

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.

Augusta, Maine
2015

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.

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

Maine Revised Statutes, Title 5, section 8072, subsection 8, the Department of Environmental Protection may finally adopt Rule Chapter 500 as authorized for final adoption by Resolve 2015, chapter 12 as amended by this resolve, as long as final adoption occurs within 60 days of the effective date of this resolve.

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

Effective June 9, 2015.

CHAPTER 23

S.P. 455 - L.D. 1273

Resolve, To Create a License Plate To Recognize the Bicentennial of the State

Sec. 1. State of Maine Bicentennial commemorative plate. Resolved: That the Secretary of State shall issue, at no cost to the Secretary of State, a reflectorized, commemorative simulated registration plate in recognition and celebration of the bicentennial of the State, which became the 23rd state on March 15, 1820. The Secretary of State shall design the plate, and the plate must bear the date of its expiration, which is December 31, 2020. Notwithstanding the Maine Revised Statutes, Title 29-A, section 454, the State of Maine Bicentennial commemorative plate may be displayed by covering, but not removing, the front registration plate on a motor vehicle, including a motor vehicle registered outside this State and operated within it, beginning January 1, 2018 to December 31, 2020. The plate may not be displayed on a truck tractor as defined in Title 29-A, section 101, subsection 90; and be it further

Sec. 2. Administrative fee; distribution. Resolved: That the Secretary of State shall develop a plan for the sale and distribution of the State of Maine Bicentennial commemorative plates. The fee for the State of Maine Bicentennial commemorative plate is \$25, which must be credited as follows:

1. Nine dollars per plate to the Secretary of State for the costs associated with the production and issuance of the plates; and
2. Sixteen dollars per plate to the Maine State Cultural Affairs Council established under the Maine Revised Statutes, Title 5, section 12004-G, subsection 7-A; and be it further

Sec. 3. Other uses prohibited. Resolved: That the State of Maine Bicentennial commemorative

plate may not be sold or displayed on a motor vehicle except as provided in this resolve.

See title page for effective date.

CHAPTER 24

S.P. 278 - L.D. 780

Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814 and section 1851, subsections 1 and 2; now, therefore, be it

Sec. 1. Director of the Bureau of Parks and Lands is authorized, but not directed, to convey certain land known as John Paul Jones Memorial Park in Kittery. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may gift by quitclaim deed without covenant, and on such other terms and conditions as the director may direct, the interests of the State in the property known as John Paul Jones Memorial Park, referred to in this resolve as "the property," situated between Hunter Avenue and Newmarch Street and between Water Street and Government Street in the Town of Kittery, County of York, with the buildings and improvements, together with all appurtenant rights and easements located on that property, to the Town of Kittery; and be it further

Sec. 2. Restrictions. Resolved: That the instrument transferring the interests of the State in the property must include the following terms and restrictions:

1. The property must continue to be used and managed for public noncommercial governmental purposes as a public park. If the property is used oth-