

# 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.**

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**Augusta, Maine**  
**2012**

missioner of Administrative and Financial Services, may negotiate and effect the purchase of certain real property located at 127 Sewall Street, 108 Sewall Street and 96 Sewall Street in the City of Augusta from the Maine Public Employees Retirement System on terms and conditions that are in the best interest of the State. Notwithstanding any other provision of law, the Commissioner of Administrative and Financial Services may use any available resources for the purchase of the property. Any purchase made pursuant to this section must take place no later than June 30, 2013.

**Sec. 5. Authority to convey state property.** Notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, referred to in this section as "the commissioner," may:

**1. Conveyance of land.** Convey by sale to Bangor Hydro Electric Company, a Maine corporation with its principal place of business in Bangor, Maine, and its successors and assigns, a parcel of land no more than 2 acres in size, in the general location of the southwest corner of state-owned land, that is currently part of the Dorothea Dix Psychiatric Center, depicted on the City of Bangor Tax Map R-63, Lot 8 and recorded in the Penobscot County Registry of Deeds. The amount of land and the boundary of the property sold pursuant to this section must be determined by the commissioner, in the commissioner's sole discretion, to be in the best interests of the State;

**2. Easements and other rights.** Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests, including access rights allowing for the construction of a road to allow ingress and egress for workers and equipment of the transferee to the parcel of land to be conveyed under subsection 1 and an increase in the scope or width of a transmission line easement running along the westerly boundary of the property by virtue of an easement granted by the State in Book 1423, Page 12 in the Penobscot County Registry of Deeds; and

**3. Sale agreement; conditions.** Negotiate and execute a purchase and sale agreement upon such terms and conditions the commissioner considers appropriate and draft, execute and deliver any documents necessary to effect the sale of the property. The property must be conveyed "as is" with no representations or warranties. Title to the property must be transferred by quitclaim deed without covenants and executed by the commissioner.

Any sale pursuant to this section is exempt from any statutory or regulatory requirement that the property described in subsection 1 first be offered to the Maine State Housing Authority or another state or local agency.

Any proceeds from a sale pursuant to this section must be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements as designated by the commissioner.

**Sec. 6. Repeal.** Section 5 is repealed one year from its effective date unless a sale agreement under section 5, subsection 3 has been entered into prior to that date.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Leased Space Reserve Fund Program N139**

Initiative: Provides funding to establish a baseline allocation for costs related to relocation and capital projects that construct, renovate or improve state facilities.

| OTHER SPECIAL REVENUE FUNDS       | 2011-12 | 2012-13 |
|-----------------------------------|---------|---------|
| All Other                         | \$0     | \$500   |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0     | \$500   |

**Sec. 8. Retroactivity.** That section of this Act that amends Resolve 2011, chapter 70, Part A, section 2, subsection 2 applies retroactively to September 28, 2011.

See title page for effective date.

**CHAPTER 690**

**H.P. 1409 - L.D. 1905**

**An Act To Revise the Target Prices for the Dairy Stabilization Program**

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

**Whereas,** milk producers are receiving milk payments that are below their short-run break-even costs; and

**Whereas,** all sectors of the dairy industry and rural economies are in jeopardy; and

**Whereas,** it is in the State's economic interest to maintain a viable dairy industry and in the public interest to have a secure food supply; 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. 7 MRSA §3153-D**, as amended by PL 2009, c. 467, §5, is further amended to read:

**§3153-D. Transfer of revenues**

On or before the 18th day of each month, the administrator of the Maine Milk Pool shall ~~certify the amount~~ subtract the amount in the Maine Milk Pool, Other Special Revenue Funds account that is available for distribution for dairy stabilization support from the total amount to be distributed for the previous month pursuant to section 3153-B and certify this amount to the State Controller, who shall transfer the certified monthly amount when certified from General Fund undedicated revenue to the Maine Milk Pool, Other Special Revenue Funds account.

**Sec. 2. PL 2009, c. 467, §9** is repealed.

**Sec. 3. Interim target prices.** Beginning July 1, 2012 and until the Maine Milk Commission updates the Maine producer cost-of-production data and adopts new tiers of production and target prices in accordance with the Maine Revised Statutes, Title 7, section 3153-B, subsection 3, the production levels for each tier and the target prices for milk producers in the State are as follows:

1. For the first 16,790 hundredweight produced per year by each producer, the target price is \$21.00 per hundredweight;
2. For production from 16,791 hundredweight to 49,079 hundredweight per year by each producer, the target price is \$20.36 per hundredweight;
3. For production from 49,080 hundredweight to 76,800 hundredweight per year, the target price is \$18.01 per hundredweight; and
4. For production in excess of 76,800 hundredweight per year by each producer, the target price is \$17.83 per hundredweight.

**Sec. 4. Transfer of funds; Department of Agriculture, Food and Rural Resources.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$150,000 from the Milk Commission program, Other Special Revenue Funds account to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 5. Transfer of funds; Department of Agriculture, Food and Rural Resources.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$200,000 from the Board of Pesticides Control program, Other Special Revenue Funds account to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 6. Transfer of funds; Department of Agriculture, Food and Rural Resources.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$100,000 from the Beverage Container Enforcement Fund, Other Special Revenue Funds account to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 7. Transfer of funds; Department of Agriculture, Food and Rural Resources.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$150,000 from the Office of the Commissioner program, Departmentwide Indirect, Other Special Revenue Funds account to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 8. Transfer of funds; Department of Agriculture, Food and Rural Resources.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$30,000 from the Division of Plant Industry program, Other Special Revenue Funds account to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 9. Transfer of funds; Department of Conservation.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$80,000 from the Division of Forest Protection program, Other Special Revenue Funds account within the Department of Conservation to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program un-

der the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 10. Transfer of funds; Department of Conservation.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$110,000 from the Office of the Commissioner program, Publications Revolving Fund, Other Special Revenue Funds account within the Department of Conservation to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 11. Transfer of funds; Department of Conservation.** Notwithstanding any other provision of law, on or before May 31, 2012, the State Controller shall transfer \$10,000 from the Office of the Commissioner program, Other Special Revenue Funds account within the Department of Conservation to the Milk Commission program, Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources for the purpose of supporting the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

**Sec. 12. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Milk Commission 0188**

Initiative: Adjusts allocation as a result of updating the target prices used to make payouts through the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

| OTHER SPECIAL REVENUE FUNDS       | 2011-12 | 2012-13     |
|-----------------------------------|---------|-------------|
| All Other                         | \$0     | \$2,331,547 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0     | \$2,331,547 |

**Sec. 13. Effective date.** That section of this Act that repeals Public Law 2009, chapter 467, section 9 takes effect July 1, 2012.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective May 21, 2012, unless otherwise indicated.

**CHAPTER 691  
H.P. 1383 - L.D. 1868**

**An Act To Correct Errors and Inconsistencies in the Laws of Maine**

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

**Whereas,** acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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. 1 MRSA §551,** as amended by PL 1973, c. 625, §4, is further amended to read:

**§551. Designation of paper**

The ~~Daily~~ Kennebec Journal, ~~a newspaper printed at Augusta, shall be~~ is the state paper of this State, in which ~~shall~~ **must** be published all advertisements, notices and orders required by law to be published in the state paper.

**Sec. A-2. 10 MRSA §1383, sub-§2,** as enacted by PL 1993, c. 263, §1, is amended to read:

**2. Exclusion.** This chapter does not create a lien on a documented vessel subject to a preferred ship mortgage or other preferred maritime lien pursuant to 46 United States Code, Chapter ~~434~~ **313**.

**Sec. A-3. 10 MRSA §2630, sub-§7,** as enacted by PL 2007, c. 336, §1, is repealed.

**Sec. A-4. 10 MRSA §8004-A,** as enacted by PL 2001, c. 323, §10 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

**§8004-A. Legislative reports**

The Director of the Office of Professional and Occupational Regulation shall report annually to the