

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

(4) Measures of fiscal impact and overall economic impact to the State; and

(5) Information regarding the procedures for ensuring compliance with the preference requirements under subsection 8.

The Office of Program Evaluation and Government Accountability shall provide a report of its evaluation under this subsection to the joint standing committee of the Legislature having jurisdiction over taxation matters by August 15, 2024. Following receipt of the report, the joint standing committee shall determine whether the credit provided under this section is meeting its public policy objectives and whether it should be continued. The joint standing committee may submit a bill to the First Regular Session of the 132nd Legislature to accomplish its recommendations.

See title page for effective date.

CHAPTER 362

S.P. 668 - L.D. 1789

An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands

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; and

Whereas, the real estate authorized for conveyance by this legislation 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, sections 1837 and 1851; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §1839, sub-§1, ¶E, as amended by PL 1999, c. 592, §4; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales, for the following fiscal year beginning on July 1st; ~~and~~

Sec. 2. 12 MRSA §1839, sub-§1, ¶F, as enacted by PL 1999, c. 592, §5, is amended to read:

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

Sec. 3. 12 MRSA §1839, sub-§1, ¶G is enacted to read:

G. The amount of funds in the public nonreserved lands acquisition fund within the bureau for each county.

Sec. 4. 12 MRSA §1853, sub-§1, ¶H, as enacted by PL 2017, c. 289, §7, is amended 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. 5. 12 MRSA §1853, sub-§1, ¶I, as enacted by PL 2017, c. 289, §8, is amended 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; ~~and~~

Sec. 6. 12 MRSA §1853, sub-§1, ¶J is enacted to read:

J. The amount of funds in the Public Reserved Lands Acquisition Fund, established in section 1850, subsection 2, for each county.

Sec. 7. Director of Bureau of Parks and Lands authorized to amend lease at Long Falls Dam Road to allow lessee to sublease a portion of the parcel for recreational purposes.

The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry is authorized to amend the lease of the land consisting of public lots that form part of the dam and reservoir known as Flagstaff Lake, land that is currently leased by Brookfield Renewable Partners and that was previously leased pursuant to Private and Special Law 1927, chapter 113, section 13, to allow the lessee to sublease a portion of the parcel for the purpose of a parking area for the Maine Huts and Trails system.

Sec. 8. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain lands in Adamstown Township, Oxford County.

The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may by quitclaim deed without

covenant convey to a buyer for appraised fair market value and other compensation and on such other terms and conditions as the director may direct a certain parcel of land in Adamstown Township, described as Parcel 0008W as depicted on the Richardson Pond cottage lots plan developed by Seven Islands Land Company on the southwest side of West Richardson Pond, comprising approximately 3.54 acres and a camp, which was previously a camp lot lease and which was surrendered by the leaseholder to the Bureau of Parks and Lands by written agreement. The sale of the lot constitutes a revocation of its designation as public reserved lands under the Maine Revised Statutes, Title 12, section 598-A.

Sec. 9. Report on funds received pursuant to this Act. The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters the amount of funds received pursuant to the transactions authorized by this legislation by each county at the same time as the director submits the bureau's reports pursuant to the Maine Revised Statutes, Title 12, sections 1839 and 1853.

Sec. 10. Resolve 2013, c. 56, §4 is amended to read:

Sec. 4. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain lands in Adamstown Township, Oxford County. Resolved: That the Director of the ~~Division~~ Bureau of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry may by quitclaim deed without covenant convey for an appraised fair market value that is the higher of 2 appraisals or the highest of more than 2 appraisals and on such other terms and conditions as the director may direct certain lots or parcels of land, with a total of approximately 24 ~~26~~ acres, to the ~~West Richardson Pond Public Lot Association individual camp lot lessees.~~ The sale of each lot constitutes a revocation of its designation as public reserved lands under the Maine Revised Statutes, Title 12, section 598-A.

The parcels to be conveyed are located on a 24-acre lease lot subdivision portion and a 1.93-acre lease lot located on an island of the Richardson Lake public reserved lands. The 12 lots in the subdivision are on the southwestern shoreline of West Richardson Pond and extend from the Lincoln Plantation and Adamstown Township town line south to Route 16 and are also located between the Richardson Lake public reserved lands access road and the shoreline of West Richardson Pond. The parcels in the subdivision are currently leased to ~~10~~ 9 camp lot lessees who are members of the West Richardson Pond Public Lot Association. To ensure that the State retains public access to West Richardson Pond, the director may not

convey ownership of Lot 4-W in the subdivision as depicted on the Richardson Pond cottage lots plan developed by Seven Islands Land Company. The 1.93-acre lease lot is located on an island in West Richardson Pond, located in Adamstown Township, Oxford County, being a portion of the Richardson Lake public reserved lands, Account #178012003, Public Lands L1 LOC R, Map OX008, Plan 3, Lot 3, Lease Number 1, Lot ID Loc R.

Sec. 11. Resolve 2015, c. 29, §1 is amended to read:

Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain interests in lands in Aroostook County in exchange for other interests or properties. Resolved:

That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may by quitclaim deed without covenant, for negotiated value, and on such other terms and conditions as the director may direct, convey or release all interests held by the bureau in the ~~following~~ properties described under subsection 1 to Prentiss and Carlisle Company, Inc. and ~~Prentiss and Carlisle Management Company, McCrillis Timberland, LLC and Greentrees, Inc., collectively referred to in this section as "the partitioners,"~~ in exchange for conveyance of property or interests in properties ~~or other consideration of equivalent value described under subsection 2 from Prentiss and Carlisle Company, Inc. and Prentiss and Carlisle Management Company the partitioners.~~

1. The property interests to be conveyed by the Department of Agriculture, Conservation and Forestry, by and through the Bureau of Parks and Lands, to ~~Prentiss and Carlisle Company, Inc. and to Prentiss and Carlisle Management Company on behalf of other minority interests~~ the partitioners are all of the State's minority common and undivided interest in ~~forested acres without flowage easements in T.10 R.4 SE/4, which is approximately 1,329 equivalent acres a tract in T.10 R.4 WELS SE/4, Maine Revenue Services Tax Map AR018, Plan 01, Lot 1.2, comprising approximately 3,970 acres of upland and 270 acres of flowed land in Scopan Lake, depicted as Parcel B on the March 28, 2017 Survey Plan by Plisga & Day Land Surveyors, the State's undivided interest being approximately equivalent to 1,222 acres.~~

2. The property interests to be conveyed by ~~Prentiss and Carlisle Company, Inc. and Prentiss and Carlisle Management Company on behalf of other minority interests~~ the partitioners to the State acting by and through the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands are:

A. All of ~~Prentiss and Carlisle Company, Inc.'s the partitioners'~~ common and undivided interests in ~~forested acres without flowage easements in T.10 R.4 SE/4 north of Scopan Lake and all of the~~

~~remaining minority common and undivided interests in forested acres without flowage easements in T.10 R.4 SE/4 north of Scopan Lake by and through Prentiss and Carlisle Management Company, which is together approximately 16 equivalent acres; the following tracts in T.10 R.4 WELS:~~

- (1) SE/4 north of Scopan Lake, part of Maine Revenue Services Tax Map AR018, Plan 01, Lot 1.2, comprising approximately 23 acres of upland and 221 acres of flowed land in Scopan Lake;
- (2) SE/4 setoff, part of Maine Revenue Services Tax Map AR018, Plan 01, Lot 1.2, comprising approximately 605 acres of upland and 240 acres of flowed land in Scopan Lake, depicted as Parcel A on the March 28, 2017 Survey Plan by Plisga & Day Land Surveyors;
- (3) NE/4 west of Scopan Lake, Maine Revenue Services Tax Map AR018, Plan 01, Lot 2.1, comprising approximately 995 acres, including portions flowed by Scopan Lake; and
- (4) NE/4 east of Scopan Lake, Maine Revenue Services Tax Map AR018, Plan 01, Lot 2, comprising approximately 5,462 acres, including portions flowed by Scopan Lake.

The partitioners' undivided interest in the T.10 R.4 WELS tracts described in this paragraph is approximately equivalent to 1,296 acres; and

~~B. All of Prentiss and Carlisle Company, Inc.'s minority common and undivided interests in forested acres without flowage easements in T.10 R.4 NE/4 by and through Prentiss and Carlisle Management Company, which is approximately 309 equivalent acres;~~

~~C. All of the minority common and undivided interests in T.11 R.4 E/2 by and through Prentiss and Carlisle Management Company, which is together approximately 254 equivalent acres; and~~

~~D. All or a portion of Prentiss and Carlisle Company, Inc.'s interests in T.13 R.5, T.13 R.13 and T.12 R.13, or other parcels or other consideration from Prentiss and Carlisle Company, Inc. as may be needed in combination with the foregoing to be of equivalent value, as determined by the director, to the conveyance of the State to Prentiss and Carlisle Company, Inc. in T.10 R.4 SE/4 as described in subsection 1; and be it further~~

E. Two parcels in T.13 R.5 WELS, Maine Revenue Services Tax Maps AR027, Plan 01, Lot 1.1 and AR027, Plan 01, Lot 1.2, owned solely by Prentiss and Carlisle Company, Inc. and McCrillis

Timberland, LLC and totaling approximately 192 acres; and be it further

See title page for effective date.

CHAPTER 363

S.P. 701 - L.D. 1856

An Act Regarding Permits for Burial of Cremated Remains

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, regarding the burial of cremated remains, must take effect before the expiration of the 90-day period so that it may apply to burials this spring; 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. 22 MRSA §2843, sub-§3-A, as enacted by PL 2017, c. 101, §1, is amended to read:

3-A. Permit for burial of cremated remains in public burying ground. If cremated remains are buried in a public burying ground in this State, the person in charge of the public burying ground ~~shall~~ may endorse and provide the date the cremated remains were buried on each permit with which that person is presented and return it to the State Registrar of Vital Statistics or to the clerk of the municipality in which the public burying ground is located ~~within 7 days after the date of burial.~~ If there is no person in charge of the public burying ground, an official of the municipality in which the public burying ground is located ~~shall~~ may endorse and provide the date the cremated remains were buried on each such permit and present it to the State Registrar of Vital Statistics or the clerk of the municipality. The funeral director or authorized person ~~shall~~ may present a copy of each permit, ~~after endorsement if the permit has been endorsed,~~ to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the permit. For the purposes of this subsection, "public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4.