

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
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Augusta, Maine
2010

CHAPTER 209
H.P. 1291 - L.D. 1803

**Resolve, Authorizing Certain
Land Transactions by the
Department of Conservation,
Bureau of Parks and Lands
and the Department of Inland
Fisheries and Wildlife and
Directing the Initiation of
Negotiations Regarding
Easements on Certain Land**

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 or interests in lands with the approval of the Legislature in accordance with Title 5, section 6209 and Title 12, sections 1814, 1837 and 1851; and

Whereas, any conveyance of state land for electric transmission is governed by Title 35-A, section 3132, subsection 13; and

Whereas, the Department of Conservation jointly with the Land for Maine's Future Board enforces terms and conditions according to which certain other cooperating entities as defined in Title 5, section 6201 that acquire land with funding from the Land for Maine's Future Fund may sell or exchange lands or change the use of the land only with the approval of the Legislature in accordance with Title 5, section 6209; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain interests in land in Monhegan Plantation, Lincoln County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant, for negotiated value, and on such other terms and conditions as the director may direct, convey or release all interests in any land in Monhegan Plantation to Monhegan Plantation that appears to have reverted to the bureau upon the death of Evelyn Cazallis Carter. This conveyance is intended to include, but is not limited to, Lot #10 on a "Plan of Lots on Prospect Hill on the Island of Monhegan Maine" dated 1891 and recorded in the Lincoln County Registry of Deeds in Plan Book 1, Page 21;

Lot #29 on a "Plan of Lots at Surf Side on the Island of Monhegan" dated 1891 and recorded in the Lincoln County Registry of Deeds in Plan Book 1, Page 85 and any interest acquired in land on the westerly half of Monhegan Avenue that abuts Lot #29 as shown on said plan of Surf Side as Monhegan Avenue that was never built or used; and be it further

Sec. 2. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain interests in land in the Town of St. Francis, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey a road crossing easement for all purposes including but not limited to commercial and residential travel and utilities with such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities. The easement crosses the ownership interest of the bureau in the St. John Valley Heritage Trail. The conveyance is for the sum of \$1,000 plus any expenses incurred by the bureau, such as legal or survey contracts, but not including the time and incidental expenses of state employees. The easement will benefit the property currently owned by Thomas Pelletier of 14 Pelletier Drive, Tax Map 22, Lot A19 in the Town of St. Francis in Aroostook County. For reference see Recreational Trail Easement deed from the Town of Fort Kent to the Department of Conservation, dated June 19, 2000 and recorded in the Aroostook County Registry of Deeds - Northern Division in Book 1213, Page 213; and be it further

Sec. 3. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain interests in land in the Town of Sullivan and Town of Franklin, both in Hancock County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey at any time prior to April 1, 2013 on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, any number of linear nonexclusive easements for electric transmission purposes together with access easements along with tree trimming rights to benefit Bangor Hydro Electric Company, a Maine corporation with its principal place of business in Bangor, Maine, and its successors and assigns.

The easements may be across various parcels of land owned by the Bureau of Parks and Lands in the Town of Sullivan and the Town of Franklin, both in Hancock County, which parcels are part of the Donnell Pond unit of public reserved land and also may be proximate to Little Pond in the Town of Franklin and Flanders Pond in the Town of Sullivan. The easements must generally be proximate to and parallel to the existing railroad corridor and the existing transmission corridor, except where alternative routes are

directed by the director to minimize or balance scenic, recreational and ecological impacts.

A condition of the conveyance is that no transmission line may be constructed except under the terms of the certificate of public convenience and necessity as originally issued for that transmission line by the Public Utilities Commission or as modified by order of the Department of Environmental Protection under the Maine Revised Statutes, Title 35-A, section 3132, subsection 7 or under the terms of an amended certificate of public convenience and necessity issued by the commission or deemed to have been issued by the commission under Title 35-A, section 3132, subsection 11-A.

The value of this transaction must be negotiated and agreed upon by the director and the Land for Maine's Future Board as established by Title 5, section 12004-G, subsection 29; and be it further

Sec. 4. Land for Maine's Future Board and Director of Bureau of Parks and Lands authorized, but not directed, to allow Frenchman Bay Conservancy to convey certain interests in land in the Town of Sullivan, in Hancock County. Resolved: That the Land for Maine's Future Board as established by Title 5, section 12004-G, subsection 29 and the Director of the Bureau of Parks and Lands may authorize the Frenchman Bay Conservancy to convey at any time prior to April 1, 2013 portions of certain interests in the Schoodic Bog parcel located in the Town of Sullivan in Hancock County, further described in the Hancock County Registry of Deeds in Book 4365, Pages 311 to 317 and acquired with funding from the Land for Maine's Future Fund as established by Title 5, section 6203.

Conveyance must be by quitclaim deed without covenant and on such other terms and conditions as the director may approve upon consultation with the parties, including maintenance and safety obligations and responsibilities, and may include a linear nonexclusive easement for electric transmission purposes together with access easements and tree trimming rights to benefit Bangor Hydro Electric Company, a Maine corporation with its principal place of business in Bangor, Maine, and its successors and assigns.

The easement must generally be proximate to and parallel to the existing railroad corridor and the existing transmission corridor, except where alternative routes are approved by the director upon consultation with the parties to minimize or balance scenic, recreational and ecological impacts.

A condition of the conveyance is that no transmission line may be constructed except under the terms of the certificate of public convenience and necessity as originally issued for that transmission line by the Public Utilities Commission or as modified by order of the

Department of Environmental Protection under the Maine Revised Statutes, Title 35-A, section 3132, subsection 7 or under the terms of an amended certificate of public convenience and necessity issued by the commission or deemed to have been issued by the commission under Title 35-A, section 3132, subsection 11-A.

The value of this transaction must be negotiated and agreed upon by the director and the Land for Maine's Future Board; and be it further

Sec. 5. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain interests in land in Big Lake Township, Washington County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey a parcel of land in Big Lake Township formerly known as Township 21 or T21 ED BPP in Washington County with such other terms and conditions as the director may direct. The conveyance must be for negotiated value and may be to any party. The parcel of land is approximately 3 acres and includes a garage and is located on West Street near Yates Point Road. For reference see Maine Revenue Services Map WA033 Plan 4 Lot 27 and Washington County Registry of Deeds, Book 1238, Page 92; and be it further

Sec. 6. Commissioner of Inland Fisheries and Wildlife authorized, but not directed, to convey certain interests in land in Kennebunk, York County. Resolved: That the Commissioner of Inland Fisheries and Wildlife may by quitclaim deed without covenant convey for negotiated value a parcel of land approximately 1 1/3 acres in the Town of Kennebunk in York County to Central Maine Power Company. The parcel is situated northerly of, but not adjacent to, Maguire Road, being a portion of land described in a deed from the Coastal Blueberry Service, Inc. to the State of Maine dated May 1, 1990 and recorded in the York County Registry of Deeds in Book 5383, Page 332.

A condition of the conveyance is that no transmission line or ancillary appurtenances may be constructed except under the terms of the certificate of public convenience and necessity as originally issued for that transmission line by the Public Utilities Commission or as modified by order of the Department of Environmental Protection under the Maine Revised Statutes, Title 35-A, section 3132, subsection 7 or under the terms of an amended certificate of public convenience and necessity issued by the commission or deemed to have been issued by the commission under Title 35-A, section 3132, subsection 11-A; and be it further

Sec. 7. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain interests in land in the Town of Lubec,

Washington County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant, for negotiated value, and on such other terms and conditions as the director may direct, convey interests in land in the Town of Lubec to the municipal government of the Town of Lubec. Consistent with requirements of federal funds used for the acquisition of this parcel by the State, the conveyance must be conditioned by a deeded limitation that the parcel be used only for recreation and open space purposes and be available to the general public, with allowed uses including but not limited to the construction and operation of public memorial structures.

This conveyance is intended to include, but is not limited to, a small parcel of land located on the southeasterly corner of the existing Johnson Bay public boating facility and identified as Map 15, Lot 10 on the Town of Lubec tax records, which parcel is currently undeveloped, and recorded in the Washington County Registry of Deeds, Book 706, Page 81; and be it further

Sec. 8. Commissioner of Inland Fisheries and Wildlife directed to negotiate easements in Cumberland County. Resolved: That the Commissioner of Inland Fisheries and Wildlife shall initiate negotiations with interested parties, including but not limited to abutting property owners, regarding granting easements on land known as the Eastern Trail near the intersection of Blackpoint Road in Scarborough, Cumberland County, with such terms and conditions as the commissioner may direct. The commissioner shall endeavor to conclude such negotiations no later than December 1, 2010.

See title page for effective date.

CHAPTER 210

H.P. 1160 - L.D. 1632

Resolve, Regarding Biofuel in Number 2 Heating Oil

Sec. 1. Biofuel study. Resolved: That the Executive Department, Governor's Office of Energy Independence and Security, referred to in this section as "the office," shall oversee a study of the energy, environmental and economic feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. As used in this section, "biofuel" means any commercially produced liquid or gas used to fire a heating device or a stationary power device or otherwise substitute for liquid or gaseous fuels that is derived from renewable biomass, including, but not limited to, agricultural crops and residues, forest products and by-products and separated food waste, as distinct from petroleum or other fossil carbon sources.

1. The study must include, but is not limited to, the following:

- A. The feasibility of linking annual production of biofuel in the State to use goals and requirements;
- B. Consideration of biofuel supply, price and infrastructure issues for number 2 heating oil;
- C. Consideration of federal regulations and programs, including, but not limited to, the United States Environmental Protection Agency's renewable fuels standard and the United States Department of Agriculture's biomass crop assistance program;
- D. Consideration of relevant legislative proposals and actions in the United States Congress, including, but not limited to, low-carbon fuel standards;
- E. Consideration of relevant policies in other states, particularly in other New England states; and
- F. Conformance of goals with the office's State of Maine Comprehensive Energy Plan.

2. The study must supplement the January 2008 report by the office titled "Liquid Biofuels Policy for Maine" and update recommendations regarding the establishment of an alternative fuel incentive program to stimulate the production, distribution and use of biofuels in number 2 heating oil.

3. In carrying out the study, the office shall consult with the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust Board.

4. Performance of the study's examination of supply goals and requirements and price considerations under subsection 1 is dependent on receipt of funding through a 3rd-party grant or donation. Performance of the study's update of policy recommendations to stimulate the production, distribution and use of biofuels, with supply goals and price considerations, must be undertaken by the office regardless of funding source.

5. By February 15, 2011, the office shall submit a report of its findings and recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over natural resources matters; and be it further

Sec. 2. Authority to submit legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over natural resources matters may submit a bill relating to the subject matter of the report submitted pursuant to section 1 to the First Regular Session of the 125th Legislature.

See title page for effective date.
