

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

; and be it further

Sec. 4. Resolve 2011, c. 102, §8, amended. Resolved: That Resolve 2011, c. 102, §8 is amended to read:

Sec. 8. Meetings; outside funding. Resolved: That the task force is authorized to hold 4 meetings. The task force shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

; and be it further

Sec. 5. Retroactivity. Resolved: That this resolve applies retroactively to July 6, 2011.

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

Effective March 7, 2012.

CHAPTER 120

S.P. 522 - L.D. 1596

Resolve, To Review Laws and Policies Related to Discontinued and Abandoned Roads

Sec. 1. Department of Conservation stakeholder group on discontinued and abandoned roads. Resolved: That the Department of Conservation shall convene a stakeholder group of no more than 10 members to review laws and policies related to discontinued and abandoned roads. The stakeholder group shall examine issues relating to continued road access through public easements, damage to a road caused by use by abutting property owners, damage to a road caused by members of the public, maintenance of a private road that has a public easement, methods to address problems of road damage and ways to maintain access for intermittent users who need access to a road. The stakeholder group must include representatives from the Department of Transportation, up to 2 residents who own property on a discontinued or abandoned road with a public easement and members from statewide organizations representing municipalities, small woodlot owners, producers of forest products, snowmobilers and other interested parties. The Department of Conservation shall fund the work of the stakeholder group from within existing resources. The Department of Conservation shall report the stakeholder group's findings and any recommendations to the joint standing committee

of the Legislature having jurisdiction over state and local government matters no later than January 15, 2013. The joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation to the First Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 121

S.P. 628 - L.D. 1818

Resolve, To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System

Sec. 1. Resolve 2011, c. 109, §6, amended. Resolved: That Resolve 2011, c. 109, §6 is amended to read:

Sec. 6. Report. Resolved: That, by ~~January 31~~ December 1, 2012, the department shall report the recommendations based on the findings and conclusions, determined by vote, of the working group, along with any recommended implementing legislation, to the ~~Joint Standing Committee on Health and Human Services~~ joint standing committee of the Legislature having jurisdiction over health and human services matters.

; and be it further

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to January 31, 2012.

See title page for effective date.

CHAPTER 122

H.P. 1272 - L.D. 1723

Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education

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 au-

thorization 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 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a provisionally adopted major substantive rule of the Department of Education 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 8, 2012.

CHAPTER 123

H.P. 1241 - L.D. 1689

Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses

Sec. 1. Rulemaking; setbacks and recording deed restrictions. Resolved: That the Maine Land Use Regulation Commission shall amend its rules pertaining to maple sugar processing subdivisions to:

1. Eliminate the minimum 1,000-foot setback from public roads, shorelines of great ponds and major flowing waters and any other type of residential or commercial development;

2. Allow any 2 leased lots in a maple sugar processing subdivision to abut each other while requiring the abutting lots and any nonabutting lots to be separated from all other leased lots in that subdivision by a minimum of 1,000 feet in order to allow for multiple pairings of abutting leased lots in a maple sugar processing subdivision when the topography is favorable for such location; and

3. Require the deed restrictions for leased lots in a maple sugar processing subdivision to be recorded with the registry of deeds at the time the subdivision is created.

See title page for effective date.

CHAPTER 124

H.P. 1285 - L.D. 1743

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

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 270: Uniform Reporting System for Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization 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 14, 2012.