

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

contracts under this section shall register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year. Registration must be on a form provided by the commissioner, accompanied by a fee of \$100. Fees received under this subsection must be used by the commissioner to administer this section. Any balance of these funds does not lapse but must be carried forward to be expended for the same purpose in the following fiscal year.

1-B. Report. A home heating oil, kerosene or liquefied petroleum gas dealer who offers prepaid contracts under this section shall file an annual report with the Commissioner of Professional and Financial Regulation by October 31st of each year demonstrating how the dealer has satisfied the requirements of this section, including how the prepaid contracts are secured. The report must be made on a form provided by the commissioner. The form must conspicuously bear the warning that making a false statement on the form is a Class D crime under Title 17-A, section 453. The report must be signed by the dealer. If the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and must include a list of all of the members of the board of directors of the corporation. The commissioner may not charge a fee for the form or for filing the report.

Sec. 2. 10 MRSA §1110, sub-§§6 to 9 are enacted to read:

6. Enforcement. The Commissioner of Professional and Financial Regulation shall refer to the Attorney General for investigation any dealer that has filed a registration form under subsection 1-A and has failed to file a report demonstrating how the contracts are secured pursuant to subsection 1-B.

7. Prosecution. The Attorney General may prosecute a person making a false statement on the report required by subsection 1-B for unsworn falsification under Title 17-A, section 453 and may prosecute failure to file the report required by subsection 1-B as an unfair trade practice.

8. Unfair trade practice. A violation of any of the requirements of this section is a violation of the Maine Unfair Trade Practices Act.

9. Rules. The Commissioner of Professional and Financial Regulation may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates one-time funds to reconfigure the licensing system to accommodate the registration of fuel dealers who offer prepaid contracts to residents of the State.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$12,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$12,000	\$0

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

Effective March 30, 2012.

**CHAPTER 575
H.P. 1384 - L.D. 1870**

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately in order to achieve savings authorized in this Act; 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:

PART A

Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.

**TREASURER OF STATE, OFFICE OF
Debt Service - Treasury 0021**

Initiative: Reduces funding for debt service to reflect updated interest costs for fiscal year 2011-12.

GENERAL FUND	2011-12	2012-13
All Other	(\$1,343,560)	\$0
GENERAL FUND TOTAL	(\$1,343,560)	\$0

PART B

Sec. B-1. PL 2011, c. 477, Part U, §1 is amended to read:

Sec. U-1. Payments to State from Loan Insurance Reserve Fund. Notwithstanding any other provision of law, the Finance Authority of Maine shall transfer ~~\$1,000,000~~ \$2,000,000 from the Loan Insurance Reserve Fund to the State as undedicated General Fund revenue no later than June 30, 2012 and an additional \$1,000,000 from the Loan Insurance Reserve Fund to the State as undedicated General Fund revenue no later than June 30, 2013.

PART C

Sec. C-1. Transfer; unexpended funds; Bureau of Revenue Services Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$450,000 by June 30, 2012 in unexpended funds from the Bureau of Revenue Services Fund, Internal Service Fund account in the Department of Administrative and Financial Services to General Fund unappropriated surplus.

PART D

Sec. D-1. Personal Services savings; transfer to General Fund. Notwithstanding the Maine Revised Statutes, Title 5, section 1582, subsection 4 or any other provision of law, the State Controller is authorized to transfer the first \$600,000 of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2011-12.

PART E

Sec. E-1. Lapsed balances; Maine Farms for the Future; General Fund. Notwithstanding any other provision of law, \$300,000 of unencumbered balance forward in the All Other line category in the Maine Farms for the Future, General Fund account in

the Department of Agriculture, Food and Rural Resources lapses to the General Fund in fiscal year 2011-12.

PART F

Sec. F-1. Department of Health and Human Services; lapsed balances. Notwithstanding any other provision of law, \$80,904 of unencumbered balance forward from the Department of Health and Human Services, Disproportionate Share - Riverview Psychiatric Center, General Fund account, Personal Services line category lapses to the General Fund no later than June 30, 2012.

Sec. F-2. Department of Health and Human Services; lapsed balances. Notwithstanding any other provision of law, \$228,852 of unencumbered balance forward from the Department of Health and Human Services, Disproportionate Share - Dorothea Dix Psychiatric Center, General Fund account, Personal Services line category lapses to the General Fund no later than June 30, 2012.

PART G

Sec. G-1. Transfer; unexpended funds; Fund for the Efficient Delivery of Local and Regional Services. Notwithstanding any other provision of law, the State Controller shall transfer \$100,000 in unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services, Other Special Revenue Funds account in the Department of Administrative and Financial Services to General Fund unappropriated surplus no later than June 30, 2012.

PART H

Sec. H-1. Calculation and transfer; General Fund savings; central administration. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide - Service Center account in section 2 of this Part that applies against each General Fund account for executive branch departments and independent agencies statewide from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2011-12.

Sec. H-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

**Executive Branch Departments and Independent
Agencies - Statewide 0017**

Initiative: Recognizes savings from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services.

GENERAL FUND	2011-12	2012-13
All Other	(\$835,588)	\$0
GENERAL FUND TOTAL	(\$835,588)	\$0

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

Effective March 30, 2012.

CHAPTER 576

H.P. 1222 - L.D. 1613

An Act To Strengthen the Relationship between Land Users and Landowners

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

Sec. 1. 12 MRSA §10108, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §28 and affected by §422, is repealed.

Sec. 2. 12 MRSA §10108, sub-§4, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §29 and affected by §422, is repealed.

Sec. 3. 12 MRSA §10108, sub-§4-A is enacted to read:

4-A. Landowner relations program. The commissioner shall develop and implement a landowner relations program, referred to in this section as "the program."

A. The program must:

- (1) Encourage landowners to allow outdoor recreationists access to their property to hunt, fish or engage in other outdoor recreational pursuits;
- (2) Foster good relationships between landowners and outdoor recreationists; and
- (3) Promote high standards of courtesy, respect and responsibility by outdoor recreationists in their relations with landowners.

B. The commissioner shall appoint a landowner relations coordinator to oversee the program and any other landowner relations activities of the department.

C. To the extent resources allow, the program must include the following elements:

(1) Building and maintaining an educated and motivated group of outdoor recreationists who meet and promote high standards of courtesy, respect and responsibility in their relations with landowners and who are willing to volunteer in program-related projects or efforts to improve landowner relations;

(2) Issuing a certificate to persons wishing to support or participate in the program. The commissioner may establish a fee for the certificate, which may not exceed \$20. All proceeds from the fees must be deposited in the Landowner Relations Fund established in section 10265;

(3) Developing and disseminating to outdoor recreationists a code of ethics or other information promoting high standards of courtesy, respect and responsibility in their relations with landowners;

(4) Developing an outreach program that provides educational materials and signs and that disseminates information to landowners and land users about landowner rights, landowner liability protections, the tradition of allowing outdoor recreationists to use private land and law enforcement resources available to landowners;

(5) Engaging organizations and companies representing landowners, conservation groups, recreationists, land trusts and other organizations involved in outdoor recreation in developing, implementing and publicizing the program;

(6) Organizing or otherwise promoting landowner appreciation events;

(7) Working with representatives of various state agencies to promote and broaden public access to private lands for recreational use and to enhance enforcement of applicable laws; and

(8) Seeking and developing sources of funding to support the program.

Sec. 4. 12 MRSA §10157, sub-§1, ¶A, as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, is amended to read:

A. ~~Three~~ Four ex officio members:

(1) The commissioner or the commissioner's designee;

(2) The Commissioner of Environmental Protection or the commissioner's designee; ~~and~~