

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

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

Effective March 25, 2011.

CHAPTER 7

H.P. 167 - L.D. 190

Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 2-C: Voluntary Municipal Farm Support Program, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 25, 2011.

CHAPTER 8

S.P. 134 - L.D. 430

Resolve, To Name the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute

Sec. 1. Maine Fire Service Institution. Resolved: That Southern Maine Community College shall name its fire training and education program the Maine Fire Service Institute.

See title page for effective date.

CHAPTER 9

S.P. 107 - L.D. 394

Resolve, Directing the Conveyance of Conservation Land in Rockport

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, the Department of Conservation jointly with the Land for Maine's Future Board enforces terms and conditions according to which certain other cooperating entities as defined in the Maine Revised Statutes, Title 5, section 6201 that acquire land with funding from the Land for Maine's Future Fund may sell or exchange lands or change the use of the land only with the approval of the Legislature by 2/3 of all members elected to each House in accordance with Title 5, section 6209; now, therefore, be it

Sec. 1. Land for Maine's Future Board and Director of Bureau of Parks and Lands authorized, but not directed, to allow Coastal Mountains Land Trust to convey certain interests in land in the Town of Rockport, in Knox County. Resolved: That the Land for Maine's Future Board as established by the Maine Revised Statutes, Title 5, section 12004-G, subsection 29 and the Director of the Bureau of Parks and Lands within the Department of Conservation may authorize Coastal Mountains Land Trust to convey by quitclaim deed portions of certain interests in the Brown tract in the Ragged Mountain Preserve located in the Town of Rockport in Knox County, further described in the Knox County Registry of Deeds in Book 3657, Pages 63 to 67 and acquired with funding from the Land for Maine's Future Fund as established by Title 5, section 6203.

A condition of this conveyance is that the land be conveyed in exchange for a parcel of greater acreage and greater conservation value, according to the terms of the project agreement between the Bureau of Parks and Lands and Coastal Mountains Land Trust recorded at the Knox County Registry of Deeds in Book 3738, Page 73.

See title page for effective date.

**CHAPTER 10
H.P. 5 - L.D. 13**

Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, but only if the rule is amended as follows:

1. Section 6(D) is amended to clarify that contracts may include renewable energy credits and that payments will be made only after contracted amounts of capacity, related energy or renewable energy credits have been provided; and

2. Section 6(D) is further amended to include the exceptions relating to contract payments in Title 35-A, section 3210-C, subsection 9, paragraphs A and B.

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

Effective March 31, 2011.

**CHAPTER 11
H.P. 218 - L.D. 265**

Resolve, To Study New and Used Motor Vehicle Dealer Licensing Requirements

Sec. 1. Secretary of State to convene a working group; licensing requirements for motor vehicle dealers. Resolved: That the Department of the Secretary of State, Bureau of Motor Vehicles shall convene a working group to study licensing requirements for new and used motor vehicle dealers. The Secretary of State shall invite the participation of new and used motor vehicle dealers, including, but not limited to, representatives from the Maine Automobile Dealers Association and the Maine Auto Recyclers Association.

The working group shall examine licensing requirements for motor vehicle dealers in:

1. The Maine Revised Statutes, Title 29-A, chapter 9, particularly motor vehicle dealer facility requirements in Title 29-A, section 952; and

2. The Bureau of Motor Vehicles Rule Chapter 103; and be it further

Sec. 2. Report. Resolved: That the Secretary of State shall submit a report based on the findings under section 1 to the Joint Standing Committee on Transportation no later than January 15, 2012. The report must include an analysis of state law and corresponding department rules with recommended legislation to update licensing requirements for motor vehicle dealers. After reviewing the report, the committee may submit a bill to the Second Regular Session of the 125th Legislature concerning the requirements for licensing motor vehicle dealers.

See title page for effective date.