

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

on disconnection and collection practices, and must ensure that consumers have adequate mechanisms available to them to resolve complaints fairly and promptly; and

E. Regulatory reform must provide a mechanism that ensures that the rates charged by each consumer-owned water utility are just and reasonable, pursuant to the standards of the Maine Revised Statutes, Title 35-A, section 301.

2. In developing the plan, the commission shall:

A. Seek input from interested parties representing diverse geographic areas of the State but is not required to conduct an adjudicatory proceeding;

B. Ensure that the interests of consumer-owned water utilities and their ratepayers are protected with regard to the provision of, and charges for:

- (1) Municipal fire protection;
- (2) Water main extensions; and
- (3) Consumer-owned water utilities' readiness to serve charges;

C. Examine the current regulatory structure in accordance with the requirements in subsection 1 and may not presume existing laws and rules are appropriately designed for the current environment and the needs of consumer-owned water utilities and their ratepayers;

D. Define and quantify the implications of the potential outcomes of implementing the plan; and

E. Consider stakeholder comments that are not supportive of regulation reform of consumer-owned water utilities and include those viewpoints as part of its report under subsection 3.

3. The commission shall submit its report including the plan to the Joint Standing Committee on Energy, Utilities and Technology no later than January 31, 2014. The report must describe necessary changes to law, rules or procedures and any other necessary actions to implement the plan. To the maximum extent practicable, the commission shall establish target dates for implementation of the elements of the plan no later than 90 days after the adjournment of the Second Regular Session of the 126th Legislature. The commission shall include with the report a draft of any legislation necessary to implement the plan and, consistent with the requirements of the Maine Revised Statutes, Title 5, chapter 375, changes to rules necessary to implement the plan.

The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to reform regulation of consumer-owned water utilities to the Second Regular Session of the 126th Legislature; and be it further

Sec. 2. Action on filings. Resolved: That, consistent with the purposes of this resolve and the requirements in section 1, the commission shall process any filings submitted by consumer-owned water utilities for exemptions under the Maine Revised Statutes, Title 35-A with as much deliberate speed as possible, within the constraints of existing resources.

See title page for effective date.

CHAPTER 48

S.P. 195 - L.D. 505

Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund

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

Whereas, recreational snowmobiling in the State contributes more than \$350,000,000 per year to the State's economy and accounts for at least 3,100 full-time jobs in the State; and

Whereas, a large part of this economic activity takes place in rural areas of the State, thus providing an important source of economic activity in areas with limited economic development opportunities; and

Whereas, the State has an unrivaled statewide snowmobile trail system consisting of 13,500 miles of groomed snowmobile trails maintained by 290 snowmobiling clubs and 115 municipalities; and

Whereas, the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands, Off-road Recreational Vehicle Division uses a portion of resident and nonresident snowmobile registration fees to reimburse the clubs and municipalities for part of the local costs for capital equipment and trail maintenance and grooming; and

Whereas, increasing costs for capital equipment, fuel and trail maintenance and recent declines in snowmobile registrations are putting increasing financial pressure on the clubs and municipalities that must be resolved in order to ensure the quality of the trail system; and

Whereas, there has been no effort in the past to systematically investigate and identify opportunities for greater economic efficiencies within the Snowmobile Trail Fund to resolve questions of economic equity in funding clubs and municipalities and between the Snowmobile Trail Fund and other funds in the maintenance of state-owned trails; and

Whereas, the future of snowmobiling in the State is directly linked to the need for an economically efficient, equitable and predictable program for providing funds to the snowmobile clubs and municipalities that develop and maintain the State's excellent and economically important snowmobile trail system; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Internal review. Resolved: That the Commissioner of Agriculture, Conservation and Forestry, referred to in this resolve as "the commissioner," shall review the expenditures and operations of the Snowmobile Trail Fund, referred to in this resolve as "the fund," operated by the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands, Off-road Recreational Vehicle Division as provided by this section and report the findings of that review to the Joint Standing Committee on Agriculture, Conservation and Forestry as provided in section 2.

In conducting this review, the commissioner shall consult with representatives of statewide snowmobiling organizations, municipalities, local snowmobile clubs and other appropriate stakeholder groups.

The commissioner's review must include, but is not limited to:

1. A review and documentation of the allocation of funds to the fund and the amount of funds carried forward in the fund from one fiscal year to the next. The review must include a written explanation as to why those funds were carried forward. The review must also propose written criteria, to be applied prospectively, that justifies the conditions under which funds may be carried forward into a subsequent fiscal year;

2. The development of a quarterly reporting system detailing the revenue to and expenditures from the fund, including all nongrant expenditures, and a recommendation that the reports be submitted quarterly to interested parties. The commissioner shall also develop an annual reporting system on the finances and operations of the Snowmobile Trail Fund program for the submission to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters;

3. The development of a written policy for distributing funds from the fund to municipalities and snowmobile clubs that ensures, to the fullest extent possible, that the funds are distributed in an equitable manner, and the development of an educational program to ensure that grantees are properly trained in grant policies and procedures; and

4. The development of a plan for the elimination of state-administered snowmobile trail grooming projects; and be it further

Sec. 2. Report. Resolved: That the commissioner shall submit a written report on all matters included in section 1 to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 4, 2013. The report must include recommendations on all matters required to be included in the review under section 1 and may include draft legislation necessary to implement any such recommendations. Following its review of the commissioner's report, the Joint Standing Committee on Agriculture, Conservation and Forestry may submit a bill to the Second Regular Session of the 126th Legislature to implement any mandatory reporting requirements or to authorize the adoption by the commissioner of any rules necessary to implement the commissioner's recommendations.

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

Effective June 11, 2013.

CHAPTER 49

S.P. 174 - L.D. 442

Resolve, To Ensure the Continued Accessibility and Affordability of a High School Equivalency Exam for Maine Residents

Sec. 1. Review of options for administering a high school equivalency examination. Resolved: That the Department of Education, referred to in this resolve as "the department," shall undertake a thorough study of all options for the administration of a high school equivalency examination, including those offered by competing vendors and an analysis of the implementation costs that would be required to transition to a computer-based high school equivalency examination; and be it further

Sec. 2. Report. Resolved: That the department shall prepare and submit a report based on its study under section 1 to the Joint Standing Committee on Education and Cultural Affairs comparing the various high school equivalency examination options based on their cost, accessibility and educational efficacy. The department's report must include a plan for ensuring the continued availability of a high school equivalency examination at no cost to test takers, continued accessibility at all local adult education programs currently offering this service with minimal financial impact on these programs and continued state funding support and technical assistance necessary to