

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

section 1471-Z, subsection 2, paragraphs A to E to persons on the registry who are entitled to notification under Title 22, section 1471-Z, subsections 2 and 3.

**Sec. 7. Appropriations and allocations.**

The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Pesticides Control - Board of 0287**

Initiative: Allocates one-time funds for a campaign to raise awareness about the pesticides notification registry.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$25,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$25,000	\$0

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

Effective April 1, 2010.

**CHAPTER 585**

**H.P. 1135 - L.D. 1607**

**An Act To Regulate the Transportation of Firewood**

**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 emerald ash borer and the Asian longhorned beetle have the potential to decimate Maine's forests, affecting wildlife habitat and other forest-based resources; and

**Whereas,** introduction of these insect pests poses a threat to tree species of commercial value; and

**Whereas,** the Asian longhorned beetle is now present in 3 northeastern states and the emerald ash borer has killed millions of ash trees in the midwestern United States and is now present in Pennsylvania; and

**Whereas,** the transportation of firewood has been demonstrated to hasten the spread of these pests beyond the normal biological dispersal rate; and

**Whereas,** the next camping season will begin in June 2010, and many campers come to Maine bringing firewood from their home states; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §8305,** as enacted by PL 1979, c. 545, §3, is amended to read:

**§8305. Shipment prohibited**

The director may prohibit, prevent or regulate the entry into or movement within the State, ~~from any part thereof to any other part,~~ of any plants of the genus Ribes or other nursery or wilding plants, stock or parts of plants which or wood or wood products that may cause the introduction or spread of a dangerous forest insect or disease. The director may issue ~~the necessary~~ orders, permits and notices necessary to carry out this section ~~which shall not be considered to.~~ Orders, permits and notices issued under this section do not require or constitute an adjudicatory proceeding under the Maine Administrative Procedure Act, ~~Title 5, chapter 375.~~

**Sec. 2. Transportation of firewood; rules.**

The Director of the Bureau of Forestry within the Department of Conservation shall seek funding from private and public sources to supplement and secure federal funding sufficient to implement restrictions on the transportation of firewood into the State. Upon securing adequate funding, the director shall adopt rules under the Maine Revised Statutes, Title 12, section 8306 to restrict the importation of firewood into the State to protect the State's forests from introduction of the emerald ash borer and the Asian longhorned beetle. The rules may allow the transportation of kiln-dried wood and include other exceptions the director determines do not threaten the State's forests. For purposes of this section, "firewood" means wood that is sold or transported for residential or recreational consumption in fireplaces, woodstoves, outdoor fireplaces or campfires. "Firewood" does not include wood chips, wood pellets, fuel for biomass boilers, pulpwood or other wood sold or transported for manufacturing purposes.

**Sec. 3. Directives to the Department of Conservation.**

Within the Department of Conservation, the Director of the Bureau of Forestry shall work closely with the Director of the Bureau of Parks and Lands to ensure that the transportation of firewood into state parks and onto other lands managed by the Bureau of Parks and Lands is restricted to protect the State's forests from introduction of the emerald ash borer and the Asian longhorned beetle. Within existing resources, the Director of the Bureau of Forestry shall conduct surveillance to detect the presence of the em-

erald ash borer and the Asian longhorned beetle. The Director of the Bureau of Forestry may propose modifications to the definition of "firewood" under section 2 to the joint standing committee of the Legislature having jurisdiction over forestry matters to achieve the intent of this legislation.

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

Effective April 1, 2010.

**CHAPTER 586  
H.P. 1174 - L.D. 1646**

**An Act To Establish a  
Broadband Policy for 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 availability of broadband service to all residents of the State is important for economic growth and opportunity; and

**Whereas,** facilitating increased use of broadband in this State will spur further broadband infrastructure investment and result in benefits to the users and to the economy of the State; and

**Whereas,** the federal American Recovery and Reinvestment Act of 2009 has set aside \$7,200,000,000 for broadband expansion in unserved and underserved areas of the Nation, and over \$25,000,000 of those funds have been granted to a middle-mile broadband project in the State that will result in further private investment in last-mile infrastructure in the State; and

**Whereas,** the State will be benefited by attracting and receiving further federal funding for additional broadband projects in this State; and

**Whereas,** part of the process for receiving federal funds includes a review by the State to determine whether each grant application is consistent with the State's broadband policy; and

**Whereas,** all grant awards under the federal American Recovery and Reinvestment Act of 2009 are scheduled to be awarded prior to the commencement of the 125th Legislature; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §9202-A** is enacted to read:

**§9202-A. State broadband policy**

**1. Goal.** It is the goal of the State that:

A. Broadband service become and remain, as nearly as possible, universally available in this State, including to all residential and business locations and community anchor institutions in the State; and

B. A secure, reliable and sustainable forward-looking infrastructure that can meet future broadband needs is developed.

**2. Policy.** It is the policy of the State to:

A. Maximize sustainable private investment in broadband infrastructure in the State and to promote broadband infrastructure deployment and availability to all individuals, businesses and institutions in this State, including those that require ultra high-speed Internet access;

B. Maximize federal grant resources and private investment opportunities to support the deployment of broadband infrastructure in unserved and underserved areas of the State in a manner consistent with paragraph A;

C. Prioritize the use of state broadband resources to assist private infrastructure deployment in unserved and underserved areas of the State;

D. Maximize the number of state permits and licenses that may be obtained or renewed online at rates equal to or less than the rates set for obtaining or renewing the permits or licenses in person;

E. Increase the number of subscribers to broadband services in the State so as to ensure that all residents of the State are able to fully take advantage of the economic opportunities available through broadband Internet connectivity, including by:

(1) Educating residents of the State about the benefits and opportunities associated with broadband services, such as distance learning opportunities, opportunities in telemedicine, as defined in Title 24-A, section 4316, and state programs available online; and

(2) Educating small businesses regarding the advantages of broadband access, such as online business reporting and tax filings and national and global sales opportunities; and

F. Seek to expand computer ownership and training in this State and ensure appropriate computer