

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

1. Designation of routes. The demonstration projects may be conducted over the 2 following routes, both of which are less than 2 miles in length and connect forest harvesting sites and private logging roads to forest products processing and transportation facilities.

A. A route in the Town of Ashland that is approximately 1.9 miles in total length, with 0.9 miles on state or state aid highways, starting from a private logging road system in Ashland, then southeast on the Realty Road to the Garfield Road, then east on the Garfield Road to State Route 11, then east on State Route 11 over the bridge crossing the Aroostook River designated by the Department of Transportation as bridge number 3554 and continuing on State Route 11 to the Clark Siding Road, and then south on the Clark Siding Road to and along the former Levesque Mill, so-called.

B. A route in the Town of Masardis that is approximately 1.9 miles in length, with 1.6 miles on state or state aid highways, starting at the intersection of the Craig Road and the Craigville Road, the latter being part of a private logging road system, then north on the Craig Road to the Garfield Road, and then east on the Garfield Road and over the bridge crossing the Aroostook River designated by the Department of Transportation as bridge number 3407 to the south entrance to the Fraser Mill, so-called.

2. Safety, infrastructure protection and local requirements. The Commissioner of Transportation may authorize a demonstration project only if:

A. The chief engineer of the Department of Transportation finds that proposed truck configurations and weights can be safely operated over the route. In making this finding, the chief engineer may consider available manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components. The chief engineer may place such restrictions on operations as are necessary to ensure public safety;

B. The chief engineer of the Department of Transportation finds that the public highway and bridge infrastructure affected by the demonstration project can withstand, or can be improved and maintained to withstand, proposed truck configurations and weight. The improvements necessary may include initial capital improvement and future maintenance or capital improvements; and

C. The municipal officers of the municipality in which the designated route is located vote to support the proposed demonstration project. The Department of Transportation shall ensure that public notice regarding the demonstration project has been provided in the affected municipalities.

3. Funding of infrastructure improvements. The Commissioner of Transportation may approve a demonstration project along a designated route only if the commissioner receives satisfactory assurance that at least 50% of the cost of highway and bridge improvements that the chief engineer determines are necessary pursuant to subsection 2, paragraph B will be provided by the relevant mill owner, other private entities or a public source other than the Department of Transportation. The Department of Transportation may provide the balance of funding.

4. Enforcement. A vehicle operating pursuant to this section must display a credential obtained for a fee from the Secretary of State. The fee must be established by the Commissioner of Transportation, in consultation with the Secretary of State, in an amount to cover related administrative costs and compliance monitoring. The Commissioner of Transportation may revoke the privileges of operation allowed under this section for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered final agency action.

5. Rules. The Commissioner of Transportation and the Secretary of State shall adopt rules in consultation with the Department of Public Safety to implement this resolve. Rules adopted pursuant to this subsection are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

6. Report. Upon request by the joint standing committee of the Legislature having jurisdiction over transportation matters, the Commissioner of Transportation shall submit a report describing the status of, safety and infrastructure impacts from and lessons learned from the projects authorized under this resolve to the committee. The committee may submit a bill to the legislative session in which the report is submitted.

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

Effective June 22, 2013.

CHAPTER 65
H.P. 612 - L.D. 861

**Resolve, Regarding Legislative
Review of Portions of Chapter
2: Rules Concerning the
Processing of Applications and
Other Administrative Matters,
a Major Substantive Rule of
the Department of
Environmental Protection**

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective June 22, 2013.

CHAPTER 66

S.P. 562 - L.D. 1504

Resolve, Directing the Adjutant General of the State To Ensure the Maine Code of Military Justice Addresses Sexual Trauma in the Military

Sec. 1. Adjutant General to conduct assessment of Maine Code of Military Justice. Resolved: That the Adjutant General shall conduct an assessment of the Maine Code of Military Justice and other provisions of the Maine Revised Statutes, Title 37-B that govern state active duty personnel in or attached to the Maine National Guard, including air reserve technicians and other activated military personnel, with regard to provisions that apply to sexual assault in the military. The purpose of the assessment is to determine if the Maine Code of Military Justice and other provisions of Title 37-B governing state

active duty personnel in or attached to the Maine National Guard allow for the adequate prosecution of sexual assault and proper treatment of military victims of sexual assault by comparing them with specific National Guard Bureau guidance and the provisions of the National Defense Authorization Act for Fiscal Year 2013 that amend 10 United States Code and that address the following:

1. Mandatory administrative separation or dismissal of any member of the Maine National Guard convicted of any sexual offense;

2. Retention of restricted report documentation for 50 years, if so desired by the victim, including information regarding a victim's consent regarding use of report records;

3. Allowing victims to return to active duty after separation to help prosecute sex offenders;

4. The creation of an independent review panel to examine the way sexual assaults are investigated, prosecuted and adjudicated under the Maine Code of Military Justice;

5. Annual command climate assessment surveys to track individual attitudes toward sexual assault and sexual harassment;

6. Mandatory insurance coverage for mental and physical health issues, including abortions in cases of rape or incest for service women and military family members;

7. Required sexual assault prevention and intervention in precommand and command courses for officers and relevant personnel;

8. Notification to Maine National Guard personnel of the options available for the correction of military records that reflect any retaliatory personnel action consequent to a report of sexual assault or sexual harassment;

9. Prohibition against the use of a moral waiver for recruitment of anyone convicted of a sexual offense;

10. Active duty retention of survivors until the completion of a line of duty determination to ensure completion of an official investigation and adjudication of the sexual offense case;

11. Development of a policy for and documented annual review of required initial and annual sexual assault prevention training for all new enlistees and members of the Maine National Guard, respectively;

12. Development of a policy addressing data collection and retention requirements to track reports of sexual harassment, sexual assault and rape from the date of an incident report to case closure;

13. Annual briefing by the Adjutant General to the Governor and the joint standing committee of the