

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
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servation and Forestry, the authority shall make payments directly to the board, which shall use those payments to implement the requirements of this section. During any period that the commissioner has authorized direct payments from the authority to the board, the authority shall make written annual reports to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters detailing the amounts of payments to the board and the dates payments were made and detailing the expenditure of those payments. Repayment of these the loans and interest on the loans must be credited to the fund to be available for making additional state loans for the same purposes, except that any interest earned on the cash balance of the fund may be used for the grants authorized by Title 7, section 975-A. In order to provide additional amounts for loans, the Commissioner of Agriculture, Conservation and Forestry commissioner, at the commissioner's discretion upon consultation with the board, may take such actions and enter into such agreements as may be necessary to sell or assign up to \$2,000,000 in the aggregate principal amount of loans and undivided interests in a pool of loans and assign or pledge any mortgage or other security to the authority, under the terms and conditions the commissioner considers advisable upon consultation with the board. The assignment and related transactions may not result in indebtedness of the State. The proceeds of the sale or assignment must be credited to the fund and used for the purposes authorized in this section.

Sec. 12. 10 MRSA §1023-N, 2nd ¶, as enacted by PL 2001, c. 125, §6 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

A purchaser of a modern storage facility that was previously financed with a state loan from the fund may receive a loan under the conditions of this section. Mortgages obtained from the fund may be assumed by subsequent purchasers of the property. ~~The Department of Agriculture, Conservation and Forestry board~~ shall adopt rules concerning the purchase of existing buildings.

See title page for effective date.

CHAPTER 404

H.P. 360 - L.D. 541

An Act To Amend the Laws Governing Complimentary Hunting, Trapping and Fishing Licenses for Disabled Veterans

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

Sec. 1. 12 MRSA §10853, sub-§4, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. Has a service-connected disability evaluated at: 50% or more.

~~(1) One hundred percent; or~~

~~(2) Seventy percent or more as a result of honorable military service and who has served in a combat zone during any armed conflict in which participants were exposed to war risk hazards as defined in 42 United States Code, Section 1711 (b).~~

See title page for effective date.

CHAPTER 405

H.P. 588 - L.D. 837

An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry

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

PART A

Sec. A-1. 2 MRSA §6, sub-§3, as amended by PL 2011, c. 657, Pt. Y, §2, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

Director, Bureau of General Services;

Director, Bureau of Alcoholic Beverages and Lottery Operations;

State Budget Officer;

State Controller;

Director, ~~Division~~ Bureau of Forestry;

Director, Governor's Office of Policy and Management;

Director, Energy Resources Office;

Director of Human Resources;

Director, ~~Division~~ Bureau of Parks and ~~Public~~ Lands; ~~and~~

Director of the Governor's Office of Communications;

Director, Bureau of Agriculture, Food and Rural Resources; and

Director, Bureau of Resource Information and Land Use Planning.

Sec. A-2. 2 MRSA §6, sub-§5, as amended by PL 2011, c. 657, Pt. Y, §3, is further amended to read:

5. Range 86. The salaries of the following state officials and employees are within salary range 86:

Director of Labor Standards;

State Archivist;

~~Director, Division of Geology, Natural Areas and Coastal Resources;~~

Director, Division of Land Use Planning, Permitting and Compliance;

Chair, Maine Unemployment Insurance Commission;

Child Welfare Services Ombudsman; and

Director of the Maine Drug Enforcement Agency.

Sec. A-3. 5 MRSA §933, sub-§1, ¶O, as amended by PL 2011, c. 1, Pt. F, §1, is repealed.

Sec. A-4. 5 MRSA §933, sub-§1, ¶P, as enacted by PL 2009, c. 552, §6, is amended to read:

P. Director, Division of Animal and Plant Health;

Sec. A-5. 5 MRSA §933, sub-§1, ¶¶Q to S are enacted to read:

Q. Natural Resource Marketing and Economic Development Specialist;

R. Director, Bureau of Agriculture, Food and Rural Resources; and

S. Director, Bureau of Resource Information and Land Use Planning.

Sec. A-6. 5 MRSA §935, sub-§1, as amended by PL 2011, c. 655, Pt. KK, §3 and affected by §34 and amended by c. 657, Pt. W, §§5 and 7 and c. 682, §38, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Agriculture, Conservation and Forestry. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

~~B. Deputy Commissioner;~~

C. Director, ~~Division~~ Bureau of Forestry;

~~D. Director, Bureau of Geology, Natural Areas and Coastal Resources;~~

E. Executive Director, Maine Land Use Planning Commission;

F. Director, ~~Division~~ Bureau of Parks and Public Lands;

~~G. Deputy Director, Division of Parks and Public Lands;~~

I. Assistant to the Commissioner for Public Information;

J. Assistant to the Commissioner; and

K. State Supervisor, Forest Fire Operations.

Sec. A-7. 7-A MRSA §101, sub-§2-A is enacted to read:

2-A. Foodways. "Foodways" means the cultural, social and economic practices related to the production and consumption of food.

Sec. A-8. 7-A MRSA §201-A is enacted to read:

§201-A. Local food and rural economic development

It is the policy of this State to encourage food self-sufficiency for its citizens. The department shall support policies that:

1. Local control. Through local control preserve the ability of communities to produce, process, sell, purchase and consume locally produced foods;

2. Small-scale farming and food production. Ensure the preservation of family farms and traditional foodways through small-scale farming and food production;

3. Improved health and well-being. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;

4. Self-reliance and personal responsibility. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise and sell foods directly to customers intended solely for consumption by the customers or their families; and

5. Rural economic development. Enhance rural economic development and the environmental and social wealth of rural communities.

Sec. A-9. 7-A MRSA §202, as enacted by PL 2011, c. 657, Pt. V, §1 and affected by §2, is amended to read:

§202. Mission; guiding principles

1. Mission. The mission of the department is to serve as ~~the a~~ steward of Maine's agricultural, ~~forestry,~~ water and land and natural resources ~~for the State.~~ The department shall implement public policy that:

A. Supports the work of citizens who derive their livelihood through agricultural, conservation and

forest-based interests and supports those who enjoy parks and conservation lands;

B. Through education, technical assistance, research, regulation and land conservation, promotes and protects the public health, the well-being of domestic animals, wise land usage and the preservation of the State's key conservation assets; and

C. Assists in creating added value for land-derived and forest-derived products as well as creating outdoor-based recreational experiences for local, national and international markets.

2. Guiding principles. The following principles are adopted to guide the department in the performance of its duties:

A. Forestry, farming, conservation, public lands and other natural resource-based economic activity are important to the State's economy and quality of life; ~~and~~

A-1. The State's rural jobs and multifaceted natural resources are at the same time a rich heritage to be carefully passed to successive generations and an evolving economic engine driving the recreation, food and fiber components of the State's workplaces;

B. Strengthening farming, forestry, conservation, recreation, state parks, public lands and public access to the State's natural resources is vital to enhancing the State's natural resources economy; ~~and~~

C. The State's land and water are the common denominators for fresh, locally grown food, processed food, horticulture, livestock, sustainably managed forest products and the State's internationally recognized outdoor recreation and conservation areas.

Sec. A-10. 7-A MRSA §203, sub-§1, as enacted by PL 2011, c. 657, Pt. V, §1 and affected by §2, is amended to read:

1. Appointment. The Governor shall appoint the commissioner, subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters and confirmation by the Senate. The commissioner, who must be a person of recognized executive ability and who must possess training, knowledge or experience in agricultural production, conservation, forestry and natural resource management, serves at the pleasure of the Governor.

Sec. A-11. 7-A MRSA §203, sub-§2, as enacted by PL 2011, c. 657, Pt. V, §1 and affected by §2, is repealed.

Sec. A-12. 7-A MRSA §203, sub-§2-A is enacted to read:

2-A. Deputy; staff. The commissioner shall appoint a deputy commissioner to assist the commissioner with the operations of the department. The commissioner shall also appoint a natural resource marketing and economic development specialist, who shall assist the commissioner in the identification and tracking of natural resource industry trends, who shall work with natural resource groups to identify value-added opportunities and who shall coordinate with other governmental agencies to help management to improve the sustainability of the State's agricultural resources and the long-term health of the State's agricultural, forestry and natural resource-based industries.

Sec. A-13. 7-A MRSA §204, first ¶, as enacted by PL 2011, c. 657, Pt. V, §1 and affected by §2, is amended to read:

The commissioner has all of the powers and duties necessary to carry out the mission and responsibilities of the department. The commissioner has the power to distribute the functions and duties given to the commissioner under this Title, Title 7 and Title 12 among the various ~~divisions~~ bureaus of the department so as to integrate the work properly and to promote the most economical and efficient administration of the department. Powers and duties given to the commissioner or the department in this Title, Title 7 or Title 12 must be assumed and carried out by the ~~divisions~~ bureaus that the commissioner designates and may in turn be delegated to subordinates by ~~division~~ bureau directors with the approval of the commissioner.

Sec. A-14. 7-A MRSA §204, sub-§4, as enacted by PL 2011, c. 657, Pt. V, §1 and affected by §2, is amended to read:

4. Appointments. The deputy ~~commissioners~~ commissioner and ~~division~~ bureau directors of the department are appointed by the commissioner and serve at the pleasure of the commissioner, except as otherwise provided by law. ~~Deputy commissioners~~ The deputy commissioner and ~~division~~ bureau directors appointed pursuant to this Title must have educational qualifications and professional experience directly related to the functions of and services provided by the relevant unit or ~~division~~ bureau.

Sec. A-15. 7-A MRSA §205, as enacted by PL 2011, c. 657, Pt. V, §1 and affected by §2, is repealed.

Sec. A-16. 7-A MRSA §206 is enacted to read:

§206. Department organization; bureaus

The department is composed of the following bureaus, each of which is under the direction and supervision of a director:

1. Bureau of Agriculture, Food and Rural Resources. The Bureau of Agriculture, Food and Rural Resources, which is composed of the former Depart-

ment of Agriculture, Food and Rural Resources and all associated units and programs;

2. Bureau of Forestry. The Bureau of Forestry, which is composed of the former Division of Forestry and all associated units and programs;

3. Bureau of Parks and Lands. The Bureau of Parks and Lands, which is composed of the former Division of Parks and Public Lands and all associated units and programs;

4. Bureau of Resource Information and Land Use Planning. The Bureau of Resource Information and Land Use Planning, which is composed of the Division of Land Use Planning, Permitting and Compliance, the Division of Geology, Natural Areas and Coastal Resources, the Land for Maine's Future Board, the units of municipal planning assistance and flood plain management and all other associated units and programs.

The commissioner shall appoint a director for each bureau, giving preference to existing directors or other staff from within the bureau.

Sec. A-17. PL 2011, c. 657, Pt. V, §2 is amended to read:

Sec. V-2. Legislative intent. It is the intent of the Legislature that a bill submitted pursuant to Part W, section 4 that consolidates the Maine Revised Statutes, Title 7 and portions of Title 12 into Title 7-A be enacted into law by the 126th Legislature to create a unified statutory framework for the laws administered by the Department of Agriculture, Conservation and Forestry that incorporates the Maine Revised Statutes, Title 7-A and relevant portions of Title 12 into Title 7. If a bill submitted pursuant to Part W, section 4 has not been enacted into law by December 3, 2014, Title 7-A is repealed on that date. It is not the intent of the Legislature to require a complete recodification of Title 7.

Sec. A-18. PL 2011, c. 657, Pt. V, §3 is repealed.

Sec. A-19. PL 2011, c. 657, Pt. W, §4 is repealed.

Sec. A-20. Funding for the commissioner's office. Departmentwide indirect funding rates assessed to dedicated and federal funds may not exceed 13% and 29% for conservation and agriculture programs, respectively, for a 3-year period beginning July 1, 2013 and ending June 30, 2016.

Sec. A-21. Director, Land for Maine's Future program. The Commissioner of Agriculture, Conservation and Forestry shall hire a director of the Land for Maine's Future program as a staff position within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning.

Sec. A-22. Report. The Commissioner of Agriculture, Conservation and Forestry shall provide a written report on matters related to the reorganization of the former Department of Agriculture, Food and Rural Resources and the former Department of Conservation and Forestry to the Joint Standing Committee on Agriculture, Conservation and Forestry by November 1, 2013. The commissioner shall provide an additional written report to the committee on these matters by February 1, 2014.

Sec. A-23. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Division of Forestry" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Bureau of Forestry" or "bureau," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. A-24. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Division of Parks and Public Lands" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Bureau of Parks and Lands" or "bureau," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART B

Sec. B-1. 12 MRSA §685-C, sub-§1, ¶B, as repealed by PL 2011, c. 655, Pt. JJ, §6 and affected by §41 and amended by c. 682, §21, is repealed.

Sec. B-2. 12 MRSA §685-C, sub-§1, ¶B-1 is enacted to read:

B-1. After the commission has finalized a plan or a portion of a plan, but prior to adoption, the commission shall provide a copy to the Commissioner of Agriculture, Conservation and Forestry, who shall submit the finalized plan or a portion of the plan to the Governor for comments. The commissioner shall submit the finalized plan or a portion of the plan including the Governor's comments to the Legislature within 30 days after the convening of the next regular session for approval. The Legislature shall, by act or resolve, approve, disapprove or require changes to the plan or any portion of the plan prior to adjournment. If the plan or a portion of the plan is approved or the Legislature fails to act on the plan or a portion of the plan before adjournment, the plan or a portion of the plan may be finally adopted by the commission. If the plan or a portion of the plan is disapproved or revisions are required, the plan or a portion of the plan must be revised by the commission and resubmitted to the Legislature for ap-

proval by act or resolve. The joint standing committee of the Legislature having jurisdiction over conservation matters may submit legislation to implement the provisions of this paragraph.

Sec. B-3. 12 MRSA §685-C, sub-§1, ¶C, as amended by PL 2011, c. 655, Pt. JJ, §7 and affected by §41 and repealed by c. 682, §21, is repealed.

Sec. B-4. 23 MRSA §3360-A, sub-§5-I, ¶A, as enacted by PL 2011, c. 72, §4, is amended to read:

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Lawfully expanded after March 1, 2011" means an expansion of a quarry or borrow pit after March 1, 2011:

(a) That requires an authorization, license, permit or variance issued by the Department of Environmental Protection pursuant to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission or the Maine Land Use Planning Commission under Title 12, chapter 206-A and for which a valid authorization, license, permit or variance has been issued; or

(b) That requires a filing of a notice of intent to comply pursuant to Title 38, chapter 3, article 7 or 8-A and a complete filing has been made.

(2) "Lawfully located on March 1, 2011" means that on March 1, 2011 the quarry or borrow pit existed and:

(a) The owner or operator had been issued all authorizations, licenses, permits or variances by the Department of Environmental Protection pursuant to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission under Title 12, chapter 206-A necessary to operate that quarry or borrow pit; and

(b) The quarry or borrow pit was in compliance with any applicable requirements of Title 38, chapter 3, article 7 or 8-A or with any applicable land use district standards of the former Maine Land Use Regulation Commission adopted under Title 12, chapter 206-A.

(3) "Lawfully located after March 1, 2011" means that the quarry or borrow pit is established after March 1, 2011 and:

(a) The owner or operator possesses all authorizations, licenses, permits or variances issued by the Department of Envi-

ronmental Protection pursuant to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission or the Maine Land Use Planning Commission under Title 12, chapter 206-A necessary to operate that quarry or borrow pit; and

(b) The quarry or borrow pit is in compliance with the requirements of Title 38, chapter 3, article 7 or 8-A or with applicable land use district standards of the former Maine Land Use Regulation Commission or the Maine Land Use Planning Commission adopted under Title 12, chapter 206-A.

(4) "Quarry" has the same meaning as in Title 38, section 490-W, subsection 17.

Sec. B-5. 38 MRSA §488, sub-§9, as amended by PL 2011, c. 653, §20 and affected by §33 and repealed by c. 682, §31 and affected by §40, is repealed.

PART C

Sec. C-1. 1 MRSA §25, as amended by PL 2011, c. 655, Pt. KK, §1 and affected by §34, is further amended to read:

§25. Topographic mapping

The ~~Bureau~~ Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources has charge of topographic mapping on behalf of the State. The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources is authorized and directed to enter into such agreements with the Director of the United States Geological Survey as will ensure the progress of the work in an efficient and economical manner.

Sec. C-2. 5 MRSA §935, sub-§1, ¶D, as amended by PL 2011, c. 655, Pt. KK, §3 and affected by §34, is further amended to read:

D. Director, ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources;

Sec. C-3. 12 MRSA §541-A, as amended by PL 2011, c. 655, Pt. KK, §4 and affected by §34, is further amended to read:

§541-A. Division of Geology, Natural Areas and Coastal Resources

The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources is established within the Department of Agriculture, Conservation and Forestry and is administered by the commissioner. The ~~bureau~~ division consists of the Maine Geological Survey, referred to in this chapter as the "survey," the Natural Areas Program and the Maine Coastal Program. The

~~executive~~ director of the bureau is the director of the survey.

Sec. C-4. 12 MRSA §549, as amended by PL 2011, c. 655, Pt. KK, §6 and affected by §34 and amended by c. 657, Pt. W, §7, is further amended to read:

§549. Jurisdiction

The ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources and the agencies having jurisdiction over state-owned lands have jurisdiction, as set forth in this subchapter, over all state-owned lands for the purpose of mineral development and mining on that land. The Bureau of ~~Geology, Natural Areas and Coastal Resources~~ Resource Information and Land Use Planning and the agencies having jurisdiction over state-owned lands may make such rules as each considers proper with respect to the authority delegated pursuant to this subchapter.

Sec. C-5. 12 MRSA §549-A, sub-§2, as amended by PL 2011, c. 655, Pt. KK, §7 and affected by §34, is further amended to read:

2. Director of the survey. "Director of the survey" means the Director of the Bureau of ~~Geology, Natural Areas and Coastal Resources~~ Resource Information and Land Use Planning.

Sec. C-6. 12 MRSA §550-B, sub-§3, ¶A, as amended by PL 2011, c. 655, Pt. KK, §8 and affected by §34, is further amended to read:

A. Within 30 days after completion of any well or dry hole, or the enlarging or deepening of an existing well, a well drilling company shall submit a report to the ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources on forms designed and provided by the ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources. The report must contain information as may be required by the ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources, including, but not limited to, location, construction and well yield.

Sec. C-7. 12 MRSA §550-B, sub-§6, as amended by PL 2011, c. 655, Pt. KK, §9 and affected by §34, is further amended to read:

6. Information use. Information collected by the ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources, Maine Geological Survey under this section is subject to Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available

information not otherwise publicly available. The ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

Sec. C-8. 12 MRSA §1835, sub-§1, ¶A, as amended by PL 2011, c. 655, Pt. KK, §10 and affected by §34, is further amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon nonreserved public land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid into the ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources.

Sec. C-9. 12 MRSA §1847, sub-§2, as amended by PL 2011, c. 655, Pt. JJ, §8 and affected by §41 and amended by c. 682, §38, is further amended to read:

2. Management plans. The director shall prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines in this subchapter. The plan must provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining such a management plan the director, to the extent practicable, shall compile and maintain an adequate inventory of the public reserved lands, including not only the timber on those lands but also the other multiple use values for which the public reserved lands are managed. In addition, the director shall consider all criteria listed in section 1858 for the location of public reserved lands in developing the management plan. The director is entitled to the full cooperation of the ~~Bureau Division~~ of Geology, Natural Areas and Coastal Resources, the Department of Inland Fisheries and Wildlife and the Maine Land Use Planning Commission in compiling and maintaining the inventory of the public reserved lands. The director shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. The plan must provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. All management of the public reserved lands, to the extent practicable, must be in accordance with this management plan when prepared.

Within the context of the comprehensive management plan, the commissioner, after adequate opportunity for public review and comment, shall adopt a specific action plan for each unit of the public reserved lands system. Each action plan must include consideration

of the related systems of silviculture and regeneration of forest resources and must provide for outdoor recreation including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan. Management of the public reserved lands before the action plans are completed must be in accordance with all other provisions of this section.

Sec. C-10. 12 MRSA §1849, sub-§1, ¶A, as amended by PL 2011, c. 655, Pt. KK, §11 and affected by §34, is further amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon public reserved land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid to the Bureau Division of Geology, Natural Areas and Coastal Resources.

Sec. C-11. 12 MRSA §5013, sub-§5, as amended by PL 2011, c. 655, Pt. KK, §14 and affected by §34, is further amended to read:

5. Division of Geology, Natural Areas and Coastal Resources. The Bureau Division of Geology, Natural Areas and Coastal Resources is under the direction and supervision of a director who is appointed by, and serves at the pleasure of, the commissioner.

Sec. C-12. 12 MRSA §13001, sub-§12, as amended by PL 2011, c. 655, Pt. KK, §16 and affected by §34 and amended by c. 682, §38, is further amended to read:

12. Freshwater marshes and bogs. "Freshwater marshes and bogs" means naturally occurring open areas with saturated soils or peat, often associated with standing water and dominated by low herbaceous vegetation, grasses, weeds and shrubs and including wetlands, as shown on the Freshwater Wetlands Map Series, Bureau Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a Wetland Protection Subdistrict, P-WL, by the Maine Land Use Planning Commission.

Sec. C-13. 22 MRSA §676, sub-§5, as amended by PL 2011, c. 655, Pt. KK, §17 and affected by §34, is further amended to read:

5. Geology. The Bureau Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry shall provide technical assistance for waste management.

Sec. C-14. 22 MRSA §679-B, sub-§8, as amended by PL 2011, c. 655, Pt. KK, §18 and affected by §34 and amended by c. 682, §38, is further amended to read:

8. Transfer of funds. Notwithstanding Title 5, section 1585, funds allocated under this section must be transferred as necessary to accomplish the purposes of this section and Title 38, chapter 14-A from the department to other agencies, including the Department of Environmental Protection, the Bureau Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry and the Maine Land Use Planning Commission.

Sec. C-15. 32 MRSA §4700-G, sub-§2, as amended by PL 2011, c. 655, Pt. KK, §19 and affected by §34, is further amended to read:

2. Membership. The commission consists of the director of the division of environmental health within the Department of Health and Human Services or the director's designee; the Director of the Bureau Division of Geology, Natural Areas and Coastal Resources within the Department of Agriculture, Conservation and Forestry or the director's designee; the Commissioner of Transportation or the commissioner's designee; and 4 public members, 3 of whom must be well drillers.

Sec. C-16. 32 MRSA §4700-G, sub-§6, as amended by PL 2011, c. 655, Pt. KK, §20 and affected by §34, is further amended to read:

6. Administrative provision. The department shall administer the affairs and activities of the commission, keep all books and records, excluding data reports. All appropriations for use of the commission must be made to the department. The Department of Agriculture, Conservation and Forestry, Bureau Division of Geology, Natural Areas and Coastal Resources shall keep all well data reports and work with the department in the administration of the commission's activities.

Sec. C-17. 33 MRSA §1213, as amended by PL 2011, c. 655, Pt. KK, §21 and affected by §34, is further amended to read:

§1213. Water boundaries

For the purposes of this chapter, the Department of Agriculture, Conservation and Forestry, Bureau Division of Geology, Natural Areas and Coastal Resources shall draw the water boundaries of the 8 coastal counties in order to determine in which registry of deeds the island must be registered. These lines must be drawn in accordance with the corporate charters of the counties as amended. In instances in which the charter does not clearly specify the seaward boundaries of the counties, the boundaries must be drawn in accordance with state law and the principles contained in the International Convention for the Contiguous and Territorial Sea in determining seaward boundaries between adjacent nation states.

Sec. C-18. 35-A MRSA §3457, as amended by PL 2011, c. 655, Pt. KK, §23 and affected by §34, is further amended to read:

§3457. Rulemaking; scenic viewpoint; scenic inventory

1. Scenic viewpoint. The Department of Agriculture, Conservation and Forestry shall adopt rules to designate scenic viewpoints located on state public reserved land or on a trail that is used exclusively for pedestrian use, such as the Appalachian Trail, that have state or national significance from a scenic perspective based on criteria modeled after those used in the "Maine Rivers Study" published by the former Department of Conservation in 1982 and "Maine Wildlands Lakes Assessment" published by the former Maine Land Use Regulation Commission in June 1987 and consideration of the criteria in section 3452, subsection 3.

2. Scenic inventory. The Department of Agriculture, Conservation and Forestry, Bureau Division of Geology, Natural Areas and Coastal Resources shall adopt rules regarding the methodology for conducting a scenic inventory of scenic resources of state or national significance that are located in the coastal area, as defined by Title 38, section 1802, subsection 1, in a manner comparable to that used for an inventory listed in section 3451, subsection 9, paragraph H, subparagraph (1). The Department of Agriculture, Conservation and Forestry, Bureau Division of Geology, Natural Areas and Coastal Resources may contract with an outside entity for the preparation of a scenic inventory conducted pursuant to the methodology developed pursuant to this subsection.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. C-19. 38 MRSA §361-A, sub-§1-D, as amended by PL 2011, c. 655, Pt. KK, §24 and affected by §34, is further amended to read:

1-D. Aquifer. "Aquifer" means a geologic formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water, as identified by the Bureau Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry.

Sec. C-20. 38 MRSA §401, 7th ¶, as amended by PL 2011, c. 655, Pt. KK, §25 and affected by §34, is further amended to read:

It is the intention of the Legislature that the Bureau Division of Geology, Natural Areas and Coastal Resources provide coordination and develop programs for the collection and analysis of information relating to the nature, extent and quality of aquifers and aquifer recharge areas.

Sec. C-21. 38 MRSA §402, as amended by PL 2011, c. 655, Pt. KK, §26 and affected by §34, is further amended to read:

§402. Research

The Bureau Division of Geology, Natural Areas and Coastal Resources, in cooperation with the Department of Environmental Protection, is authorized to conduct research and studies to determine recharge and cleansing rates of ~~ground-water~~ groundwater in different sand and gravel and bedrock formations.

The Bureau Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry in cooperation with other agencies as appropriate shall conduct a 3-year program to assess the impact of agricultural practices and chemicals on ~~ground-water~~ groundwater quality in selected agricultural areas and selected aquifers. The program must evaluate the extent and level of contamination associated with pesticide use, the mechanisms by which pesticides move through the soil and into ~~ground-water~~ groundwater supplies, the synergistic effects of these substances and their persistence in ~~ground-water~~ groundwater.

The survey shall report annually its progress to the joint standing committee of the Legislature having jurisdiction over natural resources.

Sec. C-22. 38 MRSA §490-OO, sub-§6, ¶A, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:

A. At least 60 days prior to submitting an application to the department, the applicant shall notify by certified mail the municipal officers of each municipality in which the mining area or affected area may be located or, in the unorganized territory, the county commissioners for each county in which the mining area or affected area may be located. The applicant at the same time shall provide a copy of the notice to the department and the Director of the Bureau Division of Geology and Natural Areas and Coastal Resources within the Department of Agriculture, Conservation and Forestry.

Sec. C-23. 38 MRSA §549, as amended by PL 2011, c. 655, Pt. KK, §29 and affected by §34, is further amended to read:

§549. Personnel and equipment

The commissioner shall establish and maintain at such ports within the State, and other places as the commissioner determines, employees and equipment necessary to carry out this subchapter. The commissioner, subject to the Civil Service Law, may employ personnel necessary to carry out the purposes of this subchapter, and shall prescribe the duties of those employees. The salaries of those employees and the cost

of that equipment must be paid from the Maine Coastal and Inland Surface Oil Clean-up Fund established by this subchapter. The commissioner and the Director of the ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources shall periodically consult with each other relative to procedures for the prevention of oil discharges into the coastal waters of the State from offshore drilling production facilities. Inspection and enforcement employees of the department in their line of duty under this subchapter have the powers of a constable.

Sec. C-24. 38 MRSA §1905, sub-§1, as amended by PL 2011, c. 655, Pt. KK, §31 and affected by §34, is further amended to read:

1. Maps; coastal barriers identified. Maine's coastal barriers are identified on maps, available for public review, at the Department of Agriculture, Conservation and Forestry, ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey office in Augusta. They are referred to as the Maine Coastal Barrier Resources Systems and are numbered consistent with the United States Coastal Barriers Resource Act.

Sec. C-25. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 1, in the subchapter headnote, the words "bureau of geology, natural areas and coastal resources" are amended to read "division of geology, natural areas and coastal resources" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART D

Sec. D-1. 3 MRSA §959, sub-§1, ¶A, as amended by PL 2011, c. 579, §1, is repealed and the following enacted in its place:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2017;
- (2) Board of Pesticides Control in 2019;
- (3) Wild Blueberry Commission of Maine in 2019;
- (4) Maine Dairy and Nutrition Council in 2015;
- (5) Maine Dairy Promotion Board in 2015;
- (6) Maine Milk Commission in 2015;
- (7) State Harness Racing Commission in 2015;
- (8) Maine Agricultural Bargaining Board in 2017;

(9) Department of Agriculture, Conservation and Forestry in 2017; and

(10) Land for Maine's Future Board in 2015.

Sec. D-2. 5 MRSA §17851-A, sub-§1, ¶C, as enacted by PL 1997, c. 769, §11, is amended to read:

C. Forest rangers in the employment of the former Department of Conservation on July 1, 1998, or hired thereafter by the former Department of Conservation or the Department of Agriculture, Conservation and Forestry;

Sec. D-3. 5 MRSA §17852, sub-§7-A, as amended by PL 2007, c. 491, §§165 and 166, is further amended to read:

7-A. Forest rangers after August 31, 1984; option. Except as provided in section 17851-A, the retirement benefit of a person qualifying under section 17851, subsection 8-A who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry on or after May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or

B. The person was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry before May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to the State Employee and Teacher Retirement Program by single or periodic payment of a lump sum or by a combination of single and periodic payments the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after May 1, 1996 is made as part of the employee payroll contribution.

For the purpose of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 8-A and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 8-A at any time after the date on which the person is first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective May 1, 1996. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry on or after May 1, 1996 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before May 1, 1996 must make the election no later than January 1, 1997.

Sec. D-4. 7 MRSA §2171, sub-§1-A, as enacted by PL 1999, c. 790, Pt. A, §5 and affected by §6, is amended to read:

1-A. Fees established by rule. ~~No later than December 31, 1999, the~~ The Commissioner of Agriculture, Food and Rural Resources Conservation and Forestry shall ~~provisionally~~ adopt rules in accordance with Title 5, chapter 375 to establish fees for licenses issued under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A 2-A~~. ~~Fees established by rules adopted under this subsection may take effect no earlier than 90 days after the adjournment of the Second Regular Session of the 119th Legislature.~~

Sec. D-5. 10 MRSA §945-B, sub-§1, as amended by PL 2011, c. 655, Pt. EE, §14 and affected by §30, is further amended to read:

1. Members. Members are the private individuals, partnerships, firms, corporations, governmental entities and other organizations who pay dues to the center. For the purposes of this chapter, members may include, but are not limited to, municipal and county government, councils of government, local and area development corporations, regional planning commissions, development districts, state agencies, higher educational facilities, including the components of the University of Maine System, the Maine Maritime Academy, private colleges and postsecondary schools and community colleges, and other public or quasi-public entities. The following ~~7~~ public organizations are granted membership by virtue of the State's contribution to the organization; and are exempt from dues requirements and each is entitled to designate one individual to exercise its voting right: the Department of

Agriculture, ~~Food and Rural Resources Conservation and Forestry~~, the Governor's Office of Policy and Management, the Finance Authority of Maine, the Department of Labor, ~~the Department of Conservation~~, the Department of Marine Resources, the Department of Economic and Community Development and the Department of Transportation.

Sec. D-6. 12 MRSA §402, sub-§9, as enacted by PL 1983, c. 458, §1, is amended to read:

9. Outstanding river stretches. Protect the special resource values of the flowing waters and shorelands of the State's most outstanding river stretches, as identified by the former Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in this chapter.

Sec. D-7. 12 MRSA §1893, as amended by PL 2007, c. 429, §1 and affected by §3, is further amended to read:

§1893. Off-road Recreational Vehicle Office

1. Office established. There is established within the bureau the Off-road Recreational Vehicle ~~Division Office~~, referred to in this subchapter as the "division office." The division office includes the following.

A. Within available funds, the snowmobile program shall develop and maintain snowmobile trails and provide educational and informational materials for the use of operators of snowmobiles. The bureau may charge a reasonable fee for such services and materials when the money credited to it under chapter 937 is insufficient to satisfy the demand for those services and materials. All fees collected must be deposited in the bureau's Snowmobile Trail Fund. The bureau shall administer the Snowmobile Trail Fund, and the snowmobile program's other activities must be conducted pursuant to subsection 3. The Snowmobile Trail Fund receives funding as provided in chapter 937 and Title 36, section 2903-D, subsection 2.

B. The bureau shall administer the ATV Recreational Management Fund established under subsection 2 for the purposes given in that subsection and for the acquisition of land to be used for ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter 2 for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 13001, subsection 4. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section 2903-D, subsection 3.

2. ATV Recreational Management Fund. The ATV Recreational Management Fund, referred to in this subsection as "the fund," is established and administered by the department.

A. The fund may be used to conduct research on issues related to the management of ATVs; assist in the formation of nonprofit ATV groups; make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, ATV groups and others to construct and maintain ATV trails, to purchase equipment or to otherwise carry out the purposes of the fund; assist in the design and development of ATV trails; purchase, lease or otherwise acquire interests in land, including, but not limited to, fee or easement interests for ATV trails or sport-riding facilities; provide protection to landowners against ATV-related suit or liability; or otherwise provide for the wise and orderly management of ATVs.

B. If any money in the fund is not expended during the year in which it is collected, the unexpended balance may not lapse, but must be carried as a continuing account available for the purposes specified until expended.

3. Use of fees. This subsection applies to the use of fees credited to the Snowmobile Trail Fund.

A. The bureau is authorized to use the money credited to the Snowmobile Trail Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails.

(1) For all grants disbursed after July 1, 1984, the bureau shall adopt rules specifying how to apply for the grants, which projects are eligible and the formula for state support.

(2) The bureau may charge a reasonable fee for these services and materials when the money credited to it under this paragraph is insufficient to satisfy the demand for the services and materials. All fees so collected must be deposited in the Snowmobile Trail Fund.

(3) If any of the money is not expended during the year in which the money is collected, the unexpended balance does not lapse, but is carried as a continuing account available for the purposes specified until expended.

B. The bureau is authorized to use money credited to the Snowmobile Trail Fund for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate, grants to snowmobile clubs, municipalities and counties for the acquisition of snowmobile trail maintenance equipment and the acquisition of easements, construction, development, planning and maintenance and for providing educational and informational

materials for the use of operators of snowmobiles and for research.

C. The money distributed to municipalities by the bureau under this subsection may be appropriated by the municipalities for any purpose for which they may lawfully appropriate money.

D. By June 30th of each fiscal year, the State Controller shall transfer from the Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount equal to the tax exemption under Title 36, section 1760, subsection 90.

Sec. D-8. 12 MRSA §1893-A, sub-§2, as amended by PL 2003, c. 414, Pt. B, §23 and affected by c. 614, §9, is further amended to read:

2. Development of recreational management areas. An owner or operator of an excavation site proposing to develop a recreational management area and requesting a variance from reclamation standards under Title 38, section 490-E shall request the assistance of the division office.

Upon receipt of a request for assistance, the division office shall assess the affected land for suitability for an all-terrain vehicle trail system. The division office shall advise the landowner of funding, technical assistance and other assistance available through the ATV Recreational Management Fund established in section 1893, subsections 2 and 3. When an initial assessment of the affected land indicates the area is appropriate for an all-terrain vehicle trail system, the division office may assist the owner or operator in developing a plan and completing a variance application.

Sec. D-9. 12 MRSA §8867-A, as enacted by PL 1997, c. 720, §2, is amended to read:

§8867-A. Rulemaking

~~No later than November 1, 1998, the Commissioner of Conservation shall provisionally adopt rules in accordance with Title 5, chapter 375. The Commissioner of Agriculture, Conservation and Forestry may adopt rules to implement this subchapter. Rules adopted pursuant to this subchapter are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be submitted to the Legislature no later than January 1, 1999 for review 2-A.~~

The Commissioner of Agriculture, Conservation and Forestry shall consult with the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to ensure that ~~bureau~~ rules adopted under this subchapter are consistent with wildlife habitat and environmental protection.

Sec. D-10. 12 MRSA §8867-B, as amended by PL 2003, c. 335, §2, is further amended to read:

§8867-B. Regulation of timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters

In accordance with the purposes of chapter 206-A and Title 38, chapter 3 ~~and no later than October 1, 2003,~~ the Commissioner of Agriculture, Conservation and Forestry shall adopt rules in accordance with Title 5, chapter 375 to establish performance standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The rules must provide the maximum opportunity for flexibility that achieves the goal of protecting the public resources while minimizing the impact on private resources. The initial rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. D-11. 12 MRSA §10157, sub-§1, ¶A, as amended by PL 2011, c. 576, §4, is further amended to read:

A. ~~Four~~ Three ex officio members:

- (1) The commissioner or the commissioner's designee;
- (2) The Commissioner of Environmental Protection or the commissioner's designee; and
- (3) The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee; ~~and~~
- ~~(4) The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;~~

Sec. D-12. 14 MRSA §159-C, sub-§2, as enacted by PL 1997, c. 739, §10, is amended to read:

2. Limited liability. A lake association that has obtained a permit from the former Department of Conservation or the Department of Agriculture, Conservation and Forestry to place navigational aid markers in great ponds is not liable for personal injury, property damage or death caused by placement or maintenance of those navigational aid markers ~~provided that as long as~~ as the lake association has placed or maintained the markers in conformance with the terms and conditions of the permit.

Sec. D-13. 35-A MRSA §3451, sub-§9, ¶E, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

E. A segment of a scenic river or stream identified as having unique or outstanding scenic attributes listed in Appendix G of the "Maine Rivers Study" published by the former Department of Conservation in 1982;

Sec. D-14. 36 MRSA §1120, as enacted by PL 1987, c. 728, §10 and amended by PL 1997, c. 526, §14, is further amended to read:

§1120. Program promotion

The Department of Agriculture, ~~Food and Rural Resources~~ Conservation and Forestry shall undertake an informational program designed to educate Maine citizens as to the existence of the farm and open space tax laws, which ~~shall~~ must include, but not be limited to, informing local farm organizations and associations of tax assessors about the law.

~~By January 1, 1989, the~~ The Department of Agriculture, ~~Food and Rural Resources~~ Conservation and Forestry and the Bureau of Revenue Services shall produce written materials designed to inform municipal assessors, farmers and Maine citizens about the farm and open space tax program. These materials ~~shall~~ must be in a form that is attractive, easily understandable and designed to interest the public in the program. The department and the bureau shall ensure that these written materials are made available and distributed as widely as possible throughout the State.

Sec. D-15. 38 MRSA §435, 2nd ¶, as repealed and replaced by PL 1987, c. 815, §§1 and 11, is amended to read:

It is further declared that, in accordance with Title 12, section 402, certain river and stream segments, as identified in the former Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in section 437, are significant river segments and deserve special shoreland zoning controls designed to protect their natural and recreational features.

Sec. D-16. 38 MRSA §446, as corrected by RR 1991, c. 2, §144, is amended to read:

§446. Municipal ordinance review and certification

Each municipality with shorelands along significant river segments, as identified in section 437, shall review the adequacy of the zoning on these shorelands to protect the special values cited for these river segments by the former Department of Conservation's 1982 Maine Rivers Study and for consistency with the guidelines established under section 445. Prior to December 15, 1984, each such municipality shall certify to the Board of Environmental Protection either that its existing zoning for these areas is at least as restrictive as the guidelines established under section 445, or that it has amended its zoning for this purpose. This certification must be accompanied by the ordinances and zoning maps covering these areas. Failure to accomplish the purposes of this section results in adoption of suitable ordinances for these municipalities, as provided for in section 438-A.

Sec. D-17. 38 MRSA §490-D, sub-§15, as enacted by PL 2001, c. 466, §10, is amended to read:

15. Recreational management areas. An owner or operator may request a variance to develop a recreational management area on the affected land as an alternative to reclamation in accordance with subsection 14. The department may grant a variance under section 490-E if the Off-road Recreational Vehicle ~~Division~~ Office determines the site is suitable under Title 12, section 1893-A.

Sec. D-18. 38 MRSA §991, 3rd ¶, as enacted by PL 1987, c. 470, §2, is amended to read:

The Legislature finds that the St. Croix River was identified as one of the State's most outstanding river stretches in the former Department of Conservation's 1982 Maine Rivers Study and is specifically designated for protection in Title 12, section 405.

Sec. D-19. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 12, chapter 220, subchapter 8, in the subchapter headnote, the words "off-road recreational vehicle division" are amended to read "off-road recreational vehicle office" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART E

Sec. E-1. Legislative intent. It is the intent of the Legislature that curtailments imposed on the Department of Agriculture, Conservation and Forestry be imposed proportionally among the major units within the department having substantive jurisdiction over distinct policy areas.

PART F

Sec. F-1. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Land Management and Planning Z239

Initiative: Reorganizes one Deputy Director, Parks and Lands position to one Director, Land for Maine's Future position.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	(\$49,101)	(\$52,359)
	(\$49,101)	(\$52,359)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$49,101)	(\$52,359)

Office of the Commissioner 0401

Initiative: Reorganizes one Director, Agricultural Resource Development position to one Director, Agriculture, Food and Rural Resources position.

GENERAL FUND	2013-14	2014-15
Personal Services	\$6,537	\$6,967

GENERAL FUND TOTAL	\$6,537	\$6,967
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OTHER SPECIAL REVENUE FUNDS

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$48,679	\$46,101

OTHER SPECIAL REVENUE FUNDS TOTAL	\$48,679	\$46,101
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Office of the Commissioner 0401

Initiative: Reorganizes one Deputy Director, Parks and Lands position to one Director, Land for Maine's Future position.

OTHER SPECIAL REVENUE FUNDS

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$36,771	\$39,098

OTHER SPECIAL REVENUE FUNDS TOTAL	\$36,771	\$39,098
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Office of the Commissioner 0401

Initiative: Reorganizes one Deputy Commissioner position to one Natural Resource Economic Development Specialist position.

GENERAL FUND

GENERAL FUND	2013-14	2014-15
Personal Services	(\$6,537)	(\$6,967)

GENERAL FUND TOTAL	(\$6,537)	(\$6,967)
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Office of the Commissioner 0401

Initiative: Reorganizes one Director, Geology, Natural Areas and Coastal Resources position to one Director, Resource Information and Land Use Planning position.

OTHER SPECIAL REVENUE FUNDS

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$15,865	\$16,198

OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,865	\$16,198
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AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$52,214	\$49,038
DEPARTMENT TOTAL - ALL FUNDS	\$52,214	\$49,038

See title page for effective date.

**CHAPTER 406
S.P. 297 - L.D. 872**

An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine

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

Sec. 1. 4 MRSA c. 32 is enacted to read:

CHAPTER 32

CHILDREN'S GUARDIANS AD LITEM

§1551. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Division. "Division" means the Family Division within the District Court established in section 183.

2. Guardian ad litem. "Guardian ad litem" means a person appointed as the court's agent to represent the best interests of one or more children pursuant to Title 18-A, section 1-112, Title 19-A, section 1507 or Title 22, section 4005.

3. Best interests of the child. "Best interests of the child" means an outcome that serves or otherwise furthers the health, safety, well-being, education and growth of the child. In applying the standard of best interests of the child in Title 18-A and Title 19-A cases, the relevant factors set forth in Title 19-A, section 1653, subsection 3 must be considered.

§1552. Children's guardians

1. Guardian ad litem roster. The division shall assist the Chief Judge of the District Court in the establishment and maintenance of a roster of guardians ad litem pursuant to section 1553.

2. Administration of guardians ad litem under Title 19-A. For guardians ad litem appointed under

Title 19-A, the division shall assist the Chief Judge of the District Court in:

A. Establishing standardized billing, itemization requirements and time reporting processes for all guardians ad litem;

B. Establishing guidelines for preparation of required reports; and

C. Collecting, maintaining and reporting data about orders of appointment, submission of required reports, caseloads and other information as directed by the Chief Judge of the District Court.

3. Staff. The State Court Administrator shall provide necessary professional and clerical or other staff and logistical support to the division within the limit of funds available.

4. Public information. The division shall provide public information about the role of guardians ad litem, how to provide comments about a guardian ad litem and the complaint process established pursuant to section 1557.

5. Effective date. This section takes effect January 1, 2015.

§1553. Roster of guardians ad litem

Rules adopted by the Supreme Judicial Court govern the establishment and maintenance of a roster of guardians ad litem. The rules must address:

1. Application process. The process for applying to be included on the roster, including application forms;

2. Criteria. Criteria for initial listing on the roster, including:

A. Credentials, including professional licenses and minimum education requirements;

B. Core training; and

C. Good character;

3. Continuing education. Continuing education requirements;

4. Criminal background check. Obtaining criminal history record information on an individual, including, at a minimum, criminal history record information from the Department of Public Safety, State Bureau of Identification;

5. Other requirements. Any other requirements necessary to remain in good standing and included on the roster; and

6. Removal. The process for removing a guardian ad litem from the roster.

§1554. Guardian ad litem responsibilities

1. Role of guardian ad litem. The court may appoint a guardian ad litem to provide information to