

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

3. Finding of marine resources violation and suspension. If the presiding officer of the hearing under subsection 2 finds that a violation of marine resources law has been committed, the presiding officer shall immediately notify the commissioner of the finding, and the commissioner may suspend the license or certificate of the person requesting the hearing. The length of the suspension of the license or certificate may not exceed:

- A. One year from the date of a first finding of a violation under this subsection;
- B. Two years from the date of a 2nd finding of a violation under this subsection; or
- C. Three years from the date of a 3rd or subsequent finding of a violation under this subsection.

4. Prohibition against multiple suspensions. If the commissioner suspends a license or certificate under this section, the commissioner may not suspend the license or certificate because of a criminal conviction or civil adjudication for the same violation.

5. Appeal. A decision of the commissioner to suspend a license or certificate pursuant to this section may be appealed to the Superior Court if it is filed with the court within 30 days of the decision.

6. Request for hearing on suspension length; place of hearing. The license or certificate holder may request a hearing regarding the length of suspension under this section. A hearing must be requested in writing within 10 days from the effective date of the suspension. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area.

Sec. 5. 12 MRSA §6852-A, sub-§7 is enacted to read:

7. Inspection. For the purposes of inspection or collection of samples, the commissioner or the commissioner's agent may access an establishment or part thereof or vehicle in which activities authorized under this section are conducted by a person holding an enhanced retail seafood license. Denial of access is grounds for suspension or revocation of an enhanced retail seafood license under the provisions of section 6372.

Sec. 6. 12 MRSA §6856, sub-§5, as amended by PL 2003, c. 248, §11, is further amended to read:

5. Right of entry. Whenever a certificate has been issued under this section, the commissioner, or the commissioner's agent, must have access to any establishment or part thereof for the purpose of inspection or collection of samples. Denial of access is grounds for suspension or revocation of any certificate or license under the provisions of section ~~6373~~ 6372.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF Office of the Commissioner 0258

Initiative: Provides an allocation to contract with the Department of the Secretary of State to conduct administrative hearings.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$5,625	\$5,625
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,625	\$5,625

See title page for effective date.

CHAPTER 312 H.P. 1082 - L.D. 1473

An Act To Clarify Rights-of-way Laws

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

Sec. 1. 33 MRSA §469-A, sub-§§1 and 2, as enacted by PL 1987, c. 385, §4, are amended to read:

1. Reservation of title. Any conveyance made before ~~the effective date of this section which~~ September 29, 1987 that conveyed land abutting upon a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds ~~shall be~~ is deemed to have conveyed all of the grantor's interest in the portion of the way ~~which~~ that abuts the land conveyed, unless the grantor expressly reserved ~~his~~ the grantor's title to the way by a specific reference to this reservation in the conveyance of the land.

2. Intent to reserve. Any grantor who, before ~~the effective date of this section~~ September 29, 1987, conveyed land abutting a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds with the intent to reserve title to the way, but who did not expressly reserve title to the way as required in subsection 1, or any person who claims title to the way by, through or under the grantor, may preserve the grantor's claim by recording the notice set forth in subsection 3, in the registry of deeds where the pertinent subdivision plan is recorded, within 2 years after ~~the effective date of this section~~ September 29, 1987.

Sec. 2. 33 MRSA §469-A, sub-§6, as enacted by PL 1987, c. 385, §4, is amended to read:

6. Lack of reservation. Any person owning land in this State abutting a proposed, unaccepted way or portion of a proposed, unaccepted way, whose predecessors in title had not reserved title in the way under subsection 1 or 2, is deemed to own to the center line of the way or portion of the way, except for a proposed, unaccepted way under subsection 6-A.

Sec. 3. 33 MRSA §469-A, sub-§6-A is enacted to read:

6-A. Bounded by other property. A person owning land in a subdivision abutting a proposed, unaccepted way or portion of a proposed, unaccepted way owns the entire width of the portion of the way that abuts the person's land if:

A. The proposed, unaccepted way or portion of the proposed, unaccepted way is part of the subdivision and is laid out on the subdivision plan recorded in the registry of deeds;

B. The person's predecessors in title had not reserved title in the proposed, unaccepted way or portion of the proposed, unaccepted way under subsection 1 or 2; and

C. The proposed, unaccepted way or portion of the proposed, unaccepted way is bounded on the opposite side by land that is not included in the subdivision.

If the land on the opposite side of a proposed, unaccepted way or a portion of a proposed, unaccepted way under this subsection extends beyond the person's land, then the person owns the entire width of that portion of the extension of the proposed, unaccepted way that is not bounded by another owner's land on the person's side of the way.

See title page for effective date.

CHAPTER 313

H.P. 1018 - L.D. 1385

An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine

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

Sec. 1. 36 MRSA §1483-A is enacted to read:

§1483-A. Local option exemption for residents permanently stationed or deployed for military service outside of the State

A municipality may by ordinance exempt from the annual excise tax imposed pursuant to section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is

either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

Sec. 2. Effective date. This Act takes effect January 1, 2012.

Effective January 1, 2012.

CHAPTER 314

H.P. 568 - L.D. 761

An Act To Provide Rebates for Renewable Energy Technologies

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 laws governing the solar and wind energy rebate program were repealed effective December 31, 2010; and

Whereas, the installation of renewable energy technology is a form of economic activity in this State; and

Whereas, funding is immediately available for rebates to provide incentives for this economic activity; 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 §3210, sub-§9, ¶B, as amended by PL 2009, c. 565, §4 and affected by §9, is further amended to read:

B. The commission shall collect alternative compliance payments made by competitive electricity