

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

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

transition to a computer-based high school equivalency examination. The department shall submit its report and plan to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2013.

See title page for effective date.

CHAPTER 50

S.P. 485 - L.D. 1378

Resolve, Authorizing the Sale of the Guy P. Gannett House in Augusta for Use as a Museum

Sec. 1. Definitions. Resolved: That, as used in this resolve, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.

2. "State property" means the real estate described in section 3 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies; and be it further

Sec. 2. Authority to convey state property. Resolved: That the State, by and through the commissioner, may:

1. Convey by sale the interests of the State in the state property;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. 3. Property interests that may be conveyed. Resolved: That the state property authorized to be sold is the following:

Real estate located at 184 State Street in the City of Augusta, Maine and known as the Guy P. Gannett House; and be it further

Sec. 4. Property to be sold "as is" for use as a museum; master plan. Resolved: That the

commissioner may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property must be sold "as is," with no representations or warranties, for use as a museum. This resolve constitutes a change to the 2001 Capitol Planning Commission master plan.

Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner; and be it further

Sec. 5. Exemptions. Resolved: That any conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. 6. Appraisal. Resolved: That the commissioner shall have the current market value of the state property determined by an independent appraiser. The commissioner may reject any offers.

The commissioner shall establish the purchase price and the terms of sale; and be it further

Sec. 7. Sale of property once conveyed. Resolved: That the buyer of the state property, if it chooses to sell the real estate located at 184 State Street in the City of Augusta, Maine and known as the Guy P. Gannett House, must:

1. First offer the real estate to the commissioner for purchase at the current market value; and

2. Notify the joint standing committee of the Legislature having jurisdiction over state and local government matters; and be it further

Sec. 8. Proceeds. Resolved: That any proceeds from a sale pursuant to this resolve must be deposited in the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner; and be it further

Sec. 9. Repeal. Resolved: That this resolve is repealed 3 years from its effective date.

See title page for effective date.

CHAPTER 51

H.P. 996 - L.D. 1400

Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until