

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

Sec. 4. Land to be transferred as is. Resolved: That the land described in section 2 must be transferred by release deed "as is" with no representations or warranties as to title, subject to any and all terms, conditions, encumbrances, restrictions and liens of record, including those described in section 3.

Sec. 5. Release of liability for historical contamination. Resolved: That the Passamaquoddy Tribe's compliance with the terms, conditions, encumbrances and restrictions described in section 3 releases the Passamaquoddy Tribe of any state environmental contamination claims, including natural resource damage claims, that have or in the future may accrue to the State or its agencies as a result of the historic contamination of the land by parties other than the Passamaquoddy Tribe.

Sec. 6. Repeal. Resolved: That sections 1 to 4 of this resolve are repealed 5 years from its effective date.

See title page for effective date.

CHAPTER 134

H.P. 1307 - L.D. 1756

Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in Penobscot County

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 Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may sell, lease or exchange lands with the approval of the Legislature in accordance with Title 12, sections 1814, 1837 and 1851; and

Whereas, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands holds a common and undivided interest in 2 adjacent sections totaling an approximately 2,043-acre parcel of land in T. 4, R. 8 in Penobscot County, which constitutes approximately 1,624 acres of state ownership, a majority of both sections; and

Whereas, due to lack of good public access in T. 4, R. 8, it will benefit the people of Maine to sell interest in the parcel for cash to purchase alternative lands

within Penobscot County that can be managed for public benefits such as recreational access, wildlife habitat and sustainable timber harvest; and

Whereas, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands requests legislative approval to negotiate the sale of lands in a timely fashion; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey interest in certain land in T. 4, R. 8 in Penobscot County. 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, convey in accordance with this section interest in a parcel of land totaling approximately 2,043 acres based on shares held in common and undivided interest in T. 4, R. 8 in Penobscot County, the total being held in 2 sections, with the first constituting an approximate amount of 1,868 acres based on an approximate 79% share and the 2nd based on an approximate 85% share of an approximate 175-acre parcel, together with all appurtenant rights and easements located on that property. The director may partition the parcels prior to conveyance. The director may convey interest in the parcels for appraised fair market value as determined by an independent assessment of the timber and other values to any holder of common and undivided interest in either section of land or to a 3rd-party intermediary that is required to immediately convey the property to Baxter State Park. The director may convey interest in the parcels to Baxter State Park for an amount determined by the director and the park to be in the public interest.

See title page for effective date.

CHAPTER 135

S.P. 430 - L.D. 1348

Resolve, To Study the Impacts of Consumer Fireworks Use

Sec. 1. Stakeholder group. Resolved: That, in accordance with the requirements of this section, the State Fire Marshal shall convene a stakeholder group to review matters relating to the impacts of consumer fireworks use.

1. The State Fire Marshal shall, at a minimum, include as members of the stakeholder group:

A. The Commissioner of Public Safety or the commissioner's designee;

B. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;

C. The Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry or the director's designee;

- D. A representative of a statewide organization representing the interests of farmers;
 - E. A representative of a statewide equine protection organization;
 - F. A representative of a statewide animal welfare organization;
 - G. A veterinarian;
 - H. An owner of a business that sells consumer fireworks in the State; and
 - I. A representative of a statewide organization representing municipal interests.
2. The stakeholder group shall review and conduct research on matters relating to the impacts of consumer fireworks use in the State including, but not limited to:
- A. A review of the decibel levels of consumer fireworks sold in the State, including how the decibel level of a firework can impact humans, pets, livestock and wildlife, and a review of documented reports since the enactment of Public Law 2011, chapter 416 of harm to animals caused directly or indirectly by the use of consumer fireworks;
 - B. A survey of residents of the State to identify concerns and negative experiences with consumer fireworks use;
 - C. A review of laws of other jurisdictions regulating the use of consumer fireworks, including any laws requiring a user of consumer fireworks to notify abutters or nearby persons prior to use; and
 - D. An analysis of methods and the feasibility of implementing a notification system in the State to alert the owners of livestock and other animals of potential nearby consumer fireworks use prior to such use.

As used in this section, "consumer fireworks" has the same meaning as in the Maine Revised Statutes, Title 8, section 221-A, subsection 1-A.

Sec. 2. Report. Resolved: That, on or before January 15, 2023, the State Fire Marshal shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the findings and any recommendations of the stakeholder group convened pursuant to section 1, including any proposed legislation. After reviewing the report, the joint standing committee may report out legislation relating to the report to the First Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 136

S.P. 602 - L.D. 1852

Resolve, Authorizing the Maine National Guard To Sell Certain Property in Hallowell

Sec. 1. Granite Hill Road property in City of Hallowell; transfer authorized. Resolved:

That, in accordance with the Maine Revised Statutes, Title 37-B, section 264, the Adjutant General may sell the parcel of land located off Granite Hill Road in the City of Hallowell identified on Hallowell tax map 019 as lot 023 and recorded in the Kennebec County Registry of Deeds as follows:

- 1. Book 738, Page 111, approximately 4.15 acres from Cyr to the State of Maine dated October 30, 1937;
- 2. Book 738, Page 112, approximately 0.5 acre from Gillie to the State of Maine dated November 5, 1937; and
- 3. Book 738, Page 113, approximately 2.3 acres from Lord to the State of Maine dated October of 1937.

The sale may be accomplished by means of a quit-claim deed, as long as the City of Hallowell agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land.

See title page for effective date.

CHAPTER 137

S.P. 712 - L.D. 1981

Resolve, Authorizing the Bureau of Parks and Lands To Authorize Additional Construction and Installations Related to a Telecommunications Tower on Bald Mountain in the Town of Rangeley

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 lease by this resolve is under the designations 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 lease lands in accordance with the Maine Revised Statutes, Title 12, sections 1814, 1838 and 1852; and