

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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

Effective April 4, 2012.

CHAPTER 147
S.P. 570 - L.D. 1671

**Resolve, To Require the
Department of Transportation
To Facilitate and Oversee a
Study of the Feasibility of an
East-west Highway**

Sec. 1. Department of Transportation to facilitate and oversee a study of the feasibility of an east-west highway. Resolved: That the Department of Transportation shall facilitate and oversee an independent investment-grade traffic and revenue analysis to assess the feasibility of a privately funded, privately operated and publicly accessible east-west highway; and be it further

Sec. 2. Reporting date established. Resolved: That the Department of Transportation shall report the study findings to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2013; and be it further

Sec. 3. Reimbursement for cost of analysis. Resolved: That, upon obtaining final authorization to construct an east-west highway, the developer shall reimburse the Department of Transportation for the cost of the analysis under section 1.

See title page for effective date.

CHAPTER 148
S.P. 444 - L.D. 1437

**Resolve, Directing the Maine
Economic Growth Council To
Develop the Maine Prosperity
Action Plan of 2012**

Preamble. Whereas, per capita income in the other New England states is 38% higher than per capita income in Maine; and

Whereas, numerous advisory groups have convened in recent years to assess Maine's policy environment, government systems and public sector costs, with the objective of creating a more prosperous Maine economy; and

Whereas, the reports that have emerged from these efforts have been widely praised and overlap substantially in their recommendations; and

Whereas, although these reports have informed ongoing work by legislative policy committees and have influenced legislation on certain issues, those reports have not been translated into a single, comprehensive, economically transformative and legislatively specific action plan; and

Whereas, the Maine Economic Growth Council is a 19-member panel of established and trusted Maine leaders, appointed jointly over time by the Governor, the President of the Senate and the Speaker of the House of Representatives and empowered by statute to set the long-term plan for the sustainable economic development of Maine; and

Whereas, the Maine Economic Growth Council appointees are established Maine leaders who have earned broad respect for their leadership, vision and commitment to Maine and have broad public credibility and a deep understanding of Maine's economic conditions, challenges and opportunities; now, therefore, be it

Sec. 1. Development of Maine Prosperity Action Plan. Resolved: That the Maine Economic Growth Council, established in the Maine Revised Statutes, Title 10, section 929-A and referred to in this resolve as "the council," shall develop the Maine Prosperity Action Plan, referred to in this resolve as "the plan," which must contain a comprehensive and specific action plan for a sustainable state economy. In developing the plan, the council shall undertake a thorough review of the proposals and recommendations contained in recent reports assessing the State's policy environment, government systems and public sector costs, with the objective of creating a more prosperous Maine economy. Specifically, the council's review must include its own annual report on economic indicators, "Measures of Growth in Focus," as well as:

1. "Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places," prepared by the Brookings Institution in collaboration with GrowSmart Maine and published in 2006;

2. "Time for Change," the final report of the Joint Select Committee on Future Maine Prosperity, issued in 2008;

3. "Reinventing Maine Government," prepared by Envision Maine and published in 2010; and

4. "Making Maine Work: Critical Investments for the Maine Economy," the 3-part series prepared by the Maine State Chamber of Commerce and the Maine Development Foundation and published in 2010 to 2012.

After reviewing the recommendations and reports, the council shall identify those proposals it determines offer the most potential for positively transforming economic conditions in the State, extract from those proposals concrete proposals for legislative action and translate them into proposed legislation; and be it further

Sec. 2. Staff assistance. Resolved: That the council shall contract with the Maine Development Foundation for primary staff support to carry out the purposes of this resolve; and be it further

Sec. 3. Outside funding. Resolved: That the council shall seek outside funding to fund the costs of developing the plan. The council may not accept contributions from any party having a pecuniary or other vested interest in the outcome of the plan. To the extent that outside contributions are inadequate to fully fund all costs of developing the plan, the council is not required to develop the plan; and be it further

Sec. 4. Report. Resolved: That the council shall submit the plan, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters no later than December 5, 2012. The joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters is authorized to report out a bill to implement the recommendations to the First Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 149

S.P. 641 - L.D. 1846

**Resolve, Directing the
Department of Environmental
Protection To Adopt Rules
Pertaining to Petroleum
Storage and Gravel Pits**

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

Whereas, rules of the Department of Environmental Protection do not allow aboveground oil storage tanks in significant sand and gravel aquifers; and

Whereas, a majority of gravel pits in the State are located in significant sand and gravel aquifers and therefore gravel pit operators are not permitted to fuel heavy equipment on site without undertaking an onerous and complicated process or using temporary fueling trucks, which are less protective of the environment; and

Whereas, immediate enactment of this legislation will facilitate quick adoption of an amended department 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. Department of Environmental Protection; adopt emergency rule; aboveground oil storage tanks. Resolved: That, notwithstanding Public Law 2007, chapter 569, section 7, the Commissioner of Environmental Protection shall adopt an emergency rule pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2 to allow aboveground oil storage tanks that are used for the supply of diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers. An emergency rule adopted pursuant to this section is a routine technical rule as defined in Title 5, chapter 375, subchapter 2-A. Following adoption of the emergency rule, the commissioner shall complete nonemergency routine technical rulemaking to allow aboveground oil storage tanks that are used for the supply of diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers. Subsequent amendments to the rule are major substantive rules and must be adopted by the Board of Environmental Protection in accordance with Title 38, section 341-H.

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

Effective April 6, 2012.

CHAPTER 150

H.P. 1396 - L.D. 1893

**Resolve, Regarding Legislative
Review of Portions of
Chapter 850: Health Plan
Accountability, a Major
Substantive Rule of the
Department of Professional
and Financial Regulation**

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-