

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

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 ~~This subsection is repealed July 1, 2012.~~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 ~~This subsection is repealed July 1, 2012.~~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

the unit from the State or a member municipality be paid to the region until the amount determined by the court is satisfied. The court shall promptly notify the disbursing agency or municipality of the determination and direct the agency or municipality to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the region, the court may order the attachment or trustee process and sale of real or personal property owned by the unit or the attachment of the unit's bank accounts and may pay the amount owed the region from the proceeds and return any excess to the unit.

See title page for effective date.

CHAPTER 490

H.P. 1230 - L.D. 1640

An Act To Promote POW/MIA Recognition Day

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

Sec. 1. 1 MRSA §136, as enacted by PL 1999, c. 302, §1, is amended to read:

§136. Prisoner of War - Missing in Action Recognition Day

The Governor annually shall issue a proclamation designating the 3rd Friday in September as Prisoner of War - Missing in Action Recognition Day in remembrance of the courage and plight of American prisoners of war and those missing in action. The proclamation must recommend that the day be observed in an appropriate manner. The State of Maine flag must be flown at half staff when the Governor considers it appropriate. The Governor may issue the proclamation through a media outlet as defined in Title 3, section 312-A, subsection 10-B. The Department of Education and the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services shall make appropriate information available to citizens, schools, organizations and groups within the limits of their budgets.

See title page for effective date.

CHAPTER 491

H.P. 1327 - L.D. 1800

An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations

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

Sec. 1. 1 MRSA §72, sub-§17-A, as enacted by PL 1993, c. 630, Pt. B, §1, is amended to read:

17-A. Registered apprenticeship. "Registered apprenticeship" means an apprenticeship program registered with the ~~State Apprenticeship and Training Council under Title 26, chapter 11~~ Maine Apprenticeship Program in accordance with Title 26, chapter 37.

Sec. 2. 5 MRSA §7072, 2nd ¶, as amended by PL 1993, c. 630, Pt. B, §2, is further amended to read:

~~The Bureau of Labor Standards~~ Department of Labor, Bureau of Employment Services shall assist the director in determining which classifications are apprenticeable and in encouraging and assisting state agencies to utilize the benefits of registered apprenticeship programs or other training programs.

Sec. 3. 5 MRSA §7072, 3rd ¶, as enacted by PL 1985, c. 785, Pt. B, §38 and amended by PL 1997, c. 530, Pt. A, §34, is repealed.

Sec. 4. 5 MRSA §7072, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed.

Sec. 5. 5 MRSA §7072, sub-§2, as amended by PL 1993, c. 630, Pt. B, §3, is repealed.

Sec. 6. 5 MRSA §7072, sub-§3, ¶B, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed.

Sec. 7. 5 MRSA §12004-G, sub-§25, as amended by PL 1989, c. 483, Pt. A, §24 and c. 503, Pt. A, §17, is repealed.

Sec. 8. 5 MRSA §12004-I, sub-§54-D is enacted to read:

54-D.

<u>Labor</u>	<u>Maine</u>	<u>Expenses</u>	<u>26 MRSA</u>
	<u>Apprenticeship</u>	<u>Only</u>	<u>§3209</u>
	<u>Council</u>		

Sec. 9. 26 MRSA §2006, sub-§5-A, as enacted by PL 1997, c. 683, Pt. D, §9 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by c. 545, §5, is repealed.

Sec. 10. 26 MRSA §2006, sub-§7, ¶A, as amended by PL 1999, c. 6, §1, is further amended to read:

A. The council shall create 4 3 standing committees of up to 12 members. Each standing committee may include up to 8 noncouncil members appointed by the council chair and drawn from the same constituency groups as the council's membership. The standing committees shall make recommendations to the full council. The 4 3 standing committees are as follows: