

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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Augusta, Maine
2013

~~the unorganized territory and the southernmost region are referred to as "the pilot region."~~

The system developed under this section for electronically issuing permits must provide a fire warden with the ability to change the criteria for issuing a permit in a municipality except for times when the director imposes more restrictive criteria or a ban on the issuance of permits.

~~Beginning July 1, 2005, a~~ A person may apply for a permit to burn ~~within the pilot region~~ using the Internet or as otherwise provided in this article. When a person applies for and is issued a permit electronically using the Internet, a fee of \$7 must be paid. From the \$7 fee, ~~\$6~~ \$4 must be deposited in the General Fund, ~~\$2~~ must be transferred to the municipality in which the permit is issued and the remainder of \$1 must be used to cover administrative costs. For a permit issued in the unorganized and deorganized areas, from the \$7 fee, \$6 must be deposited in the General Fund and the remainder of \$1 must be used to cover administrative costs.

See title page for effective date.

CHAPTER 36

H.P. 447 - L.D. 655

**An Act To Amend or Repeal
Outdated or Underutilized
Laws Related to
Transportation**

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

Sec. 1. 5 MRSA §1742-F, as enacted by PL 2001, c. 83, Pt. E, §1, is repealed.

Sec. 2. 6 MRSA §13, first ¶, as amended by PL 1999, c. 131, §7, is further amended to read:

The commissioner has the power to hold investigations, inquiries and hearings concerning matters covered by chapters 1 to 17 and the rules and orders adopted under chapters 1 to 17. Hearings are open to the public and, ~~except as provided in chapter 4,~~ must be held upon such notice as the commissioner may by rule provide. The commissioner has the power to administer oaths and affirmations, certify to all official acts, issue subpoenas and order the attendance and testimony of witnesses and the production of papers, books and documents. All hearings, notices, reviews and orders must comply with the Maine Administrative Procedure Act. In case of the failure of any person to comply with any subpoena or order issued under the authority of this section, the commissioner may invoke the aid of any court of this State of general jurisdiction. The court may order that person to comply with the requirements of the subpoena or order or

to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt of the order.

Sec. 3. 23 MRSA §52-A, as amended by PL 1989, c. 165, §3, is repealed.

Sec. 4. 23 MRSA §73-A, as enacted by PL 2007, c. 208, §1, is repealed.

Sec. 5. 23 MRSA §74, sub-§1, as enacted by PL 2003, c. 498, §2, is amended to read:

1. Purpose; membership. The Commissioner of Transportation shall establish a freight transportation advisory council to facilitate discussion and provide insight into issues pertaining to freight transportation in the State. The commissioner shall invite no fewer than ~~20~~ 9 people from the private sector to participate as members of the council. Membership must include representatives of various geographic areas of the State. Membership must include at least one person with experience in each of the following:

- A. Commercial trucking;
- B. Rail freight;
- C. Waterborne freight;
- D. ~~Manufacturing forest~~ Forest products;
- E. ~~Shipping forest~~ Forest products;
- F. ~~Shipping agricultural~~ Agricultural products; and
- G. ~~Distributing petroleum~~ Petroleum products; and
- H. General manufacturing.

Sec. 6. 23 MRSA §256, as repealed and replaced by PL 1993, c. 656, §1, is repealed.

Sec. 7. 23 MRSA §603, first ¶, as amended by PL 2001, c. 455, §1, is further amended to read:

The State ~~shall be~~ is responsible for the management of and all costs for maintenance and rehabilitation for the following historic bridges: Lovejoy Bridge, Andover; Robyville Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation; Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford; Babb's Bridge, Windham-Gorham; Wire Bridge, New Portland; Porter Bridge, Porter-Parsonsfield; Bailey Island Bridge, Harpswell; Sewall's Bridge, York; ~~Waldo Hancock Bridge, Prospect Verona;~~ and Ryefield Bridge, Harrison-Otisfield.

Sec. 8. 23 MRSA §1655, as enacted by PL 2001, c. 83, Pt. D, §1, is repealed.

Sec. 9. 23 MRSA c. 19, sub-c. 6-A, as amended, is repealed.

Sec. 10. 23 MRSA §1855, first ¶, as amended by PL 2005, c. 405, Pt. G, §1, is further amended to read:

The Commissioner of Transportation shall use the state infrastructure bank to make loans to counties and municipalities, state agencies and quasi-state government agencies and public and private utility districts ~~eligible for the financial assistance program for utilities under section 256~~ upon such terms as the commissioner shall determine, including secured and unsecured loans, and in connection with the secured and unsecured loans, to enter into loan agreements, subordination agreements and other agreements; accept notes and other forms of obligation to evidence the indebtedness, and mortgages, liens, pledges, assignments or other security interest to secure the indebtedness, which may be prior or subordinate to or on a parity with other indebtedness, obligations, mortgages, pledges, assignments, other security interests or liens or encumbrances, and take such actions as are appropriate to protect the security and safeguard against losses, including foreclosure and the bidding upon and purchase of property upon foreclosure or other sale. Repayments of a federal share loan may be obligated by the commissioner for any transportation purpose, including the reloaning of such repaid funds for other projects. Reloaned funds are considered state loans, not federal share loans.

Sec. 11. 23 MRSA §7217, as enacted by PL 1989, c. 398, §8, is amended to read:

§7217. Plant railroads

Sections 1251, 1254, 7202, 7205, 7206, ~~and 7214 and section 7307, subsections 2 and 3~~, so far as applicable, apply to plant railroads. The term "plant railroad" ~~shall be construed to mean~~ means a railroad of the owners of any mills, mines, quarries, gravel pits, log landings or yards, warehouses, storehouses, stock yards, bulk storage yards, airports, piers, docks, shipyards, educational institutions, power plants, gas works, petroleum tank farms or bulk stations, or other manufacturing, processing or mercantile establishments, and including state and federal institutions and developments, erected or in process of erection, which ~~the railroad~~ is located on land provided or acquired for the purpose by the owners, and whether operated by the owners, or by state or federal government or an agency thereof, or through connection with a public railroad under operating contract with it and by operation of its equipment over the plant railroad.

Sec. 12. 23 MRSA §§7301 to 7308, as enacted by PL 1989, c. 398, §9, are repealed.

See title page for effective date.

**CHAPTER 37
H.P. 307 - L.D. 457**

**An Act To Eliminate Certain
Data Collection Requirements
of the Forest Health and
Monitoring Program of the
Division of Forestry**

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

Sec. 1. 12 MRSA §8202, sub-§1, ¶D, as enacted by PL 1979, c. 545, §3, is amended to read:

D. Refer individuals to other state or federal agencies for technical or financial assistance; and

Sec. 2. 12 MRSA §8202, sub-§1, ¶E, as enacted by PL 1979, c. 545, §3, is repealed.

See title page for effective date.

**CHAPTER 38
H.P. 302 - L.D. 452**

**An Act Concerning Hurricane
Deductibles**

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

Sec. 1. 24-A MRSA §3061 is enacted to read:

§3061. Uniform policy standards concerning hurricane deductible programs

The superintendent shall adopt rules establishing procedures and standards for an insurer that uses a hurricane deductible program or programs regarding the applicability of hurricane deductibles. Procedures and standards must include without limitation uniform policy standards and the form of notice that the insurer must provide to the named insured under a policy subject to this subchapter issued by the insurer. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 39
S.P. 65 - L.D. 176**

**An Act To Amend and Clarify
the Maine Uniform Securities
Act**

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