

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

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

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**Augusta, Maine**  
**2015**

cretion, 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. 2. Property interests that may be conveyed. Resolved:** That the state property authorized to be sold is:

1. A parcel or parcels of land and buildings, or any portion of the parcel or parcels of land and buildings, in the City of Augusta, now or formerly known as "the Augusta District Court," located at 145 State Street, and any associated land and parking areas determined to be necessary by the Commissioner of Administrative and Financial Services, including but not limited to all or a portion of the properties described in deeds recorded in the Kennebec County Registry of Deeds, Book 1480, Page 752; and be it further

**Sec. 3. Property to be offered to Kennebec County for 6 months. Resolved:** That for 6 months following the effective date of this resolve the Commissioner of Administrative and Financial Services may negotiate with Kennebec County for the sale of the state property described in section 2 and may execute a purchase and sale agreement with Kennebec County upon terms the commissioner considers appropriate, except that the property must be sold "as is," with no representations or warranties and a requirement that Kennebec County use the property to house the Registry of Deeds and other county offices. The title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner. Kennebec County shall notify the commissioner in writing if the county determines prior to the end of the 6-month period that it does not want to purchase the property described in section 2. During this 6-month period, the commissioner may not negotiate or execute a purchase and sale agreement with any other party for the sale of the state property described in section 2 unless Kennebec County notifies the commissioner in writing that the county does not want to purchase the property; and be it further

**Sec. 4. Property may be listed for sale or lease with private real estate brokers. Resolved:** That if Kennebec County does not execute a purchase and sale agreement with the Commissioner of Administrative and Financial Services for the sale of the state property described in section 2 within 6 months following the effective date of this resolve, or if the county notifies the commissioner in writing prior to the end of the 6-month period that the county does not want to purchase the state property, as provided in section 3, the commissioner may list the property for sale or lease with private real estate brokers and may negotiate any sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants

for the sale of the property. The 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 described in section 2 first be offered to the Maine State Housing Authority or another state or local agency or offered through competitive bidding; and be it further

**Sec. 6. Appraisal. Resolved:** That the Commissioner of Administrative and Financial Services shall have the current market value of the state property described in section 2 determined by an independent appraiser; and be it further

**Sec. 7. 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 of Administrative and Financial Services; and be it further

**Sec. 8. Repeal. Resolved:** That this resolve is repealed 4 years from its effective date.

See title page for effective date.

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**CHAPTER 21**

**H.P. 803 - L.D. 1172**

**Resolve, Regarding  
Legislative Review of Rules for  
Permitting Overlimit  
Commercial Motor Vehicles of  
Specified Configurations To  
Travel Designated Routes, a  
Late-filed Major Substantive  
Rule of the Department of  
Transportation**

**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 outside the legislative rule acceptance period; 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, contingent upon the Maine Revised Statutes, Title 29-A, section 2354-D, subsection 1 being amended to repeal the exclusion from the commercial motor vehicle configurations that may be allowed to operate on specified routes of travel by the Commissioner of Transportation of truck tractor-semitrailer-semitrailer combination vehicles in which the 2 trailing units are connected with a B-train assembly, final adoption of Rules for Permitting Overlimit Commercial Motor Vehicles of Specified Configurations To Travel Designated Routes, a provisionally adopted major substantive rule of the Department of Transportation that has been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Section 2 to provide that the process described in the rule for permitting overlimit commercial motor vehicles of specified configurations to travel designated routes, referred to as "special haul routes," is available to B-train double configurations, as defined in Title 29-A, section 2354-C, subsection 2; and

2. The rule must be amended in Section 9 to provide that B-train double configurations, as defined in Title 29-A, section 2354-C, subsection 2, are allowed.

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

Effective June 9, 2015.

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**CHAPTER 22**

**S.P. 535 - L.D. 1427**

**Resolve, Regarding the  
Department of  
Environmental Protection's  
Rule Chapter 500:  
Stormwater Management**

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

**Whereas**, on January 8, 2015, the Department of Environmental Protection submitted for legislative review portions of Chapter 500: Stormwater Management, a major substantive rule of the department; and

**Whereas**, on April 29, 2015, the legislative instrument approving final adoption by the department of this major substantive rule submitted for legislative review became effective following approval by the Governor; and

**Whereas**, pursuant to the Maine Revised Statutes, Title 5, section 8072, subsection 8, final adoption by the department must occur within 60 days of the effective date of that legislative instrument; and

**Whereas**, the additional rule change directed in this legislation was inadvertently omitted from that enacted legislative instrument and must be incorporated in the rule prior to final adoption; 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. Resolve 2015, c. 12, §1, amended. Resolved:** That Resolve 2015, c. 12, §1 is amended to read:

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 500: Stormwater Management, 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 only if the following changes are made:

1. The rule must be amended in section 4, subsection E to clarify, for the purposes of the urban impaired stream standard, that where there is a department-approved management and monitoring plan in place and monitoring demonstrates that a stressor in the watershed, which may be either a pollutant or a failure to meet a water quality standard, is contributing to the impairment of the urban impaired stream, the department may require the applicant to use alternative or additional stormwater treatment measures to address the identified stressor; and

2. The rule must be amended in ~~section~~ sections 14 and 15 to extend the permit shield provision to the implementation of innovative measures to increase the probability that low-impact development measures will be installed.

; and be it further

**Sec. 2. Department of Environmental Protection; stormwater management rule; final adoption. Resolved:** That notwithstanding the