

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2014

individual 7-year permit to undertake annual maintenance dredging and use of materials from the Saco River channel and harbor as part of Camp Ellis Beach and Ferry Beach nourishment measures. The Department of Environmental Protection shall issue a 7-year dredging permit authorizing annual maintenance dredging if it determines that the City of Saco's application is complete and meets all otherwise applicable criteria and standards. The City of Saco may seek renewal of the dredging permit for an additional 7-year period through a permit by rule as authorized in the Maine Revised Statutes, Title 38, section 480-E, subsection 8.

See title page for effective date.

CHAPTER 25
S.P. 693 - L.D. 1752

An Act To Preserve Certain Rights Granted to Maine Public Service Company before Its Merger with Bangor Hydro Electric Company

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

Sec. 1. Preservation of rights. In order to facilitate the implementation of the merger of Maine Public Service Company and Bangor Hydro Electric Company, which occurred on December 31, 2013, all of the rights, privileges, immunities and franchises granted by private and special law to Maine Public Service Company and all the duties and liabilities imposed by private and special law upon Maine Public Service Company are transferred to and assumed by Bangor Hydro Electric Company in the same manner and to the same extent as those rights, privileges, immunities, franchises, duties and liabilities applied to Maine Public Service Company.

See title page for effective date.

CHAPTER 26
H.P. 1190 - L.D. 1618

An Act To Enhance the Sustainability of the Corinna Water District

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

Sec. 1. P&SL 2001, c. 13, §1 is amended to read:

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A,

section 6403, subsection 1, paragraph B, that part of the Town of Corinna described as follows: Beginning at a point ~~where the west line of Lot 13 in Corinna intersects State Aid Highway #1 leading from Corinna village to St. Albans village; thence running southerly along the west line of Lot 13 to a point, on the same line extended 100 rods southerly from the north line of Range 2 in said Corinna; thence easterly on a line parallel to the north line of Range 2 to a point where said line intersects the center line of the road leading from Southard's Mills, so called, southeasterly to the White school house district; thence northerly in a straight line to the easterly end of the bridge crossing Alder Stream on State Aid Highway #1 leading from Corinna village to Exeter; thence northerly in a straight line to a point where the north line of Range 4 in Corinna intersects State Highway J leading from Corinna village to Dexter; thence westerly in a straight line to the point of beginning; 44°55'28"N, 69°16'37"W, on St. Albans Road; then south southeasterly to a point 44°54'57"N, 69°16'28"W, on Nokomis Road; then southeasterly to a point 44°54'45"N, 69°15'52"W, on Newport Road; then northeasterly to a point 44°55'6"N, 69°15'1"W, on the western upland edge of Alder Stream; then northerly along the upland edge of Alder Stream to a point 44°55'31"N, 69°14'59"W, on Exeter Road; then west to a point 44°55'31"N, 69°15'40"W, on the east shore of the East Branch of the Sebasticook River; then southwesterly along the east shore of the East Branch of the Sebasticook River to a point 44°55'27"N, 69°15'43"W, then northwesterly across the East Branch of the Sebasticook River to a point 44°55'28"N, 69°15'47"W, along the western shore of the East Branch of the Sebasticook River; then west to the point of beginning; and its inhabitants constitute a standard water district under the name "Corinna Water District," referred to in this Act as the "district."~~

Sec. 2. P&SL 2001, c. 13, §4, as repealed and replaced by P&SL 2001, c. 65, §1, is amended to read:

Sec. 4. Trustees. The board of trustees of the district is composed of 3 trustees appointed by the municipal officers of the Town of Corinna. A trustee must be a resident of the ~~district~~ Town of Corinna.

See title page for effective date.

CHAPTER 27
H.P. 1283 - L.D. 1792

An Act To Protect Jobs in the Forest Product Industry

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

Whereas, through a series of private and special laws, the State has granted certain rights, privileges, immunities and franchises to Brookfield Renewable Energy Partners to construct, own and operate dams and hydroelectric and related facilities for the purpose of generating and transmitting electricity and to Great Northern Paper, LLC, and its predecessors in interest, including, but not limited to, the authority to build, own, operate and maintain paper production facilities; and

Whereas, existing provisions in private and special laws may be inhibiting Great Northern Paper, LLC, as the owner of the paper production facility in the Town of Millinocket or the paper production facility in the Town of East Millinocket from reaching a temporary load-shedding agreement with Brookfield Renewable Energy Partners for the sharing of revenues from the sale of electricity from the hydropower facilities when there is a temporary cessation or reduction of paper production; and

Whereas, Great Northern Paper, LLC, ceased paper production at the East Millinocket paper production facility in late January 2014 and intends to use the paper mill closure period to make necessary facility upgrades to improve efficiency and enhance the facility's long-term viability; and

Whereas, Great Northern Paper, LLC, intends to employ as many of the East Millinocket paper production facility's employees as possible to perform the necessary upgrades and improvements during the current closure period and to reopen the facility as soon as possible; and

Whereas, the purpose of this legislation is expressly to permit load-shedding agreements that would provide revenues to support the continued viability of the paper production facilities and preserve the work force employed at those facilities and thereby promote the public welfare; 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 enacted by the People of the State of Maine as follows:

Sec. 1. P&SL 2001, c. 45, §2 is amended by adding at the end a new paragraph to read:

Nothing in this section prohibits temporary load-shedding agreements in accordance with section 2-B.

Sec. 2. P&SL 2001, c. 45, §2-B is enacted to read:

Sec. 2-B. Temporary load-shedding agreements. In order to ensure the continued viability

ity of the paper production facility in Millinocket or the paper production facility in East Millinocket, the owner of the paper production facility in Millinocket or the paper production facility in East Millinocket and the owner of the Hydropower Facilities may enter into temporary load-shedding agreements in accordance with this section.

1. Temporary reduction or closure; sharing of revenues. A temporary load-shedding agreement may provide for temporary cessation of or reduction in paper production at a paper production facility for periods of less than 90 days, or in excess of 90 days to the limited extent permitted under subsection 3, in order to allow the sale of electricity from the Hydropower Facilities to another purchaser or entity or into the wholesale electric market and provide that the owner of the paper production facility shares in the revenue generated from those sales of electricity.

2. Purpose; terms. It is the purpose of the Legislature in expressly authorizing temporary load-shedding agreements to encourage mutually beneficial agreements between the parties that provide revenues to support the continued viability of the paper production facilities and preserve the work force employed at those facilities and thereby promote the public welfare. When developing any temporary load-shedding agreement, the parties shall consider terms that promote those purposes, which may include terms that rely on indicators of the continuing viability of the paper production facilities, including maintenance of the facility's labor force during and following the temporary cessation of or reduction in paper production.

3. Limited one-time exception. A temporary load-shedding agreement may include a cessation of paper production at the East Millinocket paper production facility for more than 90 days only if:

A. The cessation began on January 23, 2014;

B. The cessation ends and paper production resumes at the facility no later than June 30, 2014 with the number of employees agreed to by the unions representing the employees of the paper production facility and the owner of the paper production facility; and

C. The temporary load-shedding agreement involves the sharing of revenue from no more than 90 days of electricity sales during this temporary cessation of paper production.

If a temporary load-shedding agreement is entered into under this subsection and paper production resumes at the facility in accordance with paragraph B, the cessation described in this subsection is not a Paper Mill Closing for purposes of section 2 and all prohibitions, requirements and other provisions of section 2 that would otherwise apply with respect to that cessation do not apply.

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

Effective April 7, 2014.

**CHAPTER 28
S.P. 753 - L.D. 1855**

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach

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

Whereas, under current law a municipality is authorized to issue general obligation securities to fund public schools and libraries; and

Whereas, at the annual town election held on November 8, 2011, the voters of the Town of Old Orchard Beach voted to approve Referendum Question No. 5, which authorized the issuance of general obligation securities of the Town of Old Orchard Beach in an amount not to exceed \$2,000,000 to construct and equip an addition to the Edith Belle Libby Memorial Library, and Referendum Questions No. 1 to No. 4, which concern modifications to the Charter of the Town of Old Orchard Beach; and

Whereas, an architect has been retained to prepare plans and a construction contract has been entered into to construct the proposed addition to the Edith Belle Libby Memorial Library; and

Whereas, the Town of Old Orchard Beach plans to issue up to \$2,000,000 in general obligation securities to finance the addition to the Edith Belle Libby Memorial Library; and

Whereas, specimen ballots rather than warrants or notices of election were posted in public and conspicuous places in the Town of Old Orchard Beach prior to the referendum on November 8, 2011; and

Whereas, the posting of specimen ballots rather than warrants or notices of election prior to the November 8, 2011 referendum has created a legal technicality that could affect the marketability of the town's general obligation securities for the addition to the Edith Belle Libby Memorial Library and could jeopardize the approval of the other referendum questions of the November 8, 2011 election; and

Whereas, it is imperative that any ambiguity regarding the legitimacy of the referendum be resolved as quickly as possible; 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 enacted by the People of the State of Maine as follows:

Sec. 1. Validation and authorization. Notwithstanding any other provision of law to the contrary, the Town of Old Orchard Beach referendum votes conducted on November 8, 2011 and any proceedings related to those referendum votes are validated and made effective. The Chair of the Town Council and Treasurer of the Town of Old Orchard Beach are authorized to enter into contracts and to issue bonds or notes in the name of the Town of Old Orchard Beach in an amount not to exceed \$2,000,000 to construct and equip an addition to the Edith Belle Libby Memorial Library in the Town of Old Orchard Beach.

Sec. 2. Retroactivity. This Act applies retroactively to November 8, 2011 with respect to any proceedings relating to the contracts and bonds or notes to construct and equip the addition to the Edith Belle Libby Memorial Library and the other referendum questions approved at the referendum conducted on November 8, 2011 in the Town of Old Orchard Beach.

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

Effective April 26, 2014.

**CHAPTER 29
H.P. 265 - L.D. 390**

An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services

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 elimination of MaineCare coverage for ambulatory surgical center services in Public Law 2011, chapter 657 has resulted in a shift of services to more expensive settings; and

Whereas, the elimination of MaineCare coverage for ambulatory surgical center services in Public Law 2011, chapter 657 has resulted in access problems for MaineCare beneficiaries, particularly in the medical specialties of orthopedics, ophthalmology and gastroenterology; and