

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

Sec. B-9. PL 1987, c. 735, §73, amending clause is amended to read:

Sec. 73. P&SL 1865, c. 532, §4, sub-§3, as enacted by P&SL 1983, c. 33, §1 and amended by PL 1985, c. 779, §§90 and 91, is repealed and the following enacted in its place:

Sec. B-10. P&SL 2007, c. 22, Pt. A, §3, sub-§6 is amended to read:

6. The district shall maintain its books and records in a manner that creates separate divisions for its water and wastewater operations. These divisions must maintain the assets, liabilities, operating revenues and expenses in a manner that allows the Public Utilities Commission to set rates for the district's water operations. The assets and liabilities of the Augusta Water District must be maintained in the books of the water division of the Greater Augusta ~~Utilities~~ Utility District. The assets and liabilities of the Augusta Sanitary District and Hallowell Water District's wastewater division must be maintained in the books and records of the Greater Augusta Utility District's wastewater division.

PART C

Sec. C-1. 9-B MRSA §864, sub-§2, ¶B, as amended by PL 1993, c. 655, §1, is further amended to read:

B. The service corporation primarily serves credit unions and the membership of affiliated credit unions. A service corporation formed after July 31, 1994 primarily serves credit unions and the membership of affiliated credit unions within the meaning of this paragraph if at least 75% of the services provided within this State are to credit unions and members of credit unions; except that for a service corporation formed after October 1, 2017, when determining whether a service corporation primarily serves credit unions and the membership of affiliated credit unions within the meaning of this paragraph, the superintendent shall consider the relevant federal laws and regulations in effect at the time of formation of the service corporation.

Sec. C-2. 20-A MRSA §12706, sub-§9, as amended by PL 2017, c. 179, §5, is further amended to read:

9. Contracts and agreements. To enter into any contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter, except that in any such agreement other than an employment agreement that contains the following provisions against the system is are void:

A. Any requirement that the system must waive its governmental immunity or limited liability;

B. Any requirement that the system must carry insurance in addition to or in excess of its existing insurance;

C. Any requirement that the system must defend, indemnify or hold harmless any other party;

D. Any requirement that the system must submit to the law of a state other than this State;

E. Any requirement that the system must waive its insurer's rights of subrogation;

F. Any requirement that the system must pay another party's attorney's fees; and

G. Any requirement that the agreement is subject to an automatic renewal other than month to month;

Sec. C-3. 32 MRSA §18134-A, as enacted by PL 2015, c. 207, §1, is amended to read:

§18134-A. Exception; bleeding of a residential home heating oil burner

Notwithstanding ~~section 18134, paragraph C section 18102~~, a home heating oil delivery driver may bleed a residential home heating oil burner without direct supervision if the delivery driver has documentation of having completed a board-approved training course in bleeding oil burners. If the oil burner fails to operate after bleeding, the delivery driver shall refer the problem to a journeyman oil and solid fuel burning technician or master oil and solid fuel burning technician.

Sec. C-4. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 9-B, section 864, subsection 2, paragraph B and Title 20-A, section 12706, subsection 9 take effect 90 days after adjournment of the First Regular Session of the 128th Legislature.

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

Effective July 15, 2017, unless otherwise indicated.

CHAPTER 289

S.P. 201 - L.D. 586

An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to provide protection for funds in the Public Reserved Lands Management Fund as soon as possible; and

Whereas, road building for fiscal year 2017-18 begins July 1, 2017, and clarity with regard to funding for that road building needs to be provided immediately; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §1807, as enacted by PL 2015, c. 267, Pt. FF, §1, is amended to read:

§1807. Sustainable harvest level

Except as provided in this section, timber harvesting on public reserved lands and nonreserved public lands may not exceed in total an average of 160,000 cords per year over any 3-year period. If an independent timber inventory conducted after July 1, 2015 establishes a different sustainable harvest, the department, upon recommendation from staff within the bureau based on opinions of silvicultural experts in public reserved lands management and data from the most recent physical forest inventory, may adopt by rule a different harvesting level consistent with ~~that~~ the most recent physical forest inventory, as long as the harvesting level is also consistent with multiple use objectives, existing management plans and the department's most recent integrated resource policy for public reserved and nonreserved public lands, state parks and state historic sites. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved public lands matters.

Sec. 2. 12 MRSA §1808 is enacted to read:

§1808. Forest inventory timeline established

The department shall conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2021 and every 5 years thereafter.

Sec. 3. 12 MRSA §1849, sub-§2, as enacted by PL 1997, c. 678, §13, is amended to read:

2. Fund established. All income received by the director from the public reserved lands, except income provided for in section 1855, must be deposited with the Treasurer of State to be credited to the Public Reserved Lands Management Fund, which is established

as a nonlapsing fund. Any interest earned on this money must also be credited to the fund. No expenditure may be made from the fund other than for the bureau's general operating purposes with respect to management of the public reserved lands unless the fund has a cash operating balance of at least \$2,500,000 at the start of the fiscal year during which the expenditure is made.

Sec. 4. 12 MRSA §1849, sub-§4 is enacted to read:

4. Expenditures from fund. Expenditures from the Public Reserved Lands Management Fund, including but not limited to money expended for road building and road maintenance, are subject to legislative approval in the same manner as appropriations from the General Fund. Money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature. The joint standing committee of the Legislature having jurisdiction over public lands matters, referred to in this subsection as "the jurisdictional committee," shall review all allocations or subdivisions of allocations from the fund.

A. Before January 15th of each odd-numbered year, the commissioner shall submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner shall submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium.

B. After receiving a budget submission pursuant to paragraph A, the jurisdictional committee shall review the proposed budget or budget modification and shall determine the appropriate allocations or modifications of existing allocations of the fund. The jurisdictional committee shall submit its recommended allocations or modifications to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which shall include those recommended allocations or modifications of allocations in an appropriate biennial budget or supplemental budget bill.

Sec. 5. 12 MRSA §1853, sub-§1, ¶F, as amended by PL 2007, c. 564, §2; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

F. The status of ecological reserves including the acreage of reserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to the bureau's ecological reserves; ~~and~~

Sec. 6. 12 MRSA §1853, sub-§1, ¶G, as enacted by PL 2007, c. 564, §2, is amended to read:

G. A description of any changes in allowed uses of the public reserved lands, including the acreage affected and the reason for the change;

Sec. 7. 12 MRSA §1853, sub-§1, ¶H is enacted to read:

H. A breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth; and

Sec. 8. 12 MRSA §1853, sub-§1, ¶I is enacted to read:

I. An update on capital plans for road construction and road maintenance, including a list and description of roads built and roads maintained in the preceding fiscal year and a list and description of roads to be built and roads to be maintained in the succeeding fiscal year.

Sec. 9. 12 MRSA §1859 is enacted to read:

§1859. Funding for educational programs related to logging and forestry

1. Legislative findings. Whereas expenditures from the Public Reserved Lands Management Fund established under section 1849, subsection 2 must be consistent with the public trust limitations embodied in the Constitution of Maine, Article X; and the Constitution of Maine, Article X designates the public lots for the benefit of the schools in this State; and educating new loggers and foresters in the State will help to ensure that the public reserved lands continue to be managed to demonstrate exemplary land management practices, the Legislature declares that authorizing grants under this section is consistent with the Legislature's responsibility as trustee.

2. Educational grant program established; eligibility. The bureau shall establish, maintain and administer an educational grant program, referred to in this section as "the grant program," and an application system for the grant program to allow an eligible public secondary program, career and technical education program and public postsecondary educational program to apply for an educational grant under the grant program. Only an educational program at a public secondary or public postsecondary educational institution or career and technical education center that is related to logging or forestry, referred to in this section as "an eligible educational program," is eligible to receive funding under the grant program.

3. Grants; source of funds; limits. An approved eligible educational program may receive grants of up

to \$50,000, if available, from the grant program. The source of the funds for the grants is the Public Reserved Lands Management Fund established under section 1849, subsection 2. Total distributions from the Public Reserved Lands Management Fund under the grant program may not exceed \$300,000 in the 2 fiscal years of the state budget biennium.

4. Permitted use of funding. An eligible educational program that receives a grant under the grant program may use the grant in more than one year if such an extended use is approved by the bureau during the application process. Grants received through the grant program may be used only for educational purposes, including but not limited to upgrading existing logging equipment. Any grants issued to an eligible educational program must supplement, not supplant, existing school funding.

5. Participation of regional managers. The bureau shall include managers of any regional public reserved lands units established by the bureau in the process established for approving the distribution of funds to eligible educational programs under the grant program and shall ensure that the managers are involved with, or have the option to be involved with, any eligible educational program that receives funding through the grant program.

6. Rulemaking. The bureau shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. Identification of areas of insufficient access to public reserved lands. The Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall identify areas where the State does not currently have deeded access to the State's public reserved lands. The bureau shall direct regional foresters in the bureau who are familiar with the physical landscape of the identified areas and with the landowners involved to develop goals and priorities regarding increased access to the State's public reserved lands, and the bureau shall submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019 in the annual report dealing with public reserved lands submitted pursuant to the Maine Revised Statutes, Title 12, section 1853.

Sec. 11. Statewide priority lists of recreational infrastructure projects and Americans with Disabilities Act projects. The Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The bureau shall present the priority lists to the

joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019 in the annual report dealing with public reserved lands submitted pursuant to the Maine Revised Statutes, Title 12, section 1853. After receipt of the lists, the joint standing committee of the Legislature having jurisdiction over public reserved lands matters shall hold a meeting for the purpose of obtaining public input on the statewide priority lists. After that meeting, the joint standing committee of the Legislature having jurisdiction over public reserved lands matters shall rank the projects on the priority lists submitted by the bureau and, if funding is available, make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs for funding projects.

Sec. 12. Review of bid process. The Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau shall report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2018.

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Land Management and Planning Z239

Initiative: Provides an allocation for STA-CAP costs.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$3,250	\$0
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,250	\$0

Land Management and Planning Z239

Initiative: Provides an allocation to develop infrastructure projects to comply with the federal Americans with Disabilities Act of 1990 for the State's public reserved lands.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$50,000	\$0
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$50,000	\$0

Land Management and Planning Z239

Initiative: Provides an allocation to conduct a detailed forest inventory of the State's public reserved lands and public nonreserved lands.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$65,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$65,000

Land Management and Planning Z239

Initiative: Provides allocations for educational grants to programs related to logging or forestry at public secondary or public postsecondary educational institutions or career and technical education centers.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$150,000	\$150,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$150,000	\$150,000

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS	\$203,250	\$215,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$203,250	\$215,000

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

Effective July 20, 2017.

CHAPTER 290

H.P. 344 - L.D. 481

An Act To Promote Workforce Participation

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