

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$4,000,000)
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GENERAL FUND TOTAL	\$0	(\$4,000,000)
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$4,920,692
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$4,920,692

See title page for effective date.

CHAPTER 84

H.P. 1142 - L.D. 1671

Resolve, Compensating Susan Cloutier for Claims against the State

Sec. 1. Compensation authorized. Resolved: That the Governor is authorized and directed, upon receipt of the necessary releases, to pay \$400,000 from the Risk Management Fund to compensate Susan Cloutier and members of her family in full settlement and satisfaction of any and all claims by her and members of her family against the State, the Department of Labor and present or former employees of that department or of the State for damages resulting from the death of her son and husband in a motor vehicle accident. The funds provided pursuant to this resolve are not intended to supplant any other funds received by Susan Cloutier through the State's self-insurance fund administered by the Department of Administrative and Financial Services, Bureau of General Services pursuant to the Maine Revised Statutes, Title 5, section 1725-A.

See title page for effective date.

CHAPTER 85

H.P. 1158 - L.D. 1693

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry

Sec. 1. Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry established. Resolved: That the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 13 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Three members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Four members appointed by the President of the Senate as follows:

- A. A commercial wood harvester who supplies biomass;
- B. A representative of the biomass electric industry;
- C. A representative of a sawmill located in the State; and
- D. A scientist from the University of Maine who studies forest health and silviculture; and

4. Four members appointed by the Speaker of the House as follows:

- A. A representative of a conservation organization;
- B. A representative of a pulp and paper manufacturer located in the State;
- C. A representative of commercial timber holdings in the State; and
- D. A representative of a business that uses biomass for thermal generation or cogeneration or an expert in the use of biomass energy for thermal generation or cogeneration; and be it further

Sec. 3. Commission chairs. Resolved: That the first-named Senator is the Senate chair of the commission and the first-named member of the House

of Representatives is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall:

1. Review and evaluate the economic, environmental and energy benefits of Maine's biomass resources, as well as public policy and economic proposals to create and maintain a sustainable future for the Maine biomass industry;

2. Consider the interconnection of economic markets for biomass and forest products and the energy policy of the State;

3. Consider whether the environmental, economic and energy benefits of biomass support updating the State's energy policy to strengthen and increase the role that biomass and the forest products industry play throughout the State;

4. Consider the costs of implementing any recommendations and the effect of leaving current policies in place; and

5. Examine any other issues to further the purposes of the study.

In conducting the duties under this section, the commission shall seek public input and shall consult and collaborate with stakeholders and experts in the fields of economic development, natural resources and energy policy; and be it further

Sec. 6. Meetings. Resolved: That the commission shall hold at least 4 meetings; and be it further

Sec. 7. Staff assistance. Resolved: That the Legislative Council shall provide staffing services to the commission. The commission may invite the Department of Economic and Community Development, the Public Utilities Commission, the Office of the Public Advocate, the Governor's Energy Office, the Efficiency Maine Trust, the Department of Agriculture, Conservation and Forestry and other appropriate agencies of State Government to provide additional staff support or assistance to the commission; and be it further

Sec. 8. Report. Resolved: That the commission shall submit a report and any suggested implementing legislation for presentation to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 6, 2016.

See title page for effective date.

CHAPTER 86

S.P. 566 - L.D. 1468

Resolve, To Improve the Safety of Ferries in the State

Sec. 1. Peer review assessment; operations and safety. Resolved: That the Department of Transportation shall execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. For purposes of this resolve, "Maine State Ferry Service" has the same meaning as in the Maine Revised Statutes, Title 23, section 4401. The peer review assessment must include an examination of the recommendations in the report titled "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report," dated April 4, 2008 and written by Safety Management Systems, LLC. The peer review assessment must include, at a minimum, comments relating to:

1. Appropriate staffing levels for vessels operated by the Maine State Ferry Service;

2. An adequate minimum mandatory training level for each position within the Maine State Ferry Service; and

3. Standard operating procedures relating to crew stations and duties while in port and at sea and decisions regarding passengers who fall overboard, fire-fighting, extreme weather conditions, abandoning ship and other emergency procedures; and be it further

Sec. 2. Operational changes relating to Maine State Ferry Service. Resolved: That, by June 1, 2017, the Department of Transportation shall adopt rules relating to the Maine State Ferry Service in accordance with this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must:

1. Require all vessels operating for the Maine State Ferry Service to be outfitted with a lockbox for medical samples. The rules must provide for the transport of medical diagnostic samples, including, but not limited to, allowing medical personnel access to the lockbox;