

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

E. One representative appointed by state humane organizations;

F. One member, appointed by the commissioner, representing the general public; and

~~G. One member, appointed by the commissioner, representing the animal pulling industry; and~~

H. One member appointed by the Animal Welfare Advisory Council.

Sec. 2. 7 MRSA §98, sub-§2, as amended by PL 2011, c. 73, §2, is further amended to read:

2. Chair; meetings; secretary; quorum. The Pull Events Commission shall elect one of its members as chair. The chair serves a 2-year term and may not serve as chair for consecutive terms. The commission shall meet a minimum of twice annually. The commissioner shall designate a person to serve as secretary to the Pull Events Commission. A quorum of the commission for the transaction of business is 6 members. An action may not be taken by the commission without approval of a majority of the members present.

Sec. 3. 7 MRSA §98, sub-§3, as enacted by PL 2005, c. 563, §3, is amended to read:

3. Terms; vacancies. Appointments to the Pull Events Commission must be for terms of ~~2~~ 3 years. The appointing authority fills a vacancy for a full ~~2-year~~ 3-year term. The appointing authority may remove a commission member for cause, which includes poor attendance. The chair shall make recommendations to the appointing authority concerning a removal.

Sec. 4. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 7, section 98, subsections 1 and 3, the terms of members appointed to the Pull Events Commission in 2012 are as follows:

1. The term of one member appointed under Title 7, section 98, subsection 1, paragraph A is one year and the term of the other member is 3 years;

2. The term of the members appointed under Title 7, section 98, subsection 1, paragraphs B, D, E and F is 2 years;

3. The term of the members appointed under Title 7, section 98, subsection 1, paragraphs C and H is one year; and

4. The term of the members appointed under Title 7, section 98, subsection 1, paragraphs C-1 and D-1 is 3 years.

See title page for effective date.

CHAPTER 488

S.P. 597 - L.D. 1740

An Act To Remove the Repeal Date for Outcome-based Forestry

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

Whereas, this legislation seeks to extend the time during which the laws governing outcome-based forestry are in effect; and

Whereas, the laws governing outcome-based forestry are scheduled to be repealed July 1, 2012; 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 §8003, sub-§3, ¶Q, as amended by PL 2007, c. 271, §1, is further amended to read:

Q. The director, in cooperation with public and private landowners, shall actively pursue creating experimental areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, can be applied and tested. No more than 6 such areas may be designated. The director shall seek to designate areas representing differing forest types and conditions and from different geographic regions of the State. The term of initial agreements may not exceed 5 years. ~~This paragraph is repealed July 1, 2012.~~

Sec. 2. 12 MRSA §8868, sub-§2-B, as amended by PL 2007, c. 271, §2, is further amended to read:

2-B. Outcome-based forest policy. "Outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forest, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests. ~~This subsection is repealed July 1, 2012.~~

Sec. 3. 12 MRSA §8869, sub-§3-A, as amended by PL 2007, c. 271, §3, is further amended to read:

3-A. Plans for experimental areas. Practices applied on an experimental area created pursuant to section 8003, subsection 3, paragraph Q must provide at least the equivalent forest and environmental protection as provided by existing rules and any applicable local regulations. At a minimum, tests of outcome-based principles must address:

- A. Soil productivity;
- B. Water quality, wetlands and riparian zones;
- C. Timber supply and quality;
- D. Aesthetic impacts of timber harvesting;
- E. Biological diversity; and
- F. Public accountability.

The Governor shall appoint a panel of technical experts to work with the director to implement, monitor and assess tests of outcome-based forestry principles. In order to participate in the outcome-based forestry experiment, the landowner, director and technical panel must develop agreed-upon desired outcomes for the experimental area and develop a method for determining if the outcomes have been attained and a system for reporting results to the public. ~~This subsection is repealed July 1, 2012.~~

Sec. 4. 12 MRSA §8869, sub-§7-A, as amended by PL 2007, c. 271, §4, is further amended to read:

7-A. Exemption for outcome-based forest policy experimental areas. Outcome-based forest policy experimental areas designated under section 8003, subsection 3, paragraph Q are exempt from the requirements of this subchapter and rules adopted pursuant to this subchapter. ~~This subsection is repealed July 1, 2012.~~

Sec. 5. 12 MRSA §8869, sub-§13, as amended by PL 2009, c. 567, §9, is further amended to read:

13. Confidential information. Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forest policy experimental areas, as created pursuant to section 8003, subsection 3, paragraph Q, is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make

available information not otherwise publicly available. The bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information. ~~This subsection is repealed July 1, 2012.~~

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

Effective March 8, 2012.

CHAPTER 489
H.P. 1304 - L.D. 1772

**An Act To Enforce Prompt
Payment to Career and
Technical Education Regions**

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

Sec. 1. 20-A MRSA §8463-A is enacted to read:

§8463-A. Enforcement of payment of assessment

1. School warrant; monthly installment. Following the assessment of each unit pursuant to section 8463, the school officials of each unit in the region shall place on the school warrant for payment the first of each month an installment equal to 1/12 of the unit's share of the region's budget.

2. Notification of failure to pay. If a unit fails to pay the monthly installment or any portion of the installment set forth in the school warrant in accordance with subsection 1, in order to initiate collection procedures pursuant to subsection 4, the career and technical education director of the region shall notify the superintendent of the unit of the unit's failure to pay.

3. Interest. Interest accrues on each installment under subsection 1 that is not paid at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 1.

4. Judicial enforcement. If payment of an installment under subsection 1 to a region is not made within 60 days after the date the installment is due, the career and technical education director of the region may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the unit to the region and shall order the superintendent of the unit to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the region. To ensure prompt payment of the delinquent installments, the court may require that amounts due to