; 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,

Sec. 1. Demand-side management programs. Resolved: That the Public Utilities Commission and the Public Advocate shall, as appropriate, use the powers and authorities granted to them under the Maine Revised Statutes, Title 35-A, including the right to participate in proceedings and activities of federal agencies and regional bodies affecting consumers of electricity in this State, to advocate for and facilitate

and support the development, adoption and implementation of demand-side management programs that may include provisions that compensate participants for reductions in energy and capacity demand on the transmission and distribution system or the increased output of on-site generation.

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

Effective March 31, 2008.

CHAPTER 178
H.P. 1544 - L.D. 2170

**Resolve, Regarding Legislative
Review of Portions of Chapter
10: Rules for Exemptions to the
Ban on Flavored Cigarettes
and Cigars, a Major
Substantive Rule of the
Department of the Attorney
General**

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 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a provisionally adopted major substantive rule of the Department of the Attorney General 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 legislation takes effect when approved.

Effective April 1, 2008.

**CHAPTER 179
H.P. 1598 - L.D. 2237**

**Resolve, Authorizing the
Department of Conservation,
Bureau of Parks and Lands To
Convey Certain Lands and
Enter into Certain Leases with
the Federal Government**

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, the Director of the Bureau of Parks and Lands within the Department of Conservation may lease state park lands to the Federal Government with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1812; and

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 1814, 1837 and 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Wyman Township, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a nonexclusive linear easement for forest management purposes to benefit GMO Renewable Resources, LLC, and its successors and assigns, in the Wyman Township, Franklin County. The easement must be located entirely along the existing forest management road located on state-owned land running south from State Route 27; and be it further

Sec. 2. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Moosehead Junction Township, Piscataquis County. Resolved: That the Director

of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a nonexclusive linear easement for forest management purposes to benefit GMO Renewable Resources, LLC, and its successors and assigns, in the Moosehead Junction Township, Piscataquis County. The easement must be located entirely along the existing forest management road on state-owned land running southwest from State Route 15; and be it further

Sec. 3. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Coplin Plantation, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a nonexclusive linear easement for forest management purposes to benefit GMO Renewable Resources, LLC, and its successors and assigns, in Coplin Plantation, Franklin County. The easement must be located entirely along the existing forest management roads on state-owned land; and be it further

Sec. 4. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Chain of Ponds Township, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, 4 nonexclusive linear easements with multiple branches for forest management purposes to benefit GMO Renewable Resources, LLC, and its successors and assigns, in Chain of Ponds Township, Franklin County. The easements must be located entirely along the existing forest management roads on state-owned land running in various directions from State Route 27; and be it further

Sec. 5. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in the Town of Newport, Penobscot County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey, for negotiated value, and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a trail-crossing easement in the Town of Newport, Penobscot County to benefit the properties of Maureen M. Greene, and Paul A. Greene, Jr. and Joel S. Burrill and Christine A. Burrill; and be it further