

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

- 4. The Commissioner of Transportation or the commissioner's designee;
- 5. The Public Advocate or the Public Advocate's designee;
- 6. The executive director of the Maine Turnpike Authority or the executive director's designee;
- 7. A member of the public with significant knowledge of communications technology;
- 8. A representative of the Maine School and Library Network;
- 9. A representative of the Maine State Chamber of Commerce;
- 10. A representative of the Maine Municipal Association; and
- 11. Other parties at the discretion of the authority; and be it further

Sec. 3. Duties. Resolved: That the duties of the working group are as follows:

- 1. To review the so-called federal dig once policy;
- 2. To review other states' experiences and strategies relating to broadband infrastructure deployment, including the so-called dig once policies in other states;
- 3. To review state laws and rules and agency policies relating to highway, local road and bridge construction and reconstruction and utility accommodation, including an evaluation of the feasibility and need for broadband conduit as part of the highway and local road construction process;
- 4. To consider right-of-way issues, including management of right-of-way access;
- 5. To consider administrative issues, including ownership of conduit and procurement;
- 6. To consider funding models for the installation and maintenance of broadband conduit;
- 7. To consider the allocation and use of conduit capacity on an open-access, nondiscriminatory basis so that any financially responsible entity, including an institutional customer, telecommunications provider or Internet service provider, may lease fiber-optic cable along a route with the intent that all users have access at the same pricing structure and for substantially similar terms and conditions relative to their use of the network;
- 8. To collaborate with Internet service providers to consider so-called dig-once policies to encourage build-out to unserved areas;
- 9. To identify road and bridge construction funding for broadband conduit installation; and

- 10. To explore the feasibility of incorporating a statewide broadband infrastructure plan to ensure that the State makes informed and knowledgeable decisions on a per project basis regarding whether installing conduit in the right-of-way of the project path affords reasonable potential benefit to expand broadband capacity and availability in the State; and be it further

Sec. 4. Report. Resolved: That, by February 1, 2014, the authority shall submit a written report of the findings of the working group under this resolve and any recommendations, including suggested legislation, to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation. The Joint Standing Committee on Energy, Utilities and Technology may submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the report. The Joint Standing Committee on Transportation may make recommendations regarding that bill to the Joint Standing Committee on Energy, Utilities and Technology.

See title page for effective date.

**CHAPTER 29
H.P. 377 - L.D. 558**

**Resolve, To Erect a State
Monument to
Franco-Americans**

Sec. 1. Franco-American monument. Resolved: That, upon availability of sufficient funding, the Capitol Planning Commission shall construct and maintain a monument in honor of men and women of Franco-American heritage in the State, in accordance with the Maine Revised Statutes, Title 5, chapter 14-A; and be it further

Sec. 2. Funding assistance. Resolved: That the Capitol Planning Commission may accept local funds, gifts and other contributions to be used solely to carry out the purposes of this resolve; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

Buildings and Grounds Operations 0080

Initiative: Provides a base allocation for any funds received to establish a Franco-American monument.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500

OTHER SPECIAL	\$500	\$500
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 30

H.P. 449 - L.D. 657

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry

Sec. 1. Rules. Resolved: That the Department of Agriculture, Conservation and Forestry shall review, clarify and update its rules relating to the licensing of maple syrup processors; and be it further

Sec. 2. Report. Resolved: That, no later than December 15, 2013, the Commissioner of Agriculture, Conservation and Forestry shall report on the results of the review, clarification and updating of the rules relating to the licensing of maple syrup processors under section 1 to the Joint Standing Committee on Agriculture, Conservation and Forestry.

See title page for effective date.

CHAPTER 31

S.P. 344 - L.D. 999

Resolve, Directing the Department of Transportation To Seek Funding To Complete a Design and Engineering Assessment for the Extension of Passenger Rail Service from Portland North on the State-owned St. Lawrence and Atlantic Railway Corridor

Sec. 1. Completion of the existing environmental assessment. Resolved: That the Department of Transportation shall seek funding to complete and update the existing environmental assessment for the project for the extension of passenger rail service from Portland north if an update of this assessment still meets requirements of the National Environmental Policy Act of 1969, 42 United States Code, Chapter 55 or to conduct a new assessment to determine whether restoration of the rail line for passenger rail service, which is the subject of the existing assessment, with appropriate mitigation measures

would have a significant impact on the human and natural environment; and be it further

Sec. 2. Completion of the construction costs and engineering analysis for track and related improvements. Resolved: That the Department of Transportation shall seek funding to complete the cost and feasibility study necessary to fund restoration of the state-owned St. Lawrence and Atlantic railway corridor for passenger rail service, consistent with the department's "Portland North Alternative Modes Transportation Project" study, including calculations of appropriate costs of track, signals and bridge improvements associated with rail; highway improvements at highway-rail grade crossings; and warning system upgrades, control signals, new rail and required sidings.

See title page for effective date.

CHAPTER 32

S.P. 508 - L.D. 1414

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

Sec. 1. State Tax Assessor authorized to convey real estate. Resolved: That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the Unorganized Territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks, in a newspaper in the county where the real estate lies, except in those cases in which the sale is to be made to a specific individual or individuals as authorized in this resolve, in which case notice need not be published.

2. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice, the State Tax Assessor may sell the property for not less than the minimum amount without again asking for bids if the property is sold on or before April 1, 2014.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from