

MAINE STATE LEGISLATURE

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See title page for effective date.

CHAPTER 366

S.P. 515 - L.D. 1516

An Act Concerning Disposal of Solid Waste from Decommissioning Activities

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

Whereas, decommissioning waste is being generated without public knowledge about disposal plans; and

Whereas, municipalities do not know whether this waste is being disposed of within their boundaries; and

Whereas, the Advisory Commission on Radioactive Waste and Decommissioning is providing an important service to the State by providing opportunities for public input and advising the Governor, the Legislature and other state agencies on matters relating to radioactive waste management and decommissioning; and

Whereas, the Advisory Commission on Radioactive Waste and Decommissioning will be repealed on June 30, 1999; and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. 38 MRSA §1305-B is enacted to read:

§1305-B. Municipal notice of decommissioning waste

1. Disposal; notice. A person may not dispose of decommissioning waste in this State without giving notice to the municipality in which the decommissioning waste is to be disposed of. Notice must be given at least 5 working days before the first scheduled disposal. The notice must include:

A. The type of decommissioning waste to be delivered to the landfill;

B. The anticipated amount of decommissioning waste to be delivered to the landfill;

C. The anticipated number of loads that will be delivered to the landfill; and

D. The estimated delivery schedule of the decommissioning waste, including dates for delivery.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Decommissioning waste" means any materials, whether solid or fluid, removed from a closed nuclear power plant, other than:

(1) Licensed discharges from the plant; and

(2) High-level radioactive waste and low-level radioactive waste regulated under chapter 14-A.

B. "Dispose of" means to deposit or attempt to deposit in the land or waters of this State.

Sec. 2. 38 MRSA §1453-A, sub-§7, as amended by PL 1995, c. 488, §5, is further amended to read:

7. Repeal. This commission is subject to review and terminates in accordance with Title 3, chapter 35, not including the grace period, no later than June 30, 1999, unless continued or modified by law 2000.

Sec. 3. PL 1997, c. 686, §12 is amended to read:

Sec. 12. Reimbursement. Maine Yankee Atomic Power Company shall reimburse the Department of Environmental Protection for actual costs incurred in conducting activities related to decommissioning by the department's regular or project staff or by the department's contractors. Reimbursement charges may not exceed \$70,000 in fiscal year 1997-98 or \$100,000 in fiscal year 1998-99. Reimbursement charges may not exceed \$50,000 for each remaining year of decommissioning activity.

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

Effective June 1, 1999.

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3. Regional issues. The commission's efforts undertaken in accordance with its authority under this Title to promote and protect consumer interests through participation in and presentations before regional entities and federal agencies with jurisdiction over regional marketplaces that affect the State's consumers. The commission must provide an assessment of staffing requirements to undertake these responsibilities; and

4. Rural issues. The commission's efforts undertaken in accordance with its authority under this Title to ensure that rural areas of this State are not disadvantaged as utility industries are restructured and competitive markets developed. The commission shall identify any rural issues that it has determined may require legislative action.

See title page for effective date.

CHAPTER 585

H.P. 1849 - L.D. 2587

An Act to Implement the Recommendations of the Joint Standing Committee on Natural Resources Relating to the Review of the Advisory Commission on Radioactive Waste and Decommissioning Under the State Government Evaluation Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶L, as amended by PL 1999, c. 127, Pt. C, §13, is further amended to read:

L. The joint standing committee of the Legislature having jurisdiction over natural resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Environmental Protection in 1997;
- (2) Board of Environmental Protection in 1997;
- (3) Advisory Commission on Radioactive Waste and Decommissioning in 1999 2005;
- (4) Saco River Corridor Commission in 2005; and
- (5) Board of Underground Oil Tank Installers in 2003.

Sec. 2. 38 MRSA §1453-A, sub-§4, as amended by PL 1997, c. 700, §7, is further amended to read:

4. Meetings and reports. The commission shall meet at least 4 times a year. The commission shall submit an annual report of activities to the Governor, the President of the Senate, the Speaker of the House of Representatives, the joint standing committee of the Legislature having jurisdiction over natural resource matters and the joint standing committee of the Legislature having jurisdiction over utility and energy matters by February 15th of each year. In its report in 2002, the commission shall include an assessment of its funding pursuant to Title 22, section 679-A and recommendations for altering the funding formula in the event the Maine Yankee Atomic Power Company plant in Wiscasset no longer generates low-level radioactive waste.

Sec. 3. 38 MRSA §1453-A, sub-§7, as amended by PL 1999, c. 366, §2, is further amended to read:

7. Repeal. This commission is subject to review and terminates in accordance with Title 3, chapter 35, not including the grace period, no later than June 30, 2000. The commission, unless granted an extension by law, is dissolved and terminates on June 30, 2006.

See title page for effective date.

CHAPTER 586

S.P. 877 - L.D. 2292

An Act to Direct the State Liquor and Lottery Commission to Pursue Partnerships to Enhance Lottery Revenues

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

Sec. 1. 8 MRSA §402, as enacted by PL 1983, c. 732, §1, is amended to read:

§402. Compact

The State enters into the following compact with the states of Vermont and New Hampshire, subject to the terms and conditions stated in this chapter. The compact may be expanded to include other New England states.

Sec. 2. 8 MRSA §404, sub-§§4 and 5, as enacted by PL 1983, c. 732, §1, are amended to read:

(Add additional sheets if needed.)

(3) **WHEN AGENT'S AUTHORITY BECOMES EFFECTIVE:** My agent's authority becomes effective when my primary physician determines that I am unable to make my own health-care decisions unless I mark the following box. If I mark this box [], my agent's authority to make health-care decisions for me takes effect immediately.

(4) **AGENT'S OBLIGATION:** My agent shall make health-care decisions for me in accordance with this power of attorney for health care, any instructions I give in Part 2 of this form and my other wishes to the extent known to my agent. To the extent my wishes are unknown, my agent shall make health-care decisions for me in accordance with what my agent determines to be in my best interest. In determining my best interest, my agent shall consider my personal values to the extent known to my agent.

(5) **NOMINATION OF GUARDIAN:** If a guardian of my person needs to be appointed for me by a court, I nominate the agent designated in this form. If that agent is not willing, able or reasonably available to act as guardian, I nominate the alternate agents whom I have named, in the order designated.

(6) **HEALTH INFORMATION AND OTHER MEDICAL RECORDS:** In addition to the other powers granted by this document, I grant to my agent the power and authority to serve as my personal representative for all purposes of the federal Health Insurance Portability and Accountability Act of 1996, 42 United States Code, Section 1320d et seq., "HIPAA," and its regulations, 45 Code of Federal Regulations 160-164, during any time that my agent is exercising authority under this document. I intend for my agent to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information and other medical records. This release authority applies to any information governed by HIPAA.

I authorize any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health care provider, any insurance company and any health care clearinghouse that has provided treatment or services to me or that has paid for, or is seeking reimbursement from me for, such services to give, disclose and release to my agent, without restriction, all of my individually identifiable health information and medical records regarding any

past, present or future medical or mental health condition, to include all information relating to the diagnosis and treatment of HIV/AIDS, sexually transmitted diseases, mental illness and drug or alcohol abuse.

The authority given to my agent supersedes any prior agreement that I may have made with my health care providers to restrict access to or disclosure of my individually identifiable health information. The authority given to my agent has no expiration date and expires only in the event that I revoke the authority in writing and deliver it to my health care providers.

Sec. M-2. Effective date. This Part takes effect 90 days after adjournment of the Second Special Session of the 121st Legislature.

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

Effective May 6, 2004, unless otherwise indicated.

CHAPTER 689

H.P. 1414 - L.D. 1913

An Act To Establish the Department of Health and Human Services

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

Whereas, the establishment of the new Department of Health and Human Services on July 1, 2004 is necessary for the orderly transition of the Department of Human Services and the Department of Behavioral and Developmental Services to the new department; 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:

PART A

Sec. A-1. 22-A MRSA is enacted to read:

required to resolve a conflict or inconsistency, the commissioner may adopt rules as authorized under Title 22-A, section 205, subsection 2. In adopting rules under this section, the commissioner has sole discretion to determine whether an emergency exists. The commissioner shall notify the members of the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to adopting any emergency rule under this section.

Sec. B-3. Legislation; schedule. The Commissioner of Health and Human Services, and designees selected by the commissioner, shall work with the joint standing committee of the Legislature having jurisdiction over health and human services matters and staff from the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to review those parts of the Maine Revised Statutes governing the Department of Health and Human Services, including but not limited to Titles 22, 22-A and 34-B. The purpose of the review is to develop legislation to consolidate existing law into Title 22-A, to update Title 22-A and to correct any errors and inconsistencies in law that result from this Act. By November 30, 2005 the commissioner and the committee shall agree on the format and organization of Title 22-A. By November 30, 2006 the commissioner shall submit the legislation developed pursuant to this section to the First Regular Session of the 123rd Legislature.

Sec. B-4. Interim meetings; authorized. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to meet as needed, but at least 3 times, during the 2004 legislative interim to carry out its responsibilities to oversee planning, service delivery and implementation issues related to the establishment of the Department of Health and Human Services. At these meetings, the Commissioner of Health and Human Services shall brief the committee on planning issues, progress, challenges and the time line for implementation. The committee shall provide opportunities for consumers, providers and advocates to speak to the committee. The committee may submit legislation to the First Regular Session of the 122nd Legislature based on these meetings.

Sec. B-5. Working groups. During the period from July 2004 through December 2005, the Commissioner of Health and Human Services shall convene advisory working groups to consider planning, service delivery and implementation issues related to the establishment of the Department of Health and Human Services. The working groups shall review the issues identified in Part B, section 1, subsection 10. The working groups must include broad representation from consumers, providers, advocates and members of the public.

Sec. B-6. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Department of Human Services" or "Department of Behavioral and Developmental Services" appear or reference is made to either of those departments with reference to the duties transferred to the Department of Health and Human Services as set forth in this Act, they are amended to read or mean, as the case may be, "Department of Health and Human Services." The Revisor of Statutes shall implement this revision when updating, publishing or republishing statutes.

Sec. B-7. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Commissioner of Human Services" or "Commissioner of Behavioral and Developmental Services" appear or reference is made to either of these positions with reference to the duties transferred to the Commissioner of Health and Human Services as set forth in this Act, they are amended to read or mean, as the case may be, "Commissioner of Health and Human Services." The Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. B-8. Budget. The Department of Administrative and Financial Services, Bureau of Budget shall work with the employees of the Department of Human Services and the Department of Behavioral and Developmental Services with regard to the duties transferred to the Department of Health and Human Services as set forth in this Act to develop the budget for the Department of Health and Human Services.

Sec. B-9. Federal approval. If the Commissioner of Health and Human Services determines that federal approval will not be obtained for any part of this Act that requires federal approval, the commissioner shall notify the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Executive Director of the Legislative Council.

PART C

Sec. C-1. 2 MRSA §6, sub-§1, as amended by PL 2003, c. 469, Pt. A, §1, is further amended to read:

1. Range 91. The salaries of the following state officials and employees are within salary range 91:

Commissioner of Transportation;

Commissioner of Conservation;

Commissioner of Administrative and Financial Services;

Maine Revised Statutes

[§1453-A PDF](#)[§1453](#)[Title 38: WATERS](#)[§1454](#)[§1453-A WORD/RTF](#)

AND NAVIGATION

[STATUTE SEARCH](#)

Chapter 14-A: NUCLEAR WASTE ACTIVITY

[CH. 14-A CONTENTS](#)

Subchapter 1: GENERAL PROVISIONS

[TITLE 38 CONTENTS](#)[LIST OF TITLES](#)[DISCLAIMER](#)[MAINE LAW](#)[REVISOR'S OFFICE](#)[MAINE LEGISLATURE](#)

§1453-A. Advisory Commission on Radioactive Waste and Decommissioning

(REPEALED)

SECTION HISTORY

1993, c. 664, §15 (NEW). 1993, c. 664, §21 (AFF). 1995, c. 333, §§3,4 (AMD). 1995, c. 488, §5 (AMD). 1995, c. 642, §§13,14 (AMD). 1997, c. 700, §§2-8 (AMD). 1999, c. 366, §2 (AMD). 1999, c. 585, §§2,3 (AMD). 2003, c. 689, §§B6,7 (REV). MRSA T. 38, §1453-A, sub-7 (RP).

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Augusta, Maine 04333-0007

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Maine Revised Statutes

☑ [§2500-A PDF](#)

[§2500](#)

Title 22: HEALTH AND WELFARE

[§2501](#)

☑ [§2500-A WORD/RTF](#)

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☑ [CH. 562 CONTENTS](#)

☑ [TITLE 22 CONTENTS](#)

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Subtitle 2: HEALTH

Part 5: FOODS AND DRUGS

Chapter 562: CAMPGROUNDS, RECREATIONAL CAMPS, YOUTH CAMPS AND EATING ESTABLISHMENTS

§2500-A. Menu labeling for chain restaurants

The provisions of this section apply to chain restaurants that are located in the State. [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]

1. Caloric information. A chain restaurant shall state on a food display tag, menu or menu board the total amount of calories per serving of each food and beverage item listed for sale on the food display tag, menu or menu board. The statement of calories required in this subsection must be:

A. Clear and conspicuous; [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]

B. Adjacent to or in close proximity and clearly associated with the item to which the statement refers; [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]

C. Printed in a font and format at least as prominent in size and appearance as the name or the price of the item to which the statement refers; and [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]

D. As it pertains to beer, wine and spirits must also meet the requirements of subsection 6. [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

2. Determining caloric content. The caloric content information required by subsection 1 must be determined on a reasonable basis and may be determined only once per standard menu item if the eating establishment follows a standardized recipe, trains to a consistent method of preparation and maintains a reasonably consistent portion size. For the purposes of this subsection a reasonable basis for determining caloric content means use of a recognized method for determining calorie content, including, but not limited to, nutrient databases, laboratory testing and other reliable methods of analysis. Caloric content may be rounded to the nearest 10 calories for caloric content above 50 calories and to the nearest 5 calories for caloric content of 50 calories and below.

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

3. Required statement. A menu or menu board or written nutrition information provided to a customer by a chain restaurant must contain the following statement in a clear and conspicuous manner and in a prominent location: "To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary." A menu, menu board or written nutrition information provided to a customer by a chain restaurant may include the following statement or a statement similar to the following: "Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients or special orders."

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

4. Different varieties. For a food or beverage item that is listed as a single item but includes more than one variety, the caloric information required under subsection 1 for that item must be the median value of calories for all varieties offered for that item if the caloric information for each variety of the item is within 20% of the median for that item. If the caloric information required by subsection 1 for a variety of a food or beverage item is not within 20% of the median for that item, then the caloric information must be stated for each variety of that item. If a food display tag is used to identify a specific variety of a food or beverage item, the caloric information required by subsection 1 must be for that specific variety of the item.

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

5. Exceptions. A chain restaurant is not required to provide information pursuant to subsection 1 for:

- A. Food items served at a self-service salad bar or buffet; [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]
- B. An item offered for a limited time that appears on a menu, menu board or food display tag for less than 90 days per year; [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]
- C. A condiment or other item offered to a customer for general use without charge; [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]
- D. An item sold to a customer in a manufacturer's original sealed package that contains nutrition information as required by federal law; or [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]
- E. A custom order for a food or beverage item that does not appear on a menu, menu board or food display tag. [2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF).]

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

6. Alcoholic beverages. A chain restaurant shall state on a food display tag, menu or menu board the average caloric value for beers,

wines and spirits as established by the United States Department of Agriculture, Agriculture Research Service in the National Nutrient Database for Standard Reference. A food display tag, menu or menu board for beer, wine and spirits may include the following statement: "Signature drinks or liqueurs with added ingredients may contain increased caloric content."

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

7. Compliance; enforcement. The department or an agent authorized to inspect an eating establishment under section 2499 shall ensure compliance with the provisions of this section but is not required to verify the accuracy of the caloric information required by this section. Upon request a chain restaurant shall provide to the department documentation of the accuracy of the information required by subsection 1. A violation of this section is a violation of the Maine Unfair Trade Practices Act, enforceable against the owner or franchisee of the eating establishment, except that no private remedies exist under Title 5, section 213. This section may not be construed to create or enhance any claim, right of action or civil liability that did not exist under state law prior to the effective date of this subsection or limit any claim, right of action or civil liability that otherwise exists under state law. No private right of action arises out of this section. The only mechanism for enforcing this section is as provided in this subsection.

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

8. Uniformity of regulation; preemption. To the extent consistent with federal law, the regulation of disclosure of caloric and nutritional information is a matter of statewide concern, and state law governing that disclosure occupies the whole field of regulation regarding disclosure by chain restaurants of nutritional information and requirements regarding the content required to be posted on menus, menu boards and food display tags. A local government may not adopt an ordinance regulating the dissemination of caloric or nutritional information or requiring information to be placed on menus, menu boards or food display tags by a chain restaurant, and any ordinance or regulation that violates this subsection is void and has no force or effect.

[2009, c. 395, §7 (NEW); 2009, c. 395, §8 (AFF) .]

SECTION HISTORY

2009, c. 395, §7 (NEW). 2009, c. 395, §8 (AFF) .

Data for this page extracted on 02/21/2012 04:49:58.

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ERRORS BILL §: SUPP-15

LAW AMENDED: 32 MRSA §8105, sub-§7-A, ¶B

General Subject: Licensing of professional investigators, experience requirements

Type of correction (conflict, reference, other): clerical error?

Category (technical, substantive): Substantive

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 4/2/2012 8:57 AM

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\32 8105 7-A B.DOC (4/2/2012 8:56:00 AM)

EXPLANATION

PL 2011, c. 366 (LD 1563, An Act To Regulate the Licensing and Oversight of Professional Investigators) revised the licensing of private investigators to become professional investigators. It increased from one year to three years the experience requirement. It also specified that the current qualification of being a "member of an investigative service of the United States" is limited to a being a full-time federal investigator or detective of the United States Armed Forces. It also added in the qualification that the person must be as a sworn member of a branch of the US Armed Forces or a federal investigative agency. The mistake in the original drafting was to separate this qualification from the existing qualification by inserting an "or" - making the two appear as alternatives. The inclusion of the "or" means that a member of a federal investigative agency that has taken an oath as part of the job is qualified to be a professional investigator in Maine. That would include, for example, an FDA inspector.

This issue was not discussed, although an AG review did ask what a "detective of the United States Armed Forces" is. One piece of written testimony indicates that three years of law enforcement experience is a must (changed from one year), so ¶B may have been intended to refer to just law enforcement officers, not any other kind of federal investigators.

This section of the Errors Bill deletes the "or". This is a substantive change. This is within the jurisdiction of the Criminal Justice and Public Safety Committee.

Sec. 15. 32 MRSA §8105, sub-§7-A, ¶B, as amended by PL 2011, c. 366, §32, is further amended to read:

B. Has been employed for a minimum of 3 years as a member of an investigative service of the United States ~~or~~ as a sworn member of a branch of the United States Armed Forces or a federal investigative agency. For purposes of this paragraph, "a member of an investigative service of the United States" means a full-time federal investigator or detective of the United States Armed Forces;

SUMMARY

Section 15 corrects a clerical error.

2

Reinsch, Margaret

From: Parr, Christopher <Christopher.Parr@maine.gov>
Sent: Friday, March 09, 2012 1:58 PM
To: Reinsch, Margaret
Cc: Smith, Laura Y; Bowler, David E
Subject: *** In re: LD 1868 (E&Os bill)

Importance: High

Peggy:

Would it be possible to include the following correction in the E&Os bill, LD 1868 (after bill Sec. A-38)?:

Sec. [new A-39]. 32 MRSA § 8105, sub-§ 7-A, ¶ B, as amended by PL 2011, c. 366, § 32, is further amended to read:



B. Has been employed for a minimum of 3 years as a member of an investigative service of the United States ~~or~~ as a sworn member of a branch of the United States Armed Forces or a federal investigative agency. For purposes of this paragraph, "a member of an investigative service of the United States" means a full-time federal investigator or detective of the United States Armed Forces;

Note to Laura & Lt. Bowler:

It appears to me that legislation might be needed next Session to correct/clarify ¶ B of 32 MRSA § 8105, sub-§ 7-A, to the extent (by my reading) that the terms of the second sentence of para. B do not seem to be consistent/synchronized with the terms of the first sentence of para. B.

(Viz, for example, either "... or a federal investigative agency" needs to be added after the word "Forces" in the second sentence, or the second sentence might be stricken altogether and the first sentence, amended as follows: "Has been employed for a minimum of 3 years as a member of an investigative service of the United States [~~or~~] as a sworn member investigator or detective of a branch of the United States Armed Forces or a federal investigative agency.")

Thanks.

C

CHRIS

CHRISTOPHER PARR
COUNSEL | MAINE STATE POLICE
MAINE DEPARTMENT OF PUBLIC SAFETY

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Original bill, LD 1563

1 Sec. 32. 32 MRSA §8105, sub-§7-A, as amended by PL 2001, c. 298, §3, is
2 further amended to read:

3 7-A. Experience. Meets at least one of the following criteria:

4 A. ~~Has been employed for consideration for a minimum of 1,700 hours as an~~
5 successfully completed an investigative assistant possessing a valid license issued by
6 ~~the commissioner. The 1,700 hours must have been completed within 2 years after~~
7 ~~the date of issuance of the investigative assistant license but may not have been~~
8 ~~completed in less than one year after the date of issuance of the license sponsorship~~
9 ~~program pursuant to section 8110-B and who has a minimum of 60 academic credits~~
10 of postsecondary education in a related field of study or an equivalent certificate of
11 study for private investigation;

12 B. Has been employed for a minimum of ~~one year~~ 3 years as a member of an
13 investigative service of the United States or as a sworn member of a branch of the
14 United States Armed Forces or a federal investigative agency. For purposes of this
15 paragraph, "a member of an investigative service of the United States" means a
16 full-time federal investigator or detective of the United States Armed Forces;

17 B-1. Has held for a period of not less than 3 years a valid professional investigator's
18 license granted under the laws of another state or territory of the United States if:

19 (1) The requirements of the state or territory for a professional investigator's
20 license were, at the date of the licensing, substantially equivalent to the
21 requirements of this chapter; and

22 (2) The other state or territory grants similar reciprocity to license holders in this
23 State;

24 C. Has been employed for a minimum of ~~one year~~ 3 years as a law enforcement
25 officer of a state or political subdivision of a state and has met the training
26 requirements set forth in Title 25, section 2804-C; or is qualified to receive a waiver
27 from those requirements; or

28 D. Possesses a minimum of 6 years of preparation consisting of a combination of:

29 (1) Work experience, including at least 2 years in a nonclerical occupation
30 related to law or the criminal justice system; and

31 (2) Educational experience, including at least:

32 (a) Sixty academic credits of post-secondary postsecondary education in a
33 related field of study acquired at an accredited junior college, college or
34 university; or

35 (b) An associate degree in law enforcement, based on 2 years of
36 post-secondary instruction, conferred by an established acquired at an
37 accredited junior college, college, university or technical college in police
38 administration, security management, investigation, law, criminal justice or
39 computer forensics or other course of study certified by the computer
40 forensics industry; and or

4

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 1148 - L.D. 1563

**An Act To Regulate the Licensing and Oversight of Professional
Investigators**

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

Sec. 1. 5 MRSA §12004-G, sub-§29-D is enacted to read:

29-D.

<u>Professional</u>	<u>Board of Licensure</u>	<u>Expenses Only</u>	<u>32 MRSA §8103-A</u>
<u>Investigators</u>	<u>of Professional</u>		
	<u>Investigators</u>		

Sec. 2. 17-A MRSA §1057, sub-§1, ¶A, as enacted by PL 1989, c. 917, §2, is amended to read:

A. Not being a law enforcement officer or a ~~private~~ professional investigator licensed under Title 32, chapter 89 and actually performing as a ~~private~~ professional investigator, the person possesses any firearm on the premises of a licensed establishment posted to prohibit or restrict the possession of firearms in a manner reasonably likely to come to the attention of patrons, in violation of the posted prohibition or restriction; or

Sec. 3. 17-A MRSA §1057, sub-§5, as amended by PL 2009, c. 447, §20, is further amended to read:

5. For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level" has the same meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401, subsection 13. "Excessive alcohol level" means an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive alcohol level within the meaning of this section are those applicable pursuant to Title 29-A, sections 2411 and 2431; except that the suspension of a permit to carry concealed firearms issued pursuant to Title 25, chapter 252, or of the authority of a

~~private~~ professional investigator licensed to carry a concealed firearm pursuant to Title 32, chapter 89, is as provided in those chapters.

Sec. 4. 17-A MRSA §1057, sub-§6, ¶B, as enacted by PL 1989, c. 917, §2, is amended to read:

B. If the person so convicted is licensed as a ~~private~~ professional investigator, suspend for a period of 5 years that person's ~~right as a private investigator~~ permit to carry a concealed firearm.

Sec. 5. 25 MRSA §2002, sub-§9, ¶D, as enacted by PL 1997, c. 360, §3, is amended to read:

D. To a ~~private~~ professional investigator licensed under Title 32, chapter 89:

(1) The Chief of the State Police.

Sec. 6. 32 MRSA §8101, as enacted by PL 1981, c. 126, §2, is amended to read:

§8101. Short title

This chapter ~~shall be~~ is known and may be cited as the ~~Private~~ Professional Investigators Act.

Sec. 7. 32 MRSA §8102, as enacted by PL 1981, c. 126, §2, is amended to read:

§8102. Purpose

~~It is the~~ The purpose of this chapter ~~is~~ to regulate any person, firm, corporation or other legal entity ~~engaging~~ engaged in the business of private ~~investigating~~ investigation.

Sec. 8. 32 MRSA §8103, sub-§1, as amended by PL 2001, c. 298, §1, is repealed.

Sec. 9. 32 MRSA §8103, sub-§1-A is enacted to read:

1-A. Board. "Board" means the Board of Licensure of Professional Investigators under section 8103-A, as established under Title 5, section 12004-G, subsection 29-D.

Sec. 10. 32 MRSA §8103, sub-§1-B is enacted to read:

1-B. Chief. "Chief" means the Chief of the State Police or the chief's designee.

Sec. 11. 32 MRSA §8103, sub-§1-C is enacted to read:

1-C. Computer forensics. "Computer forensics" means the use of digital forensic science that involves the examination of digital media to identify, preserve, recover and analyze information related to legal matters.

Sec. 12. 32 MRSA §8103, sub-§2, as enacted by PL 1981, c. 126, §2, is amended to read:



2. **Investigative assistant.** "Investigative assistant" means a person who acts as a private professional investigator under the direct supervision of a licensed private professional investigator in accordance with this chapter.

Sec. 13. 32 MRSA §8103, sub-§3, as enacted by PL 1981, c. 126, §2, is amended to read:

3. **Licensee.** "Licensee" means any person licensed under this chapter as a private professional investigator or investigative assistant.

Sec. 14. 32 MRSA §8103, sub-§4-A is enacted to read:

4-A. Private investigation. "Private investigation" means for any consideration whatsoever, to agree to obtain, or to in fact obtain information with reference to any of the following:

A. A crime or other act committed or threatened against the laws or government of the United States, any state or territory or any political subdivision of a state or territory;

B. The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person;

C. The cause of or responsibility for libels, fires, losses, accidents or damage or injury to persons or property;

D. The location, disposition or recovery of lost or stolen property;

E. Evidence to be used before a court, board, officer or investigative committee, including evidence derived through computer forensics; or

F. The detection of surreptitiously installed devices designed for eavesdropping or observation, or both, for video and audio devices.

Sec. 15. 32 MRSA §8103, sub-§5, as enacted by PL 1981, c. 126, §2, is repealed and the following enacted in its place:

5. Professional investigator. "Professional investigator" means any person who engages in or solicits business or accepts employment to conduct private investigations.

Sec. 16. 32 MRSA §8103-A is enacted to read:

§8103-A. Board of Licensure of Professional Investigators

1. Establishment. The Board of Licensure of Professional Investigators, referred to in this chapter as "the board," is established pursuant to Title 5, section 12004-G, subsection 29-D to administer the provisions of this chapter to protect the public by improving the standards relative to the practice of private investigation and to protect the public from unqualified practitioners.

2. Duties. The board has the following powers and duties:

A. To provide advice regarding rules proposed by the chief;

B. At the request of the chief, to review written examinations for professional investigator applicants;

C. At the request of the chief, to advise the chief on granting, suspending and revoking the licenses of professional investigators;

D. To establish standards governing the safety and conduct of persons licensed under this chapter;

E. To recommend investigations regarding alleged violations of the provisions of this chapter and any rules adopted by the chief; and

F. To provide information to the chief on any matter as the board determines appropriate or necessary.

3. Members. The board consists of 7 members who must be residents of the State and are appointed by the Governor as follows:

A. Two members of the State Police recommended by the chief;

B. One member recommended by the Attorney General;

C. Three members of the public, with no more than 2 holding a license under this chapter, to be appointed to reflect a wide diversity of private investigation experience. At least one member must be chosen for the member's expertise in operating a private investigation company in this State and must have a minimum of 5 years of experience as a licensed private investigator; and

D. One administrator from a local or county law enforcement agency.

4. Terms; removal. Terms of the members of the board are for 3 years. The terms are governed by Title 10, section 8009. Members may be removed by the Governor for cause.

5. Meetings; chair; quorum. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four members of the board constitute a quorum.

Sec. 17. 32 MRSA §8104, sub-§1, as enacted by PL 1981, c. 126, §2, is amended to read:

1. License. ~~No~~ A person may ~~not~~ act as a ~~private~~ professional investigator without first obtaining from the ~~commissioner~~ chief a license to be a ~~private~~ professional investigator or investigative assistant.

Sec. 18. 32 MRSA §8104, sub-§2, ¶A, as enacted by PL 1981, c. 126, §2, is amended to read:

A. A person employed by or on behalf of the State, Federal Government, any state or any political subdivision thereof, or any public instrumentality or a Canadian province, while in the performance of his the person's official duties;



Sec. 19. 32 MRSA §8104, sub-§2, ¶B, as enacted by PL 1981, c. 126, §2, is repealed.

Sec. 20. 32 MRSA §8104, sub-§2, ¶E, as enacted by PL 1981, c. 126, §2, is amended to read:

E. An insurance company, ~~or agent thereof~~, investigating the personal habits and financial responsibility of applicants for insurance or indemnity bonds;

Sec. 21. 32 MRSA §8104, sub-§2, ¶F, as enacted by PL 1981, c. 126, §2, is amended to read:

F. An attorney admitted to practice law in the State acting in a professional capacity;

Sec. 22. 32 MRSA §8104, sub-§2, ¶H, as enacted by PL 1981, c. 126, §2, is amended to read:

H. An insurance adjuster ~~or investigator~~, or an employee investigating claims for or against ~~his~~ the employee's employer;

Sec. 23. 32 MRSA §8104, sub-§2, ¶I, as enacted by PL 1981, c. 126, §2, is amended to read:

I. A person engaged in compiling genealogical information or otherwise tracing lineage or ancestry, by primarily using public records and historical information or databases;

Sec. 24. 32 MRSA §8104, sub-§2, ¶J, as enacted by PL 1981, c. 126, §2, is amended to read:

J. A person possessing a valid private investigator's license granted under any prior existing provision of law of this State, provided that as long as, upon expiration of the license, the person ~~shall be~~ is governed by this section; ~~or~~

Sec. 25. 32 MRSA §8104, sub-§2, ¶K, as enacted by PL 1981, c. 126, §2, is repealed and the following enacted in its place:

K. A person employed exclusively and regularly by an employer in connection with the affairs of the employer only, and there exists a bona fide employer-employee relationship in which the employee is reimbursed on an hourly basis;

Sec. 26. 32 MRSA §8104, sub-§2, ¶L is enacted to read:

L. A person acting within the scope of the person's professional practice to analyze facts, evidence or other data for the purposes of supplying expert testimony in a legal proceeding; or

Sec. 27. 32 MRSA §8104, sub-§2, ¶M is enacted to read:

M. An Internet research company or an individual who is solely engaged in the retrieval of data from an online source or database and who does not question

individuals in person, by phone or by electronic means, when those electronic means are used as a tool to gather information for a fee.

Sec. 28. 32 MRSA §8105, first ¶, as enacted by PL 1981, c. 126, §2, is amended to read:

A person is qualified to be licensed as a private professional investigator who:

Sec. 29. 32 MRSA §8105, sub-§1, as enacted by PL 1981, c. 126, §2, is amended to read:

1. **Age.** Is at least ~~18~~ 21 years of age;

Sec. 30. 32 MRSA §8105, sub-§4, as amended by PL 1995, c. 694, Pt. D, §56 and affected by Pt. E, §2 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

4. **Character.** Has demonstrated good moral character and has not been convicted of a crime ~~which~~ that is punishable by a maximum term of imprisonment equal to or exceeding one year, or a crime enumerated in this chapter. The determination of good moral character ~~shall~~ must be made in writing, based upon evidence recorded by a governmental entity. The ~~commissioner~~ chief shall consider matters recorded within the previous 5 years including, but not limited to, the following:

- A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section 4012, subsection 1;
- B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations;
- C. Records of 3 or more convictions of the applicant for Class D or E crimes;
- D. Records of 3 or more civil violations by the ~~applicants~~ applicant; or
- E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others, including the use of weapons or motor vehicles;

Sec. 31. 32 MRSA §8105, sub-§5, as amended by PL 2009, c. 20, §1, is further amended to read:

5. **Application.** Submits an application approved by the chief that ~~contains, at a minimum, includes~~ the following information:

- A. ~~Full~~ The applicant's full name;
- B. ~~Full~~ The applicant's full current residential address and the applicant's residential addresses ~~for during the prior previous~~ 5 years;
- C. The applicant's date and place of birth, height, weight and color of eyes;
- D. A written statement signed by the applicant granting the chief of police authority to check the criminal records of any law enforcement agency that pertains to any matter involving the applicant. The applicant must agree to submit to having the

applicant's fingerprints taken by the issuing authority if it becomes necessary to resolve any question as to the applicant's identity; and

E. ~~Answers~~ The answers to the following questions:

- (1) Are you currently under indictment or information for a crime for which the possible penalty is imprisonment for a period equal to or exceeding one year?
- (2) Have you ever been convicted of a crime for which the possible penalty was imprisonment for a period equal to or exceeding one year?
- (3) Are you a fugitive from justice?
- (4) Are you an unlawful user of or addicted to marijuana or any other drug?
- (5) Have you been adjudged mentally defective or been committed to a mental institution within the past 5 years? or
- (6) Are you an illegal alien?

By affixing the applicant's signature, the applicant certifies that the information in the application provided by the applicant is true and correct ~~and~~ that the applicant understands that an affirmative answer to any of the questions in paragraph E is cause for ~~refusal~~ a license to be denied and that any false statement may result in prosecution as provided in section 8114.

Sec. 32. 32 MRSA §8105, sub-§7-A, as amended by PL 2001, c. 298, §3, is further amended to read:

7-A. Experience. Meets at least one of the following criteria:

A. ~~Has been employed for consideration for a minimum of 1,700 hours as an successfully completed an~~ investigative assistant possessing a valid license issued by the commissioner. The 1,700 hours must have been completed within 2 years after the date of issuance of the investigative assistant license but may not have been completed in less than one year after the date of issuance of the license sponsorship program pursuant to section 8110-B and has earned a minimum of 60 academic credits of postsecondary education in a related field of study or an equivalent certificate of study for private investigation;

B. ~~Has been employed for a minimum of one year~~ 3 years as a member of an investigative service of the United States or as a sworn member of a branch of the United States Armed Forces or a federal investigative agency. For purposes of this paragraph, "a member of an investigative service of the United States" means a full-time federal investigator or detective of the United States Armed Forces;

~~B-1.~~ Has held for a period of not less than 3 years a valid professional investigator's license granted under the laws of another state or territory of the United States if:

- (1) The requirements of the state or territory for a professional investigator's license were, at the date of the licensing, substantially equivalent to the requirements of this chapter; and
- (2) The other state or territory grants similar reciprocity to license holders in this State;

C. Has been employed for a minimum of ~~one-year~~ 3 years as a law enforcement officer of a state or political subdivision of a state and has met the training requirements set forth in Title 25, section 2804-C; or is qualified to receive a waiver from those requirements; or

D. Possesses a minimum of 6 years of preparation consisting of a combination of:

(1) Work experience, including at least 2 years in a nonclerical occupation related to law or the criminal justice system; and

(2) Educational experience, including at least:

(a) Sixty academic credits of ~~post-secondary~~ postsecondary education in a field of study listed in division (b) acquired at an accredited junior college, college or university; or

(b) An associate degree in ~~law enforcement, based on 2 years of post-secondary instruction, conferred by an established~~ acquired at an accredited junior college, college, university or technical college in police administration, security management, investigation, law, criminal justice or computer forensics or other similar course of study acceptable to the chief; and or

(c) An associate degree in any field of study that is acceptable to the chief; and

Sec. 33. 32 MRSA §8105, sub-§8, as enacted by PL 1981, c. 126, §2, is amended to read:

8. Examination. Has passed an examination administered by the ~~commissioner~~ chief covering subjects pertaining to private investigation to be prescribed by ~~him~~ the chief, ~~provided that except that~~ a person currently licensed, as described in section 8106, may at no time be required to take any such examination.

Sec. 34. 32 MRSA §8106, as enacted by PL 1981, c. 126, §2, is amended to read:

§8106. Acquisition of license by persons currently licensed

A person possessing, under Maine law, a valid private investigator's license on the effective date of this chapter whose license then expires, ~~shall~~ by application, compliance with section 8105, subsection 8 and payment of the required fee, ~~be~~ is entitled to a ~~private~~ professional investigator's license.

Sec. 35. 32 MRSA §8107, as enacted by PL 1981, c. 126, §2, is amended to read:

§8107. Application for original license

Applications for original licenses ~~shall~~ must be made to the ~~commissioner in writing~~ chief under oath on forms prescribed by ~~him with respect to the requirements of section 8105~~ the chief demonstrating the qualifications required under this chapter. The application ~~shall~~ must be accompanied by the fee required under section 8117; and by a certification, by each of 3 reputable citizens of the State, of the following:

1. **Residence.** That ~~he~~ the reputable citizen resides in the community in which the applicant resides, has a place of business or proposes to conduct ~~his~~ the applicant's private investigator investigation business;

2. **Knowledge of applicant.** That ~~he~~ the reputable citizen has personally known the applicant for at least 3 years;

3. **Relation to applicant.** That ~~he~~ the reputable citizen is not related to the applicant by blood or marriage;

4. **Character of applicant.** That the applicant is honest and of good moral character; and

5. **Truth of statements in application.** That ~~he~~ the reputable citizen has read the application and believes each statement in it to be true.

Sec. 36. 32 MRSA §8108, as enacted by PL 1981, c. 126, §2, is repealed.

Sec. 37. 32 MRSA §8109, as amended by PL 2003, c. 620, §1, is further amended to read:

§8109. Renewal of license

Each ~~private~~ professional investigator's license is valid for an initial term of 2 years and ~~is, unless.~~ Unless the license is revoked or suspended, renewable the licensee may apply to renew the license every 4 years after the initial term.

Sec. 38. 32 MRSA §8110, sub-§2, as amended by PL 1983, c. 221, §1, is further amended to read:

2. **Application.** ~~Application~~ An application for an investigative assistant's license shall must be made to the ~~commissioner~~ chief in accordance with the requirements of ~~sections~~ section 8105, subsection 5 and section 8107. The application shall must be accompanied by the fee required under section 8117.

Sec. 39. 32 MRSA §8110, sub-§3, as amended by PL 2003, c. 620, §2, is further amended to read:

3. **Term of license.** The investigative assistant's license is valid for 2 years from the date of issuance and is not renewable. To qualify for a license as a professional investigator, within those 2 years the investigative assistant must complete 1,200 hours of training.

Sec. 40. 32 MRSA §8110, sub-§4 is enacted to read:

4. **Sponsor.** An investigative assistant may engage in the business of private investigating only when sponsored by a professional investigator licensed under this chapter.

Sec. 41. 32 MRSA §8110-A, as enacted by PL 1985, c. 207, §1, is amended to read:

§8110-A. Employment of investigative assistant

A private professional investigator duly licensed under this chapter whose primary place of business is located in the State may employ an investigative assistants provided that assistant pursuant to section 8110-B subject to the following:

1. **Limit on number of investigative assistants.** No more than ~~3~~ one investigative assistants ~~are~~ assistant is employed at one time; and

2. **Investigative assistant to be licensed.** ~~Each~~ The investigative assistant is ~~duly~~ licensed under this chapter.

Sec. 42. 32 MRSA §8110-B is enacted to read:

§8110-B. Sponsorship of investigative assistant

1. Supervision and documentation of investigative assistant's activities. The sponsoring professional investigator is responsible for overseeing and documenting the activities of the investigative assistant under the sponsoring professional investigator's supervision, including:

A. Keeping a record of all 1,200 training hours, including hours worked on specific activities performed by the investigative assistant; and

B. Providing specific training in areas determined by the chief by rule.

2. Distribute materials. The holder of an investigative assistant's license may not obtain or distribute any materials, such as a business card, letterhead, invoice or brochure, in any name other than that of the sponsoring professional investigator.

3. Termination of investigative assistant. A duly licensed professional investigator who terminates the sponsorship of a licensed investigative assistant must notify the chief of the termination immediately. The notification must be in writing and contain the cause of the termination. The chief shall immediately notify the investigative assistant that the investigative assistant must cease all licensed activity.

Sec. 43. 32 MRSA §8111, as enacted by PL 1981, c. 126, §2, is amended to read:

§8111. Bonding and insurance requirements

1. **Bonding requirement.** A person licensed as a private professional investigator shall give to the ~~commissioner~~ chief a bond in the sum of \$10,000 if ~~he~~ the licensee is a resident of the State and in the sum of \$50,000 if ~~he~~ the licensee is not a resident of the State.

A person licensed as an investigative assistant shall give to the ~~commission~~ chief a bond in the sum of \$20,000.

2. **Form of a bond.** Each bond shall must:

- A. Be in a form prescribed by the ~~commissioner~~ chief;
- B. Be executed by the licensee as principal and by a surety company authorized to do business in this State as surety; and
- C. Be conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor union or association, whether or not incorporated, injured by the intentional, knowing, reckless or negligent act of the licensee to bring, in ~~his~~ the licensee's own name, an action on the bond.

3. Insurance requirement. A person licensed as a professional investigator shall provide to the chief proof of insurance naming the licensee as the insured issued by an insurer authorized to do business in the State in the amount of a minimum of \$10,000 in property damages, \$100,000 for injury or death of a person and \$200,000 for injuries to or deaths of more than one person arising out of the operation of the licensed activity. Proof of insurance must be submitted to the chief annually.

Sec. 44. 32 MRSA §8113, as amended by PL 2011, c. 161, §§1 to 3, is further amended to read:

§8113. Refusal; suspension; revocation; grounds

~~The commissioner~~ In accordance with the Maine Administrative Procedure Act, the chief may, after notice of an opportunity for hearing in conformance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, refuse to issue or renew a license. The District Court may, suspend or revoke the license of any person licensed under this chapter. The following are grounds for an action to refuse to issue, suspend, revoke or refuse to renew the license of a person licensed under this chapter, impose probationary conditions, fines or costs of hearing and investigation or issue a written warning on the following grounds:

- 1. Fraud or deceit.** The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
- 2. Conviction of certain crimes.** Conviction of a crime ~~which~~ that involves dishonesty or false statement or ~~which~~ that relates directly to the practice for which the licensee is licensed or ~~which~~ that is enumerated in this chapter; or conviction of any crime for which incarceration for one year or more may be imposed;
- 3. Violation of chapter or rule.** Any violation of this chapter or any rule adopted by the ~~commissioner~~ chief;
- 4. Aiding or abetting unlicensed practice of private investigation.** Aiding or abetting the practice of private investigation by a person not duly licensed under this chapter and who represents himself to be ~~others that the person is~~ others that the person is duly licensed;
- 5. Failure to maintain bond and insurance.** Failure to maintain a bond and insurance as required by section 8111;

6. Incompetence. Incompetence in the practice for which ~~he~~ the person is licensed. A licensee ~~shall be deemed~~ is considered incompetent in the practice if the licensee has:

A. Engaged in conduct ~~which~~ that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or the general public; or

B. Engaged in conduct ~~which~~ that evidences a lack of knowledge, or an inability to apply principles or skills to carry out the practice for which ~~he~~ the person is licensed;

7. Employment of prohibited person. Employment, in connection with a private investigation business, in any capacity, of any person who has been convicted of a crime punishable by imprisonment for one year or more or any former licensee whose license has been revoked;

8. Representations that licensee is sworn peace officer. Representation by the licensee that suggests, or that would reasonably cause another person to believe, that the licensee is a sworn peace officer of this State, any political subdivision of this State, any other state or ~~of~~ the Federal Government; or

9. Unpermitted contact with a child. Contact or communication with a child who has not attained 14 years of age regarding a private investigation if that contact or communication includes conduct with the intent to harass, torment, intimidate or threaten a child.

10. Misstatement. Intentionally or knowingly making a material misstatement in filing an application for a license or renewal of a license;

11. Violation of standards of acceptable professional conduct. A violation of the standards of acceptable professional conduct adopted by rule by the chief; or

12. Cause for refusal. Committing an act that would have been cause for the refusal to issue a license had the act occurred and been known to the chief at the time of issuance of a license.

The chief may reconsider, modify or reverse probation, suspension or other disciplinary action.

Sec. 45. 32 MRSA §8113-A, as amended by PL 1995, c. 65, Pt. A, §132 and affected by §153 and Pt. C, §15, is further amended to read:

§8113-A. Suspension for refusal

1. Immediate suspension. If the ~~commissioner~~ chief has probable cause to believe that a person licensed pursuant to this chapter is required to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the licensee is in possession of a loaded firearm and the licensee refuses to submit to the required testing, the ~~commissioner~~ chief shall immediately suspend the licensee's right to carry a concealed firearm.

2. Report to chief. The A law enforcement officer who has probable cause to require chemical testing of a licensee shall promptly notify the ~~commissioner~~ chief of the

a licensee's refusal and provide the ~~commissioner~~ chief with a report of the facts and circumstances of the requirement to submit to chemical testing and of the licensee's refusal.

3. Suspension in effect during pendency. ~~The~~ A suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2483, that the law enforcement officer did not have probable cause to require the licensee to submit to chemical testing.

Sec. 46. 32 MRSA §8114, as corrected by RR 2003, c. 2, §98, is amended to read:

§8114. Unlawful acts

A person is guilty of improper conduct in private investigation if the person commits any of the acts described in this section. Improper conduct in private investigation is a Class D crime.

1. Acting without license; false representation. ~~It is a Class D crime for any person knowingly to commit any of the following~~ A person acts without a license or commits false representation if that person intentionally or knowingly:

- A. ~~Subject to~~ Except as provided in section 8104, ~~to act~~ acts as a private professional investigator without a valid license;
- B. ~~To falsely represent~~ Falsely represents that he ~~the person~~ is the holder of a valid license;
- C. ~~To falsely represent~~ Falsely represents that any person in ~~his~~ the person's employ is a private professional investigator or investigative assistant; or
- D. ~~To make~~ Makes any false statements or material omission in any application filed with the ~~commissioner~~ chief.

2. Representation as peace officer; employment of certain convicted persons; failure to surrender license. ~~It is a Class D crime for a~~ A licensed private professional investigator or investigative assistant ~~knowingly to commit any of the following acts~~ commits misrepresentation as a peace officer, employment of a certain convicted person or failing to surrender if that professional investigator or investigative assistant intentionally or knowingly:

- A. ~~To make~~ Makes any representation, including, but not limited to, presentation of a badge, that suggests, or that would reasonably cause another person to believe, that the licensed private professional investigator or investigative assistant is a sworn peace officer of this State, any political subdivision ~~thereof~~ of this State, or any other state or of the Federal Government;
- B. ~~To employ~~ Employs, in connection with a private investigator investigation business, in any capacity, ~~any~~ a former licensee whose license has been revoked or a

person who has been convicted of a felony or any former licensee whose license has been revoked; or;

(1) A crime in this State that is punishable by imprisonment for a term exceeding one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of another state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less; or

(4) A crime under the laws of another state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

C. ~~To fail~~ Fails or ~~refuse~~ refuses to surrender his the professional investigator's license to the ~~commissioner~~ chief following revocation or suspension.

3. Employing unlicensed individual. ~~It is a Class D crime for a~~ A ~~licensed private professional investigator commits improper employment conduct if the professional investigator intentionally or knowingly to employ or engage~~ employs or engages any other person to act as a ~~private professional~~ investigator unless the person so employed or engaged is licensed as a ~~private professional~~ investigator or investigative assistant.

4. Failure of investigative assistant to return equipment. ~~It is a Class D crime for a licensed investigative assistant knowingly to fail to return immediately on demand, or within 7 days of termination of his employment any item of equipment issued to him by his employer.~~

5. Other unlawful acts. ~~It is a Class D crime for a~~ A ~~person licensed under this chapter or any person employed by him~~ the person commits improper investigative conduct if that person intentionally or knowingly to commit any of the following acts:

A. ~~To incite~~ Incites, ~~encourage~~ encourages or ~~aid~~ aids any person who has become a party to any strike to commit any unlawful act against any person or property;

B. ~~To incite~~ Incites, ~~stir~~ stirs up, ~~create~~ creates or ~~aid~~ aids in the inciting of discontent or dissatisfaction among the employees of any person with the intention of having them strike;

C. ~~To interfere~~ Interferes with or ~~prevent~~ prevents lawful and peaceful picketing during strikes;

D. ~~To interfere~~ Interferes with, ~~restrain~~ restrains or ~~coerce~~ coerces employees in the exercise of their right to form, join or assist any labor organization of their own choosing;

E. ~~To interfere~~ Interferes with or ~~hinder~~ hinders lawful or peaceful collective bargaining between employers and employees;

F. ~~To pay, offer~~ Pays or offers to give any money, gratuity, consideration or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right to organize, form or assist any labor organization and to bargain collectively through representatives of their ~~own~~ choosing;

G. ~~To advertise~~ Advertises for, ~~recruit~~ recruits, ~~furnish~~ furnishes or ~~replace~~ replaces or ~~offer~~ offers to furnish or replace for hire or reward, within or outside the State, any skilled or unskilled help or labor, armed guards, other than armed guards employed for the protection of payrolls, property or premises, for service upon property ~~which~~ that is being operated in anticipation of or during the course of a strike;

H. ~~To furnish~~ Furnishes armed guards upon the highways for persons involved in labor disputes;

I. ~~To furnish~~ Furnishes or ~~offer~~ offers to furnish to employers or their agents any arms, munitions, tear gas implements or any other weapons;

J. ~~To send~~ Sends letters ~~of~~ or literature to employers offering to eliminate labor unions; or

K. ~~To advise~~ Advises any person of the membership of an individual in a labor organization for the purpose of preventing that individual from obtaining or retaining employment.

Sec. 47. 32 MRSA §8114-A is enacted to read:

§8114-A. Complaint investigation; disciplinary actions

1. Complaint investigation. The chief shall investigate a complaint, on the chief's own motion or upon receipt of a written complaint filed with the chief, regarding noncompliance with or violation of this chapter or of rules adopted by the chief. The chief may adopt rules regarding the receipt and investigation of complaints. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The chief shall notify the licensee of the content of the complaint filed against the licensee as soon as possible, but not less than 60 days after receipt of the information. The licensee shall respond within 30 days. If the chief determines that a violation took place but was not of a serious nature, the chief may issue a written warning to the licensee. A copy of the warning and licensee's response to the complaint must be placed in the licensee's permanent file.

The licensee may, within 30 days of receipt of a warning, file a request for a hearing. Upon receipt of the request, the chief shall set aside the written warning and set the matter for hearing in accordance with the provisions of the Maine Administrative Procedure Act.

2. Hearing. If an investigation under subsection 1 reveals evidence supporting the complaint, the chief shall set the matter for hearing in accordance with the provisions of

the Maine Administrative Procedure Act before suspending or revoking a license or imposing probationary or supervisory conditions or a fine.

3. Aggrieved by disciplinary action. A licensee aggrieved by a disciplinary action of the chief may bring an appeal in accordance with the Maine Administrative Procedure Act.

4. Voluntary compliance. At any time during the investigative or hearing process under this section, the chief may accept an assurance of voluntary compliance from the licensee if the assurance effectively deals with the complaint.

Sec. 48. 32 MRSA §8115, as enacted by PL 1981, c. 126, §2, is repealed and the following enacted in its place:

§8115. Identification cards; badges prohibited

1. Issuance of identification cards. The chief shall design and issue to each person licensed under this chapter an identification card featuring a recent photograph of the licensee.

2. Use of badges prohibited. A person licensed under this chapter may not carry or present a badge that suggests, or that would reasonably cause another person to believe, that the licensed professional investigator or investigative assistant is a sworn peace officer of this State, any political subdivision of this State, any other state or the Federal Government.

Sec. 49. 32 MRSA §8116, as enacted by PL 1981, c. 126, §2, is amended to read:

§8116. Powers of the chief

1. Subpoenas. In any investigation conducted by the ~~commissioner~~ chief under this chapter, the ~~commissioner~~ chief may issue subpoenas to compel the attendance of witnesses and the production of evidence relevant to any fact in issue.

2. Contempt. If a witness refuses to obey a subpoena or to give any evidence ~~relevant~~ relevant to proper inquiry by the ~~commissioner~~ chief, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring him the witness to appear before the Superior Court to show cause why he the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant him the witness in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

3. Rules. The ~~commissioner~~ shall chief with the advice of the board may adopt all rules necessary to administer this chapter, including, but not limited to, ~~fixing application and license fees~~ rules regarding standards of acceptable professional conduct and establishing a training requirement requirements for and sponsorship of investigative assistants. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 50. 32 MRSA §8117, as amended by PL 2003, c. 620, §4, is further amended to read:

§8117. Fees

1. **Amount.** The fee for an original biennial license is ~~\$400~~ \$500, of which \$50 must be submitted with the application and ~~\$350~~ \$450 must be submitted upon issuance of the license. The fee for a 4-year renewal is ~~\$400~~ \$500, which is refundable upon denial of renewal. The fee for an investigative assistant's license is \$600, of which \$200 must be submitted with the application and \$400 must be submitted upon issuance of the license.

2. **Expiration.** If a previously issued license has expired and not been renewed within a period of 60 days, the application ~~shall~~ must be considered the original application and the same fees and all requirements of an original application ~~shall~~ apply.

3. **Expenses.** The fees required under this chapter ~~shall~~ must be applied to the expense of administering this chapter.

Sec. 51. 32 MRSA §8120-A, as enacted by PL 1997, c. 360, §5, is amended to read:

§8120-A. Firearms

A ~~private~~ professional investigator licensed under this chapter may carry a firearm while performing the duties of a ~~private~~ professional investigator only after being issued a concealed weapons permit by the ~~Chief of the State Police under chief~~ pursuant to Title 25, chapter 252 and passing the written firearms examination prescribed by the commissioner ~~chief~~.

Sec. 52. 32 MRSA §8121, as enacted by PL 2003, c. 620, §5, is amended to read:

§8121. Confidentiality when under contract to law enforcement agency

A ~~private~~ professional investigator or investigative assistant who enters into a written contract with a law enforcement agency in this State to provide investigative services or consultation to the law enforcement agency is subject to the same provisions of law regarding confidentiality as are employees of the law enforcement agency with which the ~~private~~ professional investigator or investigative assistant is under contract.

Sec. 53. 32 MRSA §8122 is enacted to read:

§8122. Proof of valid professional investigator's license

A person or company soliciting work or employment as a professional investigator shall provide proof to any client that the professional investigator holds a valid professional investigator's license before entering into any agreement or contract to conduct investigations.

Sec. 54. 32 MRSA §8123 is enacted to read:

§8123. Violation

Except when a criminal penalty is otherwise provided, a person who violates this chapter or a rule adopted pursuant to this chapter commits a civil violation for which a fine of not less than \$1,000 may be adjudged.

Sec. 55. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 32, section 8103-A, subsection 4, in appointing members to the Department of Professional and Financial Regulation, Board of Licensure of Professional Investigators, the Governor shall appoint one member of the Maine State Police for a one-year term and one member from the Maine State Police for a 2-year term and the first public member for a one-year term and the 2nd public member for a 2-year term. All other members are appointed for 3-year terms.

Sec. 56. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 89, in the chapter headnote, the words "private investigators" are amended to read "professional investigators" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

ERRORS BILL SUPPLEMENT § SUPP-16

LAW AMENDED: 38 MRSA §1451, sub-§3-A

General Subject: Advisory Commission on Radioactive Waste

Type of correction (conflict, reference, other): reference

Category (technical, substantive): technical

Is amendment to Errors Bill needed? Include in amendment
(If so, draft/mark up and explain below)

*See Supp B
for history*

Prepared by: ATB

Date: 3/24/12

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\SUPP 16 38 1451 3A.doc(3/24/2012 1:18:00 PM)

Has the error already been fixed in another bill?

LD

PL? P&SL?

Has section been amended/repealed in another bill?

LD

PL? P&SL?

EXPLANATION

PL 1985, c. 309 established the Advisory Commission on Radioactive Waste in 38 MRSA §1453, including a cross-reference to the definition in §1451, sub-§3-A. (It was also included in Boards and Commissions in Title 5.) §1453 included a sunset provision for the Commission in sub-§7 for June 30, 1989 unless modified by law. PL 1993, c. 92 repealed sub-§7, the sunset provision.

PL 1993, c. 664 repealed §1453 and enacted §1453-A, a new section on the Advisory Commission and §1453-A, sub-§7 enacted a new repeal date of June 30, 1999. PL 1999, c. 585, §3 amended §1453-A, sub-§7 to extend the repeal date to June 30, 2006.

Supp-16 repeals 38 MRSA §1451, sub-§3-A. 38 MRSA §1451 is the definition section within the subchapter of general provisions within Chapter 14-A, Nuclear Waste Activity. §1451, sub-§3-A is a cross-reference to the Advisory Commission in 38 MRSA §1453-A that sunset in June 30, 2006. 38 MRSA §1451, sub-§3-A is a cross-reference that should be repealed.

①

Incidentally, PL 2007, c. 395, §22, An Act to Repeal Inactive Boards and Commissions repealed 5 MRSA §12004-J, sub-§2-A, the section in Title 5 that establishes the Commission because the Director of Corporations, UCC and Commissions noticed that section was still in Title 5 despite the sunset in Title 38.

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Maine Revised Statutes

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AND NAVIGATION

Chapter 14-A: NUCLEAR WASTE ACTIVITY

Subchapter 1: GENERAL PROVISIONS

§1451. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1983, c. 381, §9 (NEW).]

1. Area studies, for high-level radioactive waste. "Area studies," for high-level radioactive waste, means the study of areas with potentially acceptable sites using available geophysical, geologic, geochemical, hydrologic and other information; and additional geological reconnaissance and field work, including geophysical testing, preliminary borings and excavation as necessary to assess whether site characterization should be undertaken for any sites within the area. Area studies also include socioeconomic and environmental studies and preparation of any environmental assessment relating to the suitability of the site for nomination for site characterization.

[1983, c. 381, §9 (NEW) .]

2. By-product material. "By-product material" means:

A. Any radioactive material except special nuclear material yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing nuclear material; and [1983, c. 381, §9 (NEW).]

B. The tailings or waste produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content. [1983, c. 381, §9 (NEW) .]

[1983, c. 381, §9 (NEW) .]

3. Closure or site closure. "Closure" or "site closure" means all activities performed at a waste disposal site, such as stabilization and contouring, to assure that the site is in a stable condition so that only minor custodial care, surveillance and monitoring are necessary at the site, following termination of licensed operation.

[1983, c. 381, §9 (NEW) .]

3-A. Commission. "Commission" means the Advisory Commission on Radioactive Waste established by section 1453-A.

[1993, c. 664, §13 (AMD) .]

4. Decommissioning a nuclear power plant.

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"Decommissioning a nuclear power plant" means the series of activities undertaken, beginning at the time of closing of a nuclear power plant, to ensure that the final disposition of the site or any radioactive components or material, but not including spent fuel, associated with the plant is accomplished safely in compliance with all applicable state and federal laws. Decommissioning includes activities undertaken to prepare a nuclear power plant for final disposition, to monitor and maintain it after closing and to effect final disposition of any radioactive components of the nuclear power plant.

[1983, c. 381, §9 (NEW) .]

5. Environmental impact statement. "Environmental impact statement" means any document prepared pursuant to or in compliance with the requirements of the United States National Environmental Policy Act of 1969, Section 102(2)(c), 83 Stat. 852, 1981.

[1983, c. 381, §9 (NEW) .]

6. High-level radioactive waste. "High-level radioactive waste" means the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from that liquid waste that contains fission products in sufficient concentrations; and other highly radioactive material that the United States Nuclear Regulatory Commission, consistent with existing law, determines by rule to require permanent isolation.

[1983, c. 381, §9 (NEW) .]

7. High-level radioactive waste disposal. "High-level radioactive waste disposal" means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel or other highly radioactive material with no foreseeable intent of recovery, whether or not that emplacement permits the recovery of that waste.

[1983, c. 381, §9 (NEW) .]

8. High-level radioactive waste repository or repository. "High-level radioactive waste repository" or "repository" means any system licensed by the United States Nuclear Regulatory Commission that is intended to be used for, or may be used for, the permanent deep geologic disposal of high-level radioactive waste and spent nuclear fuel, whether or not the system is designed to permit the recovery, for a limited period during initial operation, of any materials placed in the system. This term includes both surface and subsurface areas at which high-level radioactive waste and spent nuclear fuel handling activities are conducted.

[1983, c. 381, §9 (NEW) .]

9. High-level radioactive waste storage. "High-level radioactive waste storage" means retention of high-level radioactive waste, spent nuclear fuel, or transuranic waste with the intent to recover that waste or fuel for subsequent use, processing or disposal.



[1983, c. 381, §9 (NEW) .]

10. License. "License" means a federal or state license, issued to a named person upon application to use, manufacture, produce, transfer, receive, acquire or possess quantities of, or devices or equipment utilizing, radioactive material.

[1983, c. 381, §9 (NEW) .]

11. Low-level radioactive waste. "Low-level radioactive waste" means radioactive material that is not high-level radioactive waste, spent nuclear fuel, transuranic waste or by-product material, as defined in the United States Code, Title 42, Section 2014(e)(2), the Atomic Energy Act of 1954, Section 11(e)(2); and that the United States Nuclear Regulatory Commission, consistent with existing law, classifies as low-level radioactive waste. Low-level radioactive waste also includes any radioactive material that is generated through the production of nuclear power and that the United States Nuclear Regulatory Commission classified as low-level radioactive waste as of January 1, 1989, but which may be classified as below regulatory concern after that date.

A. "Low-level radioactive waste" does not include radioactive material remaining at the site of a decommissioned nuclear power plant if the following enhanced state standards are met, as determined by the department:

- (1) The site has been determined by the United States Nuclear Regulatory Commission to meet the criteria for release under 10 Code of Federal Regulations, Part 20 pursuant to a license termination plan approved by that commission;
- (2) The site is not used for the disposal of radioactive material generated by a facility other than the nuclear power plant;
- (3) The residual radioactivity distinguishable from background radiation results in a total effective dose equivalent to an average member of the critical group of not more than 10 millirems, or 0.10 millisievert, per year, including that from groundwater sources of drinking water;
- (4) The residual radioactivity distinguishable from background radiation in groundwater sources of drinking water results in a total effective dose equivalent of not more than 4 millirems, or 0.04 millisievert, per year to the average member of the critical group; and
- (5) Any construction demolition debris, including concrete, disposed of at the site qualifies for unrestricted use within the limits specified in Table 1 in the 1974 United States Atomic Energy Commission Regulatory Guide 1.86. Below-grade, intact structures, including, but not limited to, slabs, walls and foundations, are not considered

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construction demolition debris for purposes of this subparagraph but are subject to the provisions of subparagraphs (1) to (4).

A nuclear facility owner shall demonstrate compliance with subparagraphs (1) to (4) using actual measurements and the analytic methodology approved by the United States Nuclear Regulatory Commission and supplemented by modeling the effects of engineering controls that have been designed to reduce exposure.

In order to determine compliance with subparagraphs (1) to (4), the department may require appropriate testing and analysis, including, but not limited to, analysis of the effectiveness and integrity of engineering controls. [1999, c. 741, §1 (NEW) .]

B. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Average member of the critical group" means a member of the critical group who is subjected to the most likely exposure situation based on prudently conservative exposure assumptions and parameter values within the model calculations.

(2) "Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

(3) "Nuclear facility owner" means the owner of a nuclear power plant or decommissioned nuclear power plant in the State.

(4) "Total effective dose equivalent" has the same meaning as in 10 Code of Federal Regulations, Section 20.1003, as in effect on January 1, 2000. [1999, c. 741, §1 (NEW) .]

[1999, c. 741, §1 (AMD) .]

12. Low-level radioactive waste disposal facility. "Low-level radioactive waste disposal facility" means a facility for the isolation of low-level radioactive waste from the biosphere inhabited by people and their food chains.

[1983, c. 381, §9 (NEW) .]

13. Low-level radioactive waste generator. "Low-level radioactive waste generator" means a person who produces or processes low-level radioactive waste, whether or not that waste is shipped off site.

[1983, c. 381, §9 (NEW) .]

14. Low-level radioactive waste licensee or low-level waste licensee. "Low-level radioactive waste licensee" or "low-level waste



licensee" means any person licensed by the State or Federal Government to generate, treat, store or dispose of low-level radioactive waste.

[1983, c. 381, §9 (NEW) .]

15. Low-level radioactive waste storage facility. "Low-level radioactive waste storage facility" means any facility for storage of low-level radioactive waste, except for temporary on-site storage prior to disposal.

[1983, c. 381, §9 (NEW) .]

16. Radioactive material. "Radioactive material" means any material which emits ionizing radiation spontaneously. It includes accelerator-produced, by-product, naturally occurring, source and special nuclear materials.

[1983, c. 381, §9 (NEW) .]

17. Site characterization, for high-level radioactive waste. "Site characterization," for high-level radioactive waste, means:

A. Siting research facilities with respect to a test and evaluation facility at a candidate site; and [1983, c. 381, §9 (NEW).]

B. Activities, whether in the laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the suitability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken. [1989, c. 502, Pt. B, §52 (AMD).]

[1989, c. 502, Pt. B, §52 (AMD) .]

18. Source material. "Source material" means:

A. Uranium or thorium, or any combination thereof, in any physical or chemical form; or [1983, c. 381, §9 (NEW).]

B. Ores which contain by weight 1/20th of 1%, 0.05% or more of uranium, thorium or any combination thereof. Source material does not include special nuclear material. [1983, c. 381, §9 (NEW).]

[1983, c. 381, §9 (NEW) .]

19. Source material mill tailings. "Source material mill tailings" means the tailings or waste produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface waste resulting from underground solution extraction processes, but not including underground ore bodies depleted by those solution extraction processes.



[1983, c. 381, §9 (NEW) .]

20. Special nuclear material. "Special nuclear material" means:

A. Plutonium, uranium 233 and uranium enriched in the isotope 233 or in the isotope 235, but does not include source material; or [1983, c. 381, §9 (NEW).]

B. Any material artificially enriched by any of the material listed in paragraph A, but does not include source material. [1983, c. 381, §9 (NEW).]

[1983, c. 381, §9 (NEW) .]

21. Spent nuclear fuel. "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

[1983, c. 381, §9 (NEW) .]

22. Transuranic waste. "Transuranic waste" means radioactive waste containing alpha-emitting transuranic elements with radioactive half-lives greater than 5 years, in excess of 10 nanocuries per gram.

[1983, c. 381, §9 (NEW) .]

SECTION HISTORY

1983, c. 381, §9 (NEW). 1985, c. 309, §5 (AMD). 1985, c. 737, §A114 (AMD). 1989, c. 461, §1 (AMD). 1989, c. 502, §B52 (AMD). 1993, c. 664, §13 (AMD). 1999, c. 741, §1 (AMD).

Data for this page extracted on 02/01/2012 10:16:57.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007

(9)

ERRORS BILL SUPPLEMENT § SUPP-17

LAW AMENDED: 5 MRSA §3371, sub-§2, ¶J

General Subject: Maine Fire Protection Services Commission

Type of correction (conflict, reference, other): Name change

Category (technical, substantive): technical

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: ATB

Date: 3/27/12

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\SUPP 17 5 3371 2 J.doc(3/27/2012 11:09:00 AM)

Has the error already been fixed in another bill?

LD

PL? P&SL?

Has section been amended/repealed in another bill?

LD

PL? P&SL?

EXPLANATION

PL 2011, c. 166, An Act to Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute, changed the name as in the title of the bill.

5 MRSA §3371 establishes the Maine Fire Protection Services Commission. §3371, sub-§2 establishes the membership of the Commission. ¶J names the administrator of the Maine Fire Training and Education Program within the Maine Community College System as a member.

Supplement 17 updates the name in ¶J to the administrator of the Maine Fire Service Institute.

Sec. ? 5 MRSA §3371, sub-§2, ¶J is amended to read:

J. The administrator of the Maine Fire Training and Education Program Service Institute within the Maine Community College System, or the administrator's designee; and

Handwritten mark: a large right square bracket followed by an asterisk.

a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response;

(2) A person to operate recreational vehicles for personal use;

(3) A person to operate commercial motor vehicles for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);

(4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:

(a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;

(b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(c) Not used in the operation of a common or contract motor carrier; and

(d) Used within 150 miles of the registered owner's farm;

(5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

(a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or

(b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or

(6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.

See title page for effective date.

CHAPTER 166

S.P. 400 - L.D. 1286

An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute

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

Sec. 1. 20-A MRSA §9001, first ¶, as repealed and replaced by PL 1987, c. 124, §3 and amended by PL 1989, c. 878, Pt. I, §12, is further amended to read:

The president may conduct programs to provide fire training and education for members of municipal fire departments, incorporated volunteer fire departments, industrial fire brigades, institutional fire brigades and the general public, to be known as the Maine Fire Training and Education Program Service Institute.

See title page for effective date.

CHAPTER 167

S.P. 72 - L.D. 221

An Act To Make Changes to the Motorcycle Inspection Sticker Requirements

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

Sec. 1. 29-A MRSA §405, sub-§1, as amended by PL 2005, c. 577, §9, is further amended to read:

1. Automobile, truck, truck tractor, motor home, moped, semitrailers not exceeding a gross vehicle weight of 2,000 pounds, special mobile equipment, tractor and camp trailer registration. Registration for an automobile, truck, truck tractor, motor home, motorcycle, moped, semitrailer not exceeding a gross vehicle weight of 2,000 pounds, special mobile equipment, tractor and camp trailer is as follows.

A. A registration expires on the last day of the month one year from the month of issuance.

B. When an application is made after the registration for the previous year has expired, the term of the renewal begins on the month of the issuance of the previous registration.

PART 10-A

FIRE PROTECTION SERVICES

CHAPTER 319

MAINE FIRE PROTECTION SERVICES COMMISSION

Section

3371. Maine Fire Protection Services Commission.

§ 3371. Maine Fire Protection Services Commission

1. Commission established. The Maine Fire Protection Services Commission, referred to in this chapter as the "commission," is established to monitor and evaluate the State's fire protection services system on a continuing basis and to provide recommendations to the appropriate state agencies and to the Legislature regarding necessary changes in the fire protection services system. The commission is established pursuant to section 12004-J, subsection 12.

2. Membership. The commission consists of 23 members appointed as follows:

- A. Two members of the Senate, appointed by the President of the Senate;
- B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives;
- C. The State Fire Marshal or the fire marshal's designee;
- D. The Supervisor of the Forest Fire Control Division of the Maine Forest Service or the supervisor's designee;
- E. The Director of the Bureau of Labor Standards or the director's designee;
- E-1. The Director of Maine Emergency Medical Services or the director's designee;
- E-2. The Director of the Maine Emergency Management Agency or the director's designee;
- F. One municipal fire chief who is a full-time fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;
- G. One municipal fire chief who is a volunteer fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;
- H. One municipal fire chief who is paid on call and a member of the Maine Fire Chiefs Association, appointed by the Governor;
- I. Six firefighters appointed as follows:
 - (1) Two career firefighters who are members of the Professional Fire Fighters of Maine, appointed by the Governor;
 - (2) Two call firefighters who are members of the Maine State Federation of Fire Fighters, appointed by the Governor; and
 - (3) Two volunteer firefighters who are members of the Maine State Federation of Fire Fighters, appointed by the Governor;
- J. The administrator of the Maine Fire Training and Education Program within the Maine Community College System, or the administrator's designee; and
- K. Three persons appointed by the Governor, including:
 - (1) One member representing the Governor's office;
 - (2) One public member; and
 - (3) One member representing the insurance industry.

(3)

The Governor shall request a list of names from the organizations covered under paragraphs F to I from which to make appointments.

3. **Chair.** The Governor shall designate the first chair from among the appointees. The first chair shall call the first meeting of the commission as soon as funding permits. At the first meeting, the commission shall select a chair, a vice-chair, a secretary and a treasurer from among its members. The commission may select new officers annually.

4. **Terms of appointment.** The terms of appointment are as follows.

A. Of the initial gubernatorial appointments, 4 must be for terms of 3 years, 4 must be for terms of 2 years and 4 must be for terms of one year.

B. Subsequent gubernatorial appointments are for terms of 3 years. Members may serve beyond their designated terms until their successors are appointed.

C. Terms of appointment for Legislators coincide with their respective legislative terms of office.

D. Other appointed members who are neither Legislators nor gubernatorial appointees serve for terms of 3 years.

5. **Meetings.** The commission may meet as often as necessary but must meet at least quarterly. A meeting may be called by the chair or by any 4 members. The commission shall take and maintain minutes of all meetings.

6. **Staffing.** If funding permits, the commission may employ staff as needed. The staffs of the members represented on the commission may assist the commission in carrying out its functions and duties within their existing resources. The commission may contract for administrative, professional and clerical services if funding permits.

7. **Funding.** The commission may seek, accept and expend outside funding to carry out its duties.

8. **Duties.** The commission shall:

A. Regularly advise the Governor and executive officers, the Legislature, the Maine Forest Service, municipal fire departments and any other parties affected by its recommendations regarding fire protection services;

B. Submit a report containing the results of its studies, findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over fire protection services matters by December 31st of each year. As resources permit, the report must include:

- (1) A detailed assessment of existing and needed resources within the State's fire protection services system, including capital needs for training facilities, funding options for facilities and oversight and administration of any training facilities funds;
- (2) A detailed assessment of expected resource needs in the State's fire protection services system and recommendations for funding those needs, including an evaluation of the appropriate level for the fire premium tax and bond initiative proposals;
- (3) An evaluation of existing fire prevention, fire suppression, fire safety and fire training strategies and programs, including recommendations for improvements, new programs and strategies, funding options for training and oversight and administration of any training funds;

(4) Recommendations for effective management of resources within the State's fire protection services system;

(5) Recommendations for enhancing the collection and distribution of fire data, particularly as these data relate to increasing the fire protection services' capacity to fight fires and to save lives;

(6) Recommendations regarding evaluation methodology for the State's fire protection services system;

(7) Recommendations for recruitment and retention of volunteers, including a length-of-service incentive program for volunteer firefighters;

(8) Recommendations for creating a health insurance bridge for retired career firefighters;

(9) Recommendations for creating a fund to be used to provide a death benefit for firefighters and emergency medical services persons who die in the line of duty;

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PROCEDURES, ETC.
Title 5

MAINE FIRE PROTECTION SERVICES COMMISSION
Ch. 319

5 § 3371

- (10) Recommendations regarding fire investigation and inspection service needs of the Department of Public Safety, Office of the State Fire Marshal; and
(11) Recommendations regarding grants available for fire training and fire protection needs;

C. Develop rules of procedure necessary to carry out its duties. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A;¹

D. Repealed. Laws 2001, c. 471, § A-5.

E. Conduct public hearings, conferences, workshops and other meetings to obtain information about and discuss and publicize the needs of and solutions to problems concerning the State's fire protection services;

F. Assist all governmental agencies with firefighter training and education responsibilities to enhance their delivery of services to fire prevention, protection and life safety professionals, including paid, call and volunteer fire service members; and

G. Submit proposed legislation to the Legislature to implement any recommendations of the commission.

1999, c. 731, § AAAA-1; 2001, c. 471, § A-5, eff. June 29, 2001; 2003, c. 20, § OO-2, eff. July 1, 2003; 2003, c. 160, § 1, eff. May 14, 2003.

¹ 5 M.R.S.A. § 8071 et seq.

Historical and Statutory Notes

2003 Legislation

Laws 2003, c. 20, § OO-2, provides:

"Sec. OO-2. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words 'Maine Technical College System' or 'technical college system' appear or reference is made to those words, they are amended to read and mean 'Maine Community College System' or 'community college system,' and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes."

Laws 2003, c. 160, § 1, in subsec. 2, in the introductory par., substituted "23 members" for "21 members", in par. A, deleted "who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters" following "members of the Senate"; in par. B, deleted "who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters" following "members of the House of Representatives"; and inserted pars. E-1 and E-2.

(5)

ERRORS BILL SUPPLEMENT § SUPP- 18 and 18-A

LAW AMENDED: 1 MRSA §150-F
1 MRSA §150-H
1 MRSA §150-I

General Subject: Commemorative days

Type of correction (conflict, reference, other): conflicts

Category (technical, substantive): technical

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 3/29/12

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\SUPP-18 form.doc (3/29/2012 10:55:00 AM)

EXPLANATION

Three Public Law chapters in 2011 enacted commemorative days with the same section number. PL 2011, c. 17 enacted 1 MRSA §150-F to establish March 16th as Governor William King Day. PL 2011, c. 53 enacted 1 MRSA §150-F to establish the 3rd Saturday in June as Juneteenth Independence Day. PL 2011, c. 91 enacted 1 MRSA §150-F to designate September 17th and Mike Beaulieu Day. PL 2011, c. 92 enacted 1 MRSA §150-G to establish March 30th as Vietnam War Remembrance Day.

SUPP-18 repeals all the §150-F versions and reenacts the c. 17 version. SUPP-18-A enacts the c. 53 version as §150-H and the c. 91 version as §150-I.

①

SUPP-18. 1 MRSA §150-F as enacted by PL 2011, c. 17 and c. 53 and c. 91 is repealed and the following enacted in its place:

§150-F. Governor William King Day

The Governor shall annually issue a proclamation indicating March 16th of each year as Governor William King Day in honor of the first Governor of Maine, a proponent of statehood for Maine.

SUPP-18-A. 1 MRSA §150-H and §150-I are enacted to read:

§150-H. Juneteenth Independence Day

The Governor shall annually issue a proclamation designating the 3rd Saturday in June as Juneteenth Independence Day to commemorate the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger in 1865, 2 1/2 years after the Emancipation Proclamation was signed.

§150-I. Mike Beaulieu Day

The 17th of September of each year is designated as Mike Beaulieu Day and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the day with appropriate ceremony and activity. The Department of Education shall make appropriate information available to the people and the schools within the limits of its budget.

SUMMARY

Three Public Law chapters in 2011 enacted commemorative days with the same section number. PL 2011, c. 17 enacted 1 MRSA §150-F to establish March 16th as Governor William King Day. PL 2011, c. 53 enacted 1 MRSA §150-F to establish the 3rd Saturday in June as Juneteenth Independence Day. PL 2011, c. 91 enacted 1 MRSA §150-F to designate September 17th and Mike Beaulieu Day. PL 2011, c. 92 enacted 1 MRSA §150-G to establish March 30th as Vietnam War Remembrance Day.

SUPP-18 repeals all the §150-F versions and reenacts the c. 17 version. SUPP-18-A enacts the c. 53 version as §150-H and the c. 91 version as §150-I.

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Public Law
2011
C.17

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
S.P. 65 - L.D. 214

An Act To Establish Governor William King Day

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

Sec. 1. 1 MRSA §150-F is enacted to read:

§150-F. Governor William King Day

The Governor shall annually issue a proclamation indicating March 16th of each year as Governor William King Day in honor of the first Governor of Maine, a proponent of statehood for Maine.

Public Law
2011
C.53

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
H.P. 560 - L.D. 753

An Act To Establish Juneteenth Independence Day

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

Sec. 1. 1 MRSA §150-F is enacted to read:

§150-F. Juneteenth Independence Day

The Governor shall annually issue a proclamation designating the 3rd Saturday in June as Juneteenth Independence Day to commemorate the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger in 1865, 2 1/2 years after the Emancipation Proclamation was signed.

Public Law
2011
C.91

STATE OF MAINE

—
IN THE YEAR OF OUR LORD

TWO THOUSAND AND ELEVEN

—
H.P. 170 - L.D. 917

An Act To Establish Mike Beaulieu Day

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

Sec. 1. 1 MRSA §150-F is enacted to read:

§150-F. Mike Beaulieu Day

The 17th of September of each year is designated as Mike Beaulieu Day and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the day with appropriate ceremony and activity, including the continuous consumption of delicious pastries. The Department of Education shall make appropriate information available to the people and the schools within the limits of its budget.

Public Law
2011
C. 92

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 12 - L.D. 20

An Act Establishing a Vietnam War Remembrance Day

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

Sec. 1. 1 MRSA §150-G is enacted to read:

§150-G. Vietnam War Remembrance Day

In recognition of the service and sacrifice of those veterans of the United States Armed Forces who served during the Vietnam War, the State designates March 30th of each year as Vietnam War Remembrance Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

Sec. 2. Fiftieth anniversary program. The Department of Defense, Veterans and Emergency Management shall work with the Governor's office and the United States Department of Defense to develop a program to commemorate the contribution of Maine veterans in the Vietnam War in conjunction with the 10-year program being developed by the Federal Government to recognize the 50th anniversary of the Vietnam War.

Sec. 3. Review. No later than April 1, 2021, the joint standing committee of the Legislature having jurisdiction over veterans matters shall review the establishment of Vietnam War Remembrance Day pursuant to the Maine Revised Statutes, Title 1, section 150-G and determine whether the language establishing the day of remembrance requires amendment or modification.

(6)

ERRORS BILL SUPPLEMENT § SUPP-19

LAW AMENDED: 38 MRSA §435

General Subject: Shoreland zoning

Type of correction (conflict, reference, other): reference

Category (technical, substantive): technical

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: ATB

Date: 3/25/12

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\SUPP 38 435.doc(3/25/2012 1:51:00 PM)

Has the error already been fixed in another bill?

LD

PL? P&SL?

Has section been amended/repealed in another bill?

LD

PL? P&SL?

EXPLANATION

38 MRSA §435 establishes mandatory shoreland zoning. The mandatory shoreland zoning supersedes municipal zoning and exists even if municipalities have not established zoning within municipal boundaries.

PL 1987, c. 737 recodified Title 30 into Title 30-A. It enacted 30-A MRSA §4503, the section that establishes the process for municipalities to adopt zoning ordinances.

In 1989, two laws were passed:

PL 1989, c. 104, An Act to Correct Errors in the County and Municipal Law Recodification. §46 of that act repealed 30-A MRSA Pt 2, sub-pt 7 (including §§4501-4506 and §§4551-4554). A new subchapter on Land Use Regulation was enacted including §4352, on zoning ordinances. §4352 was the replacement section for the old §4503, establishing the procedures for adopting zoning.

PL 1989, c. 403, An Act to Amend the Mandatory Shoreland Zoning Law, §3 corrected the cross-reference from 30 MRSA §4962 to 30-A MRSA §4503.

Supp-19 updates the cross-reference from Title 30-A, section 4503 to Title 30-A, section 4352, so that the shoreland zoning supersedes municipal zoning and goes into effect even if the municipality does not have zoning.

Sec. ? 38 MRSA §435, 3rd ¶ is amended to read:

Zoning ordinances adopted pursuant to this article need not depend upon the existence of a zoning ordinance for all of the land and water areas within a municipality, notwithstanding Title 30-A, section ~~4503~~ 4352, as it is the intention of the Legislature to recognize that it is reasonable for municipalities to treat shoreland areas specially and immediately to zone around water bodies rather than to wait until such time as zoning ordinances may be enacted for all of the land within municipal boundaries.

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Maine Revised Statutes

[§4503 PDF](#)
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[§4504](#)
[§4503WORD/RTF](#)

A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

[STATUTE SEARCH](#)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

[CH. 191 CONTENTS](#)

Subpart 7: PLANNING AND ZONING HEADING: PL 1989, C. 104, PT. A, §46 (RP)

[TITLE 30-A CONTENTS](#)

Chapter 191: PLANNING AND ZONING HEADING: PL 1989, C. 104, PT. A, §46 (RP)

[LIST OF TITLES](#)
[DISCLAIMER](#)

Subchapter 1: GENERAL PROVISIONS HEADING: PL 1989, C. 104, PT. A, §46 (RP)

[MAINE LAW](#)
[REVISOR'S OFFICE](#)
[MAINE LEGISLATURE](#)

§4503. Zoning ordinances

(REPEALED)

SECTION HISTORY

1987, c. 737, §SA2,C106 (NEW). 1989, c. 6,
(AMD). 1989, c. 9, §2 (AMD). 1989, c. 104,
§SA46,C10 (RP). 1989, c. 104, §SC8,10 (AMD).

Data for this page extracted on 01/06/2012 05:21:30.

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Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

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Maine Revised Statutes

[§4352 PDF](#)
[§4351](#)
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[§4353](#)
[§4352WORD/RTF](#)

MUNICIPALITIES AND COUNTIES

[STATUTE SEARCH](#)

HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

[CH. 187 CONTENTS](#)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

[TITLE 30-A CONTENTS](#)

Subpart 6-A: PLANNING AND LAND USE

[LIST OF TITLES](#)

REGULATION HEADING: PL 1989, C. 104, PT. A, §45 (NEW)

[DISCLAIMER](#)

Chapter 187: PLANNING AND LAND USE

[MAINE LAW](#)

REGULATION HEADING: PL 1989, C. 104, PT. A, §45 (NEW)

[REVISOR'S OFFICE](#)
[MAINE LEGISLATURE](#)

Subchapter 3: LAND USE REGULATION HEADING: PL 1989, C. 104, PT. A, §45 (NEW)

§4352. Zoning ordinances

A municipal zoning ordinance may provide for any form of zoning consistent with this chapter, subject to the following provisions. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. Public participation required. The public shall be given an adequate opportunity to be heard in the preparation of a zoning ordinance.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2. Relation to comprehensive plan. A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body, except that adoption of an adult entertainment establishment ordinance does not necessitate adoption of a comprehensive plan by a municipality that has no such comprehensive plan. As used in this section, "adult entertainment establishment ordinance" means an ordinance that regulates the operation of adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult entertainment nightclubs or bars, adult spas, establishments featuring strippers or erotic dancers, escort agencies or other sexually oriented businesses. For purposes of this subsection, "zoning ordinance" does not include a cluster development ordinance or a design ordinance prescribing the color, shape, height, landscaping, amount of open space or other comparable physical characteristics of development.

[2007, c. 247, §6 (AMD) .]

3. Zoning map required. A zoning map describing each zone

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established or modified must be adopted as part of the zoning ordinance or incorporated in the ordinance. Any conflict between the zoning map and a description by metes and bounds shall be resolved in favor of the description by metes and bounds.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

4. Exemptions. Real estate used or to be used by a public utility, as defined in Title 35-A, section 102, subsection 13, by a person who is issued a certificate by the Public Utilities Commission under Title 35-A, section 122 or by a renewable ocean energy project as defined in Title 12, section 1862, subsection 1, paragraph F-1 is wholly or partially exempt from an ordinance only when on petition, notice and public hearing the Public Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2009, c. 615, Pt. G, §1 (AMD) .]

5. Effect on local governments. County and municipal governments and districts are subject to any zoning ordinance.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

6. Effect on State. A zoning ordinance that is not consistent with a comprehensive plan that is consistent with the provisions of section 4326 is advisory with respect to the State. Except as provided in this section, a state agency shall comply with a zoning ordinance consistent with a comprehensive plan that is consistent with the provisions of section 4326 in seeking to develop any building, parking facility or other publicly owned structure. The Governor or the Governor's designee may, after public notice and opportunity for public comment, including written notice to the municipal officers, waive any use restrictions in those ordinances upon finding that:

A. The proposed use is not allowed anywhere in the municipality; [1993, c. 721, Pt. A, §11 (NEW); 1993, c. 721, Pt. H, §1 (AFF).]

B. There are no reasonable alternative sites for or configurations of the project within the municipality that would achieve the necessary public purposes; [1993, c. 721, Pt. A, §11 (NEW); 1993, c. 721, Pt. H, §1 (AFF).]

C. There are no reasonable alternatives to the project, including sites in other municipalities, that would achieve the necessary public purposes; [1993, c. 721, Pt. A, §11 (NEW); 1993, c. 721, Pt. H, §1 (AFF).]

D. The project will result in public benefits beyond the limits of the municipality, including without limitation, access to public

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waters or publicly owned lands; and [1993, c. 721, Pt. A, §11 (NEW); 1993, c. 721, Pt. H, §1 (AFF).]

E. The project is necessary to protect the public health, welfare or environment. [1993, c. 721, Pt. A, §11 (NEW); 1993, c. 721, Pt. H, §1 (AFF).]

A decision to waive a restriction under this section may be appealed by the municipality or any aggrieved party to Superior Court.

[2003, c. 688, Pt. C, §20 (AMD) .]

7. Petition for rezoning; bond. Any zoning ordinance may provide that if a person petitions for rezoning of an area for the purpose of development in accordance with an architect's plan the area may not be rezoned unless the petitioner posts a performance bond equal to at least 25% of the estimated cost of the development. The bond shall become payable to the municipality if the petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effective date of the rezoning.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

8. Conditional and contract rezoning. A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

A. Be consistent with the growth management program adopted under this chapter; [2001, c. 578, §21 (AMD).]

B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and [1991, c. 504, §1 (AMD).]

C. Only include conditions and restrictions that relate to the physical development or operation of the property. [1991, c. 504, §1 (AMD).]

The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

[2001, c. 578, §21 (AMD) .]

9. Notice; general requirements. Before adopting a new zoning ordinance or map or amending an existing zoning ordinance or map, including ordinances or amendments adopted under the laws

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governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I, article 2-B, the municipal reviewing authority must post and publish notice of the public hearing required under subsection 1 in accordance with the following provisions.

A. The notice must be posted in the municipal office at least 13 days before the public hearing. [1997, c. 36, §2 (AMD).]

B. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen. [1997, c. 36, §2 (AMD).]

C. [1993, c. 374, §3 (RP).]

D. [1993, c. 374, §3 (RP).]

E. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. [1999, c. 761, §8 (NEW).]

[1999, c. 761, §8 (AMD) .]

10. Additional notice; limited areas. Notice must be given in accordance with this subsection and subsection 9 when a municipality has proposed an amendment to an existing zoning ordinance or map that, within a geographically specific portion of the municipality, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited.

A. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment. [1993, c. 374, §4 (NEW).]

B. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not required under this paragraph for any type of zoning ordinance adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland

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zoning contained in Title 38, chapter 3, subchapter I, article 2-B.
[1999, c. 761, §9 (AMD).]

Any action challenging the validity of an amendment to a zoning ordinance or map based on a municipality's failure to comply with paragraph B must be brought in Superior Court within 30 days after the adoption of the amended ordinance or map. The Superior Court may invalidate an amended ordinance or map if the appellant demonstrates that the appellant was entitled to receive a notice under paragraph B, that the municipality failed to send the notice as required, that the appellant had no knowledge of the proposed amendment to the ordinance or map and that the appellant was materially prejudiced by that lack of knowledge. Nothing in this subsection alters the right of a person to challenge the validity of any ordinance based on the failure of the municipality to provide notice as required in paragraph A and subsection 9.

[1999, c. 761, §9 (AMD) .]

SECTION HISTORY

1989, c. 104, §§A45, C10 (NEW). 1991, c. 504, §§1, 2 (AMD). 1993, c. 374, §§3, 4 (AMD). 1993, c. 721, §A11 (AMD). 1993, c. 721, §H1 (AFF). 1997, c. 36, §§1-3 (AMD). 1999, c. 761, §§7-9 (AMD). 2001, c. 578, §21 (AMD). 2003, c. 595, §§4, 5 (AMD). 2003, c. 688, §§C19, 20 (AMD). 2007, c. 247, §6 (AMD). 2007, c. 656, Pt. A, §2 (AMD). 2009, c. 615, Pt. G, §1 (AMD).

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State House Room 108
Augusta, Maine 04333-0007



PUBLIC LAWS, SECOND REGULAR SESSION — 1987

(1) Commercial and recreational fishing and boating facilities;

(2) Finfish and shellfish processing, storage and retail and wholesale marketing facilities;

(3) Dock and port facilities;

(4) Shipyards and boat building facilities;

(5) Marinas, navigation aids, basins and channels;

(6) Industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site; and

(7) Uses which primarily provide general public access to marine or tidal waters.

2. Public participation. The public shall be given an adequate opportunity to be heard in the preparation of a comprehensive plan.

§4503. Zoning ordinances ✱

Any zoning ordinance adopted under a municipality's home rule authority is subject to the following provisions.

1. Public participation required. The public shall be given an adequate opportunity to be heard in the preparation of any zoning ordinance.

2. Relation to comprehensive plan. A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body.

3. Zoning map required. A zoning map describing each zone established or modified must be adopted as part of the zoning ordinance or incorporated in the ordinance. Any conflict between the zoning map and a description by metes and bounds shall be resolved in favor of the description by metes and bounds.

4. Exemption for public service corporations. Real estate used or to be used by a public service corporation shall be wholly or partially exempted from an ordinance only when on petition, notice and public hearing the Public Utilities Commission has determined that the exemption is reasonably necessary for public welfare and convenience.

5. Effect on local governments. County and municipal governments and districts are subject to the provisions of any zoning ordinance.

6. Effect on State. Any zoning ordinance is advisory with respect to the State.

7. Violation declared nuisance. Any property or use existing in violation of any zoning ordinance is a nuisance.

PUBLIC LAWS, SECOND REGULAR SESSION — 1987

8. Petition for rezoning; bond. Any zoning ordinance may provide that, when a person petitions for rezoning of an area for the purpose of development in accordance with an architect's plan, the area shall not be rezoned unless the petitioner posts a performance bond equal to at least 25% of the estimated cost of the development. The bond shall become payable to the municipality if the petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effective date of the rezoning.

9. Conditional and contract zoning. Any zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

A. Be consistent with the municipal comprehensive plan;

B. Establish rezoned areas which are consistent with the existing and permitted uses within the original zones; and

C. Only include conditions and restrictions which relate to the physical development or operation of the property.

The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing shall be posted in the municipal office at least 14 days before the public hearing. Notice shall also be published in a newspaper having general circulation in the municipality at least 2 times; the date of the first publication must be at least 7 days before the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

§4504. Zoning adjustment

1. Establishment. A board of appeals is established in any municipality which adopts a zoning ordinance. The board of appeals shall hear appeals from actions or failure to act of the official or board responsible for enforcing the zoning ordinance, unless only a direct appeal to Superior Court has been provided by municipal ordinance. The board of appeals is governed by section 2691, except that section 2691, subsection 2 does not apply to boards existing on September 23, 1971.

2. Powers. In deciding any appeal, the board may:

A. Interpret the provisions of the ordinance which are called into question;

B. Approve the issuance of a special exception permit or conditional use permit in strict compliance with the ordinance; and provided that, if the municipality has authorized the planning board, agency or office to issue these permits, an appeal from the granting or denial of such a permit may be taken directly to Su-

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§4505. Saving

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or ordinance.

Sec. 1. 32 MRSA §3271, sub-§1, ¶B, as enacted by PL 1983, c. 741, §1, is amended to read:

B. Graduate from an unaccredited medical school, be evaluated by the Educational Commission for Foreign Medical Graduates ~~subsequent to July 1, 1984~~, and receive a permanent certificate from the Educational Commission for Foreign Graduates ~~subsequent to July 1, 1984~~; or

Sec. 2. 32 MRSA §3271, sub-§2, as amended by PL 1985, c. 542, is further amended to read:

2. Postgraduate training. Each applicant who has graduated from an accredited medical school on or after January 1, 1970 is required to have satisfactorily completed at least 24 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is required to have satisfactorily completed at least 12 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an unaccredited medical school is required to have satisfactorily completed at least 36 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada or approved by an accrediting body which the board considers an equivalent of the accrediting bodies. Notwithstanding this subsection, any applicant who is board certified in family practice and who graduated prior to July 1, 1974, is board certifiable, board certified or board eligible in emergency medicine and who graduated prior to July 1, 1982, shall be deemed to meet the postgraduate training requirements of this subsection.

Sec. 3. 32 MRSA §3271, sub-§3, as enacted by PL 1983, c. 741, §1, is amended to read:

3. Examination. Each applicant shall achieve a passing score on each component of the uniform examination of the Federation of State Medical Boards or such examinations designated by the board as the qualifying examination or examinations for licensure. Each applicant shall additionally be required to achieve a passing score on a State of Maine examination administered by the board.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 10, 1989.

CHAPTER 6

H.P. 305 - L.D. 419

An Act to Delay the Effective Date of the Recodification of County and Municipal Laws

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

Whereas, the recodification of the county and municipal laws will take effect on March 1, 1989; and

Whereas, the recodification does not include many provisions which were enacted in the past year; and

Whereas, if the recodification is allowed to take effect without the necessary corrections, it would inadvertently repeal many new laws and make other unintended substantive changes in law; and

Whereas, legislation is pending which will make the necessary changes to the recodification but which requires further review by the Legislature; 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:

PL 1987, c. 737, Part C, §106 is amended to read:

Sec. 106. Effective date. This Act shall take effect on ~~March 1~~ April 15, 1989.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 1, 1989.

CHAPTER 7

H.P. 26 - L.D. 24

An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1989; 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,

CHAPTER 7

CHAPTER 7

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 8, 1989.

CHAPTER 8

H.P. 105 - L.D. 142

An Act to Amend the Membership of the Advisory Council to the Department of Marine Resources

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

Whereas, implementation of Public Law 1987, chapter 694, section 1 has resulted in an imbalance in the statutorily required representational distribution of the membership of the advisory council to the Department of Marine Resources; 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 §6024, sub-§1, as amended by PL 1987, c. 694, §1, is further amended to read:

1. Appointment; composition; term; compensation. The advisory council, established by Title 5, section ~~12004~~ 12004-I, subsection 49 58, shall consist of 9 10 members. One member, who shall be a nonvoting member, shall be the ~~chairman~~ chair of the Lobster Advisory Council, ex officio. Each other member shall be appointed by the Governor and shall be subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. Seven Eight of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources, and one of the appointed members shall be selected from persons who represent recreational fishing interests. The composition of the council shall adequately represent the commercial fisheries' activities over which the department has jurisdiction and shall also reflect a geographical distribution along the coast. All appointed members shall be appointed for a term of 3 years, except a vacancy shall be filled in the same manner as an original for the unexpired portion of the term. No member may serve more than 2 consecutive terms at any one time. Members shall serve until their successors are appointed. Members shall be compensated as provided in Title 5, chapter 379.

Sec. 2. 12 MRSA §6024, sub-§1-A is enacted to read:

PUBLIC LAWS, FIRST REGULAR SESSION - 1989

1-A. Appointment; composition; term; compensation. The advisory council, established by Title 5, section 12004-I, subsection 58, shall consist of 9 members. The chair of the Lobster Advisory Council shall be an ex officio member of the council. Each other member shall be appointed by the Governor and shall be subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. Seven of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources. These 7 members shall be selected so as to adequately represent, together with the chair of the Lobster Advisory Council, the various aspects of commercial fisheries' activities over which the department has jurisdiction. One of the appointed members shall be selected from persons who represent recreational fishing interests. The composition of the council shall reflect a geographical distribution along the coast. All appointed members shall be appointed for a term of 3 years, except a vacancy shall be filled in the same manner as an original member for the unexpired portion of the term. No appointed member may serve for more than 2 consecutive terms at any one time. Appointed members shall serve until their successors are appointed. The chair of the Lobster Advisory Council shall serve until a new chair of the Lobster Advisory Council is chosen. Members shall be compensated as provided in Title 5, chapter 379.

Emergency clause. In view of the emergency cited in the preamble, section 1 of this Act shall take effect when approved. Section 2 of this Act shall take effect November 6, 1989. The Maine Revised Statutes, Title 12, section 6024, subsection 1, as amended by this Act shall be repealed on November 6, 1989.

Effective March 8, 1989, except as otherwise indicated.

CHAPTER 9

H.P. 564 - L.D. 768

An Act Concerning the Effective Date of County and Municipal Laws

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

Whereas, the recodification of the county and municipal laws was to take effect on March 1, 1989; and

Whereas, while that date was extended by Public Law 1989, chapter 6, to April 15, 1989, that extension was not finalized until March 1, 1989; and

Whereas, that sequence of events has created technical questions as to the applicability and effective dates of the county and municipal laws; and

Whereas, it is vitally important that any uncertainty as to the applicability and effective dates of the county and municipal laws be immediately resolved; 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. Purpose and findings. The Legislature finds that there is current uncertainty as to the effect and effective dates of the county and municipal laws as contained in the Maine Revised Statutes, Title 30 and as contained in Public Law 1987, chapter 737, which had been scheduled to take effect on March 1, 1989. The Legislature further finds that this uncertainty is detrimental to the economic and social well-being of the citizens of the State and that it is necessary to remove any reasonable question as to the effect of these provisions. The purposes of this Act are to clarify the applicability and effective dates of these provisions, to ensure the continuity of the county and municipal laws and to clarify the validity of actions taken pursuant to them.

Sec. 2. PL 1987, c. 737, Pt. C, §106, as amended by PL 1989, c. 6, is further amended to read:

Sec. 106. Retroactivity and effective date. This Act shall take effect on ~~April 15~~ February 28, 1989 and shall be retroactive to that date.

Sec. 3. Transition and savings clause. The following provisions apply to the transition from the Maine Revised Statutes, Title 30 to Title 30-A, and to the transition between Public Law 1989, chapter 6 and this Act.

1. Personnel. This Act does not affect the term or appointment of any officer, official, employee or other personnel of any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board governed by the Maine Revised Statutes, Titles 30 and 30-A.

2. Agreements, leases, contracts, authorizations or bonds. All agreements, leases, contracts, authorizations, notes or bonds issued under the Maine Revised Statutes, Titles 30 and 30-A, before the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

3. Ordinances, rules and regulations. All ordinances, rules and regulations enacted or adopted by any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board under the authority of the Maine Revised Statutes, Titles 30 or 30-A shall continue in force until they are repealed, rescinded, amended or revoked.

4. Dedicated revenues. This Act shall not be construed to change the status of any dedicated revenues. All dedicated revenues existing prior to this Act shall not lapse because of this Act, but shall be transferred to the funds of the same name which are created by this Act.

5. Ratification. All acts of any state, county or municipal officer or official and of any governmental, municipal or quasi-municipal entity taken in compliance with the Maine Revised Statutes, Titles 30 and 30-A, between February 28, 1989, and the effective date of this Act are ratified and validated.

Sec. 4. Legislative intent. It is the intent of the Legislature that this Act shall be considered a revision of certain laws concerning state and local government and shall not in any way be considered to change or revise the meaning or intent of those laws. It is the further intent of the Legislature that this Act shall be liberally construed to effectuate the purposes set forth in section 1 of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 16, 1989.

CHAPTER 10

H.P. 51 - L.D. 72

An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study

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

Whereas, it is necessary that this legislation be enacted as an emergency measure in order that the study may be completed in a competent and timely manner and include an adequate opportunity for comments for interested and affected parties; and

Whereas, since information vital to the study was not available until a month before the current reporting deadline; 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:

PL 1987, c. 475, §5, first ¶ is amended to read:

The Department of Transportation, in cooperation with the Public Utilities Commission and the Public Advocate, shall undertake a study of ferry service in Casco Bay and provide to the Governor and Legislature by January 4 ~~March 2~~, 1989, their report presenting joint conclusions and recommendations, including legislative recommendations.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 3, 1989.

CHAPTER 103

H.P. 91 - L.D. 126

An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1989

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Department of Inland Fisheries and Wildlife will become due and payable before the next fiscal year; 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 §7017, sub-§2, as enacted by PL 1983, c. 819, Pt. A, §17, is amended to read:

2. **Unencumbered balances.** Any unencumbered allocated balances, including existing balances, shall be carried forward into the next fiscal year and shall not be expended without allocation by the Legislature, except as provided in this section. Unencumbered balances in the boating access sites account shall be nonlapsing and shall be carried forward to be used for the same purpose.

Sec. 2. **Additional allocation of Inland Fisheries and Wildlife funds.** Income to the Department of Inland Fisheries and Wildlife for the fiscal year ending June 30, 1989 shall be segregated, apportioned and disbursed as designated in the following schedule.

1988-89

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Boating Access Sites

Capital Expenditures

\$130,000

Allocates funds transferred from the Department of Conservation, Boating

CHAPTER 104

Facilities Fund, in order to provide for boat access, acquisition and maintenance projects.

Sec. 3. Encumbered balances at year end. At the end of the fiscal year, all encumbered balances shall not be carried more than once.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 3, 1989.

CHAPTER 104

H.P. 859 - L.D. 1199

An Act to Correct Errors in the County and Municipal Law Recodification

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

Whereas, certain laws amending the former Maine Revised Statutes, Title 30, were enacted last year but were inadvertently omitted from the recodification of the county and municipal laws which took effect on February 28, 1989; and

Whereas, the reenactment of these laws into the Maine Revised Statutes, Title 30-A, is urgently needed in order to accomplish the purposes of that legislation and to preserve the ability of local government to effectively address issues of local concern; 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:

PART A

Sec. 1. 30-A MRSA §2, sub-§1, ¶¶A to N, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, are repealed and the following enacted in their place:

A. Androscoggin County:

1988

(1) Commissioners

(a) Chairman

\$ 5,755

(b) Members

4,926

(2) Treasurer

18,500

(3) Sheriff

24,617

- A. Assistance in the development of ordinances;
- B. Retention of technical and legal expertise for permitting activities; and
- C. The updating of local growth management programs or components of the program.

5. Regional council assistance. The office shall develop and administer a program to develop regional education and training programs, regional policies to address state goals and regional assessments. These assessments may include, but are not limited to, public infrastructure, inventories of agricultural and commercial forest lands, housing needs, recreation and open space needs, and projections of regional growth and economic development. The office shall establish guidelines to ensure methodological consistency among the State's regional councils. The office shall also develop and administer a series of contracts with regional councils to support the involvement of the regional councils in the office's review of local growth management programs.

6. Enforcement assistance program. The office shall administer a program of training and financial assistance for municipal code enforcement officers. For a period of to 12 months for any municipal code enforcement officer, the program shall provide funding for educational expenses leading to certification under section 4451 and salary reimbursement while in training.

7. Municipal legal defense fund. The office shall develop and administer a municipal legal defense fund to assist municipalities with legal expenses related to the enforcement and defense of land use ordinances adopted as part of a certified local growth management program in accordance with this subchapter. Grants shall be targeted to cases of statewide significance.

8. Eligibility for other state aid. After the applicable deadline date established in section 4343, subsection 1, a state agency responsible for administering any grant and assistance program described in paragraph A shall award funds to a municipality only when the municipality has adopted and implemented a certified local growth management program or has, at a minimum, adopted a certified comprehensive plan and implemented certified components of the implementation program that are directly related to the purposes for which the grant or assistance is provided.

A. State grants and assistance in the following areas are subject to this subsection:

(1) Assistance in the enforcement of local growth management programs including the municipal legal defense fund and technical and financial assistance in the administration and enforcement of local land use ordinances;

(2) Assistance in the acquisition of land by the municipality for conservation, natural resource protection, open space or recrea-

tional facilities under Title 5, chapter 353; and

(3) Multi-purpose community development block grants.

9. Other state grants and assistance. Except for the programs specified in subsection 8, state agencies responsible for administering grant and direct or indirect financial assistance programs to municipalities designed to accommodate or encourage additional growth and development; to improve, expand or construct public facilities; to acquire land for conservation, recreation or resource protection; or to assist in planning or managing for specific economic and natural resource concerns shall allocate funds only to a municipality with an adopted comprehensive plan and implementation program which includes statements of policy or program guidelines directly related to the purposes for which the grant or financial assistance is provided. State agencies shall consider the content of the plan, policies and guidelines in awarding financial assistance to a municipality.

SUBCHAPTER III

LAND USE REGULATION

§4351. Home rule limitations

This subchapter provides express limitations on municipal home rule authority.

§4352. Zoning ordinances

A municipal zoning ordinance may provide for any form of zoning consistent with this chapter, subject to the following provisions.

1. Public participation required. The public shall be given an adequate opportunity to be heard in the preparation of a zoning ordinance.

2. Relation to comprehensive plan. A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body.

3. Zoning map required. A zoning map describing each zone established or modified must be adopted as part of the zoning ordinance or incorporated in the ordinance. Any conflict between the zoning map and a description by metes and bounds shall be resolved in favor of the description by metes and bounds.

4. Exemption for public service corporations. Real estate used or to be used by a public service corporation is wholly or partially exempt from an ordinance only when on petition, notice and public hearing the Public Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience.

5. Effect on local governments. County and municipal governments and districts are subject to any zoning ordinance.

(14)

6. Effect on State. Any zoning ordinance is advisory with respect to the State.

7. Petition for rezoning; bond. Any zoning ordinance may provide that if a person petitions for rezoning of an area for the purpose of development in accordance with an architect's plan the area may not be rezoned unless the petitioner posts a performance bond equal to at least 25% of the estimated cost of the development. The bond shall become payable to the municipality if the petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effective date of the rezoning.

8. Conditional and contract rezoning. A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

A. Be consistent with the local growth management program adopted under this chapter;

B. Establish rezoned areas which are consistent with the existing and permitted uses within the original zones; and

C. Only include conditions and restrictions which relate to the physical development or operation of the property.

The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing shall be posted in the municipal office at least 14 days before the public hearing. Notice shall also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at the owners' last known addresses. This notice shall contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

§4353. Zoning adjustment

Any municipality which adopts a zoning ordinance shall establish a board of appeals subject to this section.

1. Jurisdiction; procedure. The board of appeals shall hear appeals from any action or failure to act of the official or board responsible for enforcing the zoning ordinance, unless only a direct appeal to Superior Court has been provided by municipal ordinance. The board of appeals is governed by section 2691, except that section 2691, subsection 2, does not apply to boards existing on September 23, 1971.

2. Powers. In deciding any appeal, the board may:

A. Interpret the provisions of an ordinance called into question;

B. Approve the issuance of a special exception permit or conditional use permit in strict compliance with

the ordinance except that, if the municipality has authorized the planning board, agency or office to issue these permits, an appeal from the granting or denial of such a permit may be taken directly to Superior Court if required by local ordinance; and

C. Grant a variance in strict compliance with subsection 4.

3. Parties. The board shall reasonably notify the petitioner, the planning board, agency or office and the municipal officers of any hearing. These persons shall be made parties to the action. All interested persons shall be given a reasonable opportunity to have their views expressed at any hearing.

4. Variance. The board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

A. The land in question cannot yield a reasonable return unless a variance is granted;

B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

C. The granting of a variance will not alter the essential character of the locality; and

D. The hardship is not the result of action taken by the applicant or a prior owner.

Under its home rule authority a municipality may, in a zoning ordinance, adopt additional limitations on the granting of a variance, including but not limited to, a provision that a variance may be granted only for a use permitted in a particular zone.

5. Variance recorded. If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 30 days of final approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection.

§4354. Impact fees

A municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. After the applicable deadlines established under section 4343, subsection 1, any impact fee ordinance must have been adopted as part of a certified local growth management program.

(15)

ating and other expenses. Provided the commission continues to satisfy the requirements of section 4463, the commissioner shall request funds to match the funds raised by the commission. In no event may the state contribution exceed \$25,000 for any one commission in any year. The commission may accept contributions of any type from any source to assist it in carrying out its assigned tasks, and make any agreements with respect to the administration of those funds, not inconsistent with the purpose of this law, that are required as conditions precedent to receiving the funds, federal or otherwise. Staff of the commission are not considered employees of the State.

§4469. Appeals to Superior Court

Except where otherwise specified by law, any party or person aggrieved by any order or decision of the commission may, within 30 days after notice of the filing of that order or decision, appeal to the Superior Court by filing a notice of appeal stating the grounds for appeal. The appeal shall be taken under Title 5, section 11001.

Sec. 46. 30-A MRSA Pt. 2, sub-pt. 7, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is repealed.

Sec. 47. 30-A MRSA §5253, sub-§1, 1E, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is repealed and the following enacted in its place:

E. The designation of captured assessed value of property within a tax increment financing district is subject to the following limitations.

(1) The Commissioner of Economic and Community Development shall adopt any rules necessary to allocate or apportion the designation of captured assessed value of property within tax increment financing districts in accordance with these limitations.

(2) Fifteen percent of the project costs for the development program must be incurred within 9 months of the designation of the tax increment financing district by the Commissioner of Economic and Community Development. The development program must be completed within 5 years of the designation of the tax increment financing district by the Commissioner of Economic and Community Development.

Sec. 48. 30-A MRSA §5254, sub-§1, 1A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is repealed.

Sec. 49. 30-A MRSA §5682 is enacted to read:

§5682. State funds

Effective July 1, 1990, each municipality shall accept funds provided by the Legislature only upon an affirmative

vote of its legislative body. Those municipalities holding a town meeting shall include a separate article on the warrant for each category of state funding which shall read as follows: "Shall the town vote to accept (category of funding) as provided by the Maine State Legislature?" The town shall indicate an estimate of the amount to be received for each category of state funding on the warrant, but it does not have to be part of the article. Those funds not accepted by any municipality shall remain with the State. This section applies to any town meeting held after January 1, 1990.

Sec. 50. 30-A MRSA §5772, sub-§9 is enacted to read:

9. Interest or dividend exemption from state taxation. Interest or dividends paid on general obligation securities issued under this section are exempt from taxation within the State, whether or not such income is subject to taxation under the United States Internal Revenue Code, as amended.

Sec. 51. 30-A MRSA §6101, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is further amended to read:

§6101. Membership

The Board of Emergency Municipal Finance, as authorized by Title 5, chapter 379, section 12004, subsection 8, and referred to in this chapter as the "board," shall be composed of the 3 persons who hold the offices of the Commissioner of Finance, Treasurer of State and State Tax Assessor. The successor of any person to any of these offices immediately becomes a member of the board and the person who formerly held that office ceases to be such a member. The person holding the office of State Tax Assessor is the chairman chair of the board. The members of the board shall be compensated according to the provisions of Title 5, chapter 379.

Sec. 52. 30-A MRSA §6303, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is repealed and the following enacted in its place:

§6303. Planning and land use regulation

A village corporation may enact planning and land use regulation ordinances, subject to the same guidelines and standards which apply to municipalities under chapter 187. When a conflict exists between a land use regulation ordinance of a village corporation and an ordinance of the municipality of which it is a part, the municipal ordinance prevails.

Sec. 53. 30-A MRSA §7001, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is further amended to read:

4. Organization meeting. At the time and place appointed for meetings for the organization of plantations under subsections 2 and 3, a moderator shall be chosen by ballot by the voters present to preside at the meeting. The

Maine Revised Statutes

Current

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§431

Title 38: WATERS

§436

AND NAVIGATION

Chapter 3: PROTECTION AND IMPROVEMENT OF
WATERSSubchapter 1: ENVIRONMENTAL PROTECTION
BOARDArticle 2-B: MANDATORY SHORELAND ZONING
HEADING: PL 1991, C. 346, §1 (RPR)**§435. Shoreland areas**

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland except as otherwise provided in section 438-A, subsection 2, or within 75 feet of the high-water line of a stream. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. [1995, c. 625, Pt. B, §15 (AMD).]

It is further declared that, in accordance with Title 12, section 402, certain river and stream segments, as identified in the Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in section 437, are significant river segments and deserve special shoreland zoning controls designed to protect their natural and recreational features. [1987, c. 815, §§1,11 (RPR).]

Zoning ordinances adopted pursuant to this article need not depend upon the existence of a zoning ordinance for all of the land and water areas within a municipality, notwithstanding Title 30-A, section 4503, as it is the intention of the Legislature to recognize that it is reasonable for municipalities to treat shoreland areas specially



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and immediately to zone around water bodies rather than to wait until such time as zoning ordinances may be enacted for all of the land within municipal boundaries. [1989, c. 403, §3 (AMD).]

All existing municipal ordinances dealing with subjects of this section currently in effect and operational on April 18, 1986, are declared to be valid and shall continue in effect until rescinded, amended or changed according to municipal ordinance, charter or state law. [1987, c. 815, §§1,11 (RPR).]

SECTION HISTORY

1985, c. 481, §A89 (NEW). 1985, c. 737, §A110 (AMD).
1987, c. 94, §§1,2 (AMD). 1987, c. 815, §§1,11 (RPR).
1989, c. 403, §3 (AMD). 1993, c. 196, §1 (AMD). 1995, c. 625, §B15 (AMD).

Data for this page extracted on 02/01/2012 10:16:57.

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ERRORS BILL SUPPLEMENT § SUPP-21

LAW AMENDED: 32 MRSA §6210

General Subject: State Board of Alcohol and Drug Counselors; quorum

Type of correction (conflict, reference, other): number

Category (technical, substantive): substantive

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 3/29/12

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\SUPP-21 form.doc (3/29/2012 10:26:00 AM)

EXPLANATION

PL 2011, c. 286 (LD 1560, An Act to Update Professional and Occupational Licensing Statutes) reduced the number of members of the State Board of Alcohol and Drug Counselors from 9 members to 5 members. 32 MRSA §6208-A, sub-§1.

32 MRSA §6210 establishes the number of board members necessary for a quorum. It was not amended when the number of board members was reduced.

SUPP-21 amends §6210 to provide that a majority constitutes a quorum.

This is a substantive change and requires the support of the Labor, Commerce, Research and Economic Development Committee. See attached memo.

①

SUPP-21. 32 MRSA §6210 is amended to read:

§6210. Meetings; chair; quorum

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members~~ A majority of the board constitute constitutes a quorum.

G:\COMMITTEES\JUD\ERRORS BILL 2012\32 6210.docx (3/29/2012 10:27:00 AM)

SENATE

CHRISTOPHER W. RECTOR, DISTRICT 22, CHAIR
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TROY DALE JACKSON, DISTRICT 35

NATALIE L. HAYNES, LEGISLATIVE ANALYST
CAROLYN RUSSO, LEGISLATIVE ANALYST
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HOUSE

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

TO: Senator David R. Hastings III, Senate Chair
Representative Joan M. Nass, House Chair
Joint Standing Committee on Judiciary

FROM: Christopher Rector, Senate Chair
Kerri Prescott, House Chair
Members, Joint Standing Committee on Labor, Commerce, Research & Economic Development

DATE: March 27, 2012

SUBJ: Language for the Errors and Inconsistencies bill, LD 1868

As chairs of the Joint Standing Committee on Labor, Commerce, Research & Economic Development, we are writing to request that language be included within the Errors and Inconsistencies bill, LD 1868, in order to correct an oversight that occurred with Public Law 2011 c. 286, a comprehensive licensing proposal from the 125th Legislature, First Session. Part H of the original bill that was enacted as Chapter 286 reduced the number of Alcohol and Drug Counselor Board members from 9 to 5, however a corresponding change in another section of existing law (32 MRSA § 6210) was inadvertently missed that is necessary to amend the quorum requirement from 5 members to a majority of members. As a result, the Alcohol and Drug Counselor Board has been unable to hold board meetings since last September.

We respectfully request that the quorum requirements for the Alcohol and Drug Counselor Board be amended as provided below in order to allow the board to hold its meetings again. The relevant sections of public law and current statute are as follows:

1. Public Law c. 286, An Act to Update Professional and Occupational Licensing Statutes, reduced the number of board members as follows:

3

C.286

Sec. H-1. 32 MRSA §6208-A, sub-§1, as amended by PL 2007, c. 402, Pt. U, §5, is further amended to read:

1. Membership. The State Board of Alcohol and Drug Counselors, as established by Title 5, section 12004-A, subsection 41, consists of 95 members. ~~Seven members are appointed by the Governor. One member must be the Director of the Office of Substance Abuse or a designee. One member, appointed by the Chancellor of the University of Maine System, must be a member of the university faculty involved in the training of substance abuse or alcohol and drug counselors.~~ Of these 95 members, 54 members must be licensed alcohol and drug counselors and 2 members one member must be a public membersmember as defined in Title 5, section 12004-A.

2. Proposed language to amend Title 32 § 6210 as follows:

§6210. Meetings; chair; quorum

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members~~ A majority of the board constitutes a quorum.

Thank you for your consideration of our request.

Public Law
2011
C. 286

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 1145 - L.D. 1560

An Act To Update Professional and Occupational Licensing Statutes

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

PART A

Sec. A-1. 9 MRSA §5003, sub-§3, as amended by PL 2007, c. 402, Pt. A, §2, is further amended to read:

3. Commercial co-venturer. "Commercial co-venturer" means any person or entity who, for profit, is regularly and primarily engaged in trade or commerce in this State, other than in connection with the raising of funds for charitable organizations or purposes, and who conducts a sale, performance, event or collection and sale of donated goods that is advertised in conjunction with the name of any charitable organization. Any such person or entity who will benefit in good will only may not be considered a commercial co-venturer if the collection and distribution of the proceeds of the sale, performance or event, or the collection and sale of donated goods, are supervised and controlled by the benefiting charitable organization. Any such person or entity whose annual contributions to charitable organizations do not exceed \$10,000 is exempt from the licensure requirement under section 5002.

Sec. A-2. 9 MRSA §5003, sub-§9, as amended by PL 2003, c. 541, §4, is further amended to read:

9. Professional fund-raising counsel. "Professional fund-raising counsel" means any person or entity who is retained, for compensation, by a charitable organization to plan, manage, advise or provide consultation services with respect to the solicitation in this State of contributions, but who does not solicit contributions, has neither custody nor control of contributions and does not directly or indirectly employ, procure or engage any person or entity compensated to solicit contributions. A bona fide nontemporary salaried officer or employee of a charitable organization is not considered to be a professional fund-raising counsel. An attorney, investment counselor or banker who advises any person to make a contribution to a charitable organization is not, as the result of such advice, a professional fund-raising counsel.

~~If, for a legitimate reason, a person holding a temporary license does not take the first available national examination for which the person becomes eligible, the person must submit a letter to the board explaining the circumstances. After review, the board, at its discretion, may renew the person's temporary license once to allow the person to sit for the next scheduled national examination.~~

A temporary license may not be renewed more than once.

Foreign trained applicants must receive approval to sit for the examination from NBCOT in order to be eligible for a temporary license.

No more than one temporary license may be granted to a person who has completed the education requirements of this chapter. This license allows the holder to practice occupational therapy under the supervision of a licensed occupational therapist. This license must be issued for a term of 6 months and may be renewed for an additional 6 months at the discretion of the board.

PART H

Sec. H-1. 32 MRSA §6208-A, sub-§1, as amended by PL 2007, c. 402, Pt. U, §5, is further amended to read:

1. Membership. The State Board of Alcohol and Drug Counselors, as established by Title 5, section 12004-A, subsection 41, consists of 9 5 members. ~~Seven members are appointed by the Governor. One member must be the Director of the Office of Substance Abuse or a designee. One member, appointed by the Chancellor of the University of Maine System, must be a member of the university faculty involved in the training of substance abuse or alcohol and drug counselors.~~ Of these 9 5 members, 5 4 members must be licensed alcohol and drug counselors and 2 members one member must be a public ~~members~~ member as defined in Title 5, section 12004-A.

Sec. H-2. Terms. Notwithstanding any other provision of law, the terms of members of the State Board of Alcohol and Drug Counselors that are not consistent with the Maine Revised Statutes, Title 32, section 6208-A, subsection 1 as determined by the Governor terminate on the effective date of this Part.

PART I

Sec. I-1. 32 MRSA §9707, as amended by PL 1989, c. 450, §42, is further amended to read:

§9707. Temporary license

No more than one temporary license may be granted to a person who has completed the ~~educational~~ education requirements of this chapter. This license allows the holder to practice respiratory care under the direct supervision of a licensed respiratory care practitioner. This license shall must be issued for a term of ~~one year~~ 90 days and may be extended for ~~not more than an additional one-year period~~ 90 days at the discretion of the board.



Maine Revised Statutes

- ☒ §6208-A PDF
- ☒ §6208-A WORD/RTF
- ☒ STATUTE SEARCH
- ☒ CH. 81 CONTENTS
- ☒ TITLE 32 CONTENTS
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- ☒ REVISOR'S OFFICE
- ☒ MAINE LEGISLATURE

§6208

Title 32:

§6209

PROFESSIONS AND OCCUPATIONS

Chapter 81: ALCOHOL AND DRUG COUNSELORS

HEADING: RR 1997, C. 2, §55 (COR)

Subchapter 2: STATE BOARD OF ALCOHOL AND DRUG COUNSELORS HEADING: PL 1995, C. 394, §8 (RPR)

§6208-A. Appointment; terms; vacancies

1. Membership. The State Board of Alcohol and Drug Counselors, as established by Title 5, section 12004-A, subsection 41, consists of 5 members appointed by the Governor. Of these 5 members, 4 members must be licensed alcohol and drug counselors and one member must be a public member as defined in Title 5, section 12004-A.

[2011, c. 286, Pt. H, §1 (AMD) .]

2. Term of office. Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009.

[2007, c. 402, Pt. U, §5 (AMD) .]

3. Vacancy.

[1993, c. 600, Pt. A, §257 (RP) .]

4. Limitation.

[1993, c. 600, Pt. A, §257 (RP) .]

SECTION HISTORY

1983, c. 413, §211 (NEW). 1983, c. 812, §250 (AMD).
 1987, c. 395, §A200 (AMD). 1989, c. 503, §B149 (AMD).
 1989, c. 831, §1 (AMD). 1991, c. 456, §13 (AMD). 1993,
 c. 600, §A256,257 (AMD). 1995, c. 394, §9 (AMD). 1997,
 c. 727, §C10 (AMD). 1999, c. 386, §R1 (AMD). 2007, c.
 402, Pt. U, §5 (AMD). 2011, c. 286, Pt. H, §1 (AMD).

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Maine Revised Statutes

- ☒ §6210 PDF
- ☒ §6210 Word/RTF
- ☒ STATUTE SEARCH
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- ☒ MAINE LEGISLATURE

§6209

Title 32:

§6211

PROFESSIONS AND OCCUPATIONS

Chapter 81: ALCOHOL AND DRUG COUNSELORS

HEADING: RR 1997, C. 2, §55 (COR)

Subchapter 2: STATE BOARD OF ALCOHOL AND DRUG COUNSELORS HEADING: PL 1995, C. 394, §8 (RPR)

§6210. Meetings; chair; quorum

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Five members of the board constitute a quorum. [2009, c. 112, Pt. A, §12 (AMD).]

SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 413, §213 (RPR). 1989, c. 831, §2 (AMD). 1991, c. 456, §14 (AMD). 2007, c. 402, Pt. U, §6 (AMD). 2009, c. 112, Pt. A, §12 (AMD).

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Sec. SUPP-30. 20-A MRSA §1465, sub-§3, as enacted by PL 2007, c. 240, Pt. XXX, §13, is amended to read:

3. (TEXT EFFECTIVE UNTIL 7/1/12) Referendum for a school administrative unit to join an existing regional school unit. The municipal officers of each municipality ~~in a proposed reorganized~~ that is a member of a school administrative unit that is proposing to join a regional school unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."

Sec. SUPP-31. 20-A MRSA §1465, sub-§3, as amended by PL 2011, c. 251, §13, is further amended to read:

3. (TEXT EFFECTIVE 7/1/12) Referendum for a school administrative unit to join an existing regional school unit. The municipal officers of each municipality ~~in a proposed reorganized~~ that is a members of a school administrative unit that is proposing to join a regional school unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

Sec. SUPP-32. 20-A MRSA §1465, sub-§4, as enacted by PL 2007, c. 240, Pt. XXX, §13, is amended to read:

4. (TEXT EFFECTIVE UNTIL 7/1/12) Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall ~~eat~~ conduct a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."

Sec. SUPP-33. 20-A MRSA §1465, sub-§4, as amended by PL 2011, c. 251, §13, is further amended to read:

4. (TEXT EFFECTIVE 7/1/12) Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall ~~eat~~ conduct a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

SUMMARY

SUPP-30 through SUPP-33 amend the law governing the addition of a school administrative unit to an existing regional school unit.

Proposed Amendment to LD 1868

SUPP-30 and SUPP-31 correct an error in that the municipality that is required to vote is the municipality proposing to join an existing regional school unit not the municipal members of that existing regional school unit.

SUPP-32 and SUPP-34 correct and clarify that the regional school unit must conduct a referendum vote on an article to allow a new municipality to join an existing regional school unit after the vote has been conducted by the joining municipality and the results are in the affirmative. The referendum election could be called but may not be conducted before the results are known from the municipality proposing to join the regional school unit.

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ERRORS BILL SUPPLEMENT § SUPP- 30-33

LAW AMENDED: 20-A MRSA §1465, sub-§3
20-A MRSA §1465, sub-§3
20-A MRSA §1465, sub-§4
20-A MRSA §1465, sub-§4

General Subject: Addition of a school administrative unit to an existing regional school unit

Type of correction (conflict, reference, other): clarification

Category (technical, substantive): ?

Prepared by: mjr

Date: 4/4/12

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\SUPP-30-33.doc (4/4/2012 10:45:00 AM)

EXPLANATION

See memo from Education Committee.

The Department of Education requested the Education Committee to review a proposal to correct errors in the Title 20-A provisions that permit a “school administrative unit” to join an existing “regional school unit.”

20-A MRSA §1465, subsection 3 addresses the referendum for a SAU to join an existing RSU. The proposal limits the voting to the members of the SAU that will join the existing RSU.

20-A MRSA §1465, subsection 4 addresses the referendum on the admission of an additional SAU to an existing RSU. The proposal ensures that the referendum election is conducted after the referendum in subsection 3, although the election could be “called” before the earlier referendum is completed.

There are four sections in this proposal. PL 2011, c. 251 amended §1465 with changes that take effect July 1, 2012. SUPP-30 amends §1465, sub-§3 that is effective until July 1, 2012. SUPP-31 makes the same change to the sub-§3 that takes effect July 1, 2012. SUPP-32 amends §1465, sub-§4 that is effective until July 1, 2012. SUPP-33 amends the version of sub-§4 that takes effect July 1, 2012.

Maine Revised Statutes

§1465 PDF

§1464-A

Title 20-A:

§1466

§1465 WORD/RTF

EDUCATION

STATUTE SEARCH

Part 2: SCHOOL ORGANIZATION

CH. 103-A CONTENTS

Chapter 103-A: REGIONAL SCHOOL UNITS

TITLE 20-A CONTENTS

Subchapter 2: FORMATION OF REGIONAL SCHOOL UNIT

LIST OF TITLES

DISCLAIMER

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§1465. Addition of a school administrative unit to an existing regional school unit

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

A school administrative unit not originally a member of a regional school unit may be included in the regional school unit in accordance with this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. Notice of intent. A school administrative unit shall file with the commissioner a notice of intent to engage in planning and negotiations to join with a regional school unit under this chapter. The commissioner shall respond to each notice of intent and provide information regarding the process and whether the intended action complies with the requirements of this chapter.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. Process to join a regional school unit. A school administrative unit may join an existing regional school unit in the same manner required for the formation of a regional school unit under section 1461, except that section 1461, subsections 5, 6 and 7 do not apply.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. (TEXT EFFECTIVE UNTIL 7/1/12) Referendum for a school administrative unit to join an existing regional school unit.

The municipal officers of each municipality in a proposed reorganized school administrative unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

5

Yes No"

The following statement must accompany the article:

"Explanation:

A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. (TEXT EFFECTIVE 7/1/12) Referendum for a school administrative unit to join an existing regional school unit. The municipal officers of each municipality in a proposed reorganized school administrative unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

[2011, c. 251, §12 (AFF); 2011, c. 251, §5 (AMD) .]

4. (TEXT EFFECTIVE UNTIL 7/1/12) Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall call a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

(6)

A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. (TEXT EFFECTIVE 7/1/12) Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall call a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?"

Yes No"

[2011, c. 251, §12 (AFF); 2011, c. 251, §6 (AMD) .]

5. Results of referendum. A school administrative unit shall report the results of the referendum to the department following the referendum election.

A. For a referendum conducted pursuant to subsection 3:

(1) A reorganization plan is approved by a kindergarten to grade 12 school administrative district or kindergarten to grade 12 community school district if the majority of votes cast in the district is in favor of approval of the plan;

(2) A reorganization plan is approved by a regional school unit if the majority of votes cast in the regional school unit is in favor of approval of the plan;

(3) A reorganization plan is approved by the member municipalities of a community school district that does not provide public education for the entire span of kindergarten to grade 12 if the majority of votes cast in the member municipalities is in favor of approval of the plan. Approval results in all member municipalities joining the regional school unit for all purposes for kindergarten to grade 12; and

(4) A municipal school unit, including a municipal school unit that is a member of a school union, approves a reorganization plan if the majority of the votes cast in that municipality is in favor of approval of the plan. [2007, c.

7

240, Pt. XXXX, §13 (NEW).]

B. For a referendum conducted pursuant to subsection 4, a reorganization plan is approved by a regional school unit if the majority of votes cast in the regional school unit is in favor of approval of the plan. [2007, c. 240, Pt. XXXX, §13 (NEW).]

If a reorganization plan is approved by the affected school administrative unit, the commissioner shall file notice of approval of the unit with the state board.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. Amended certificate of organization. If a plan for reorganization has been approved by the commissioner and approved by voters at the referendum under subsections 3 and 4, the commissioner shall issue an amended certificate of organization to the reorganized regional school unit.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY

2007, c. 240, Pt. XXXX, §13 (NEW). 2011, c. 251, §§5, 6 (AMD). 2011, c. 251, §12 (AFF).

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 385

H.P. 311

House of Representatives, February 8, 2011

An Act To Amend the School Administrative Unit Consolidation Laws

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Clerk

Presented by Representative JOHNSON of Greenville.
Cosponsored by Senator THOMAS of Somerset and
Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, GUERIN of Glenburn,
HARMON of Palermo, KUMIEGA of Deer Isle, MAKER of Calais, MALABY of Hancock,
McFADDEN of Dennysville.

Printed on recycled paper

9

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

3 **Whereas,** school districts have exhausted all reasonable alternatives for
4 consolidation; and

5 **Whereas,** these school districts are being penalized by the State for not complying
6 with the consolidation laws; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 20-A MRSA §1461, sub-§3, ¶C,** as enacted by PL 2009, c. 580, §4, is
13 amended to read:

14 C. Notwithstanding paragraph B, subparagraph (1), the commissioner may approve:

15 (1) A regional school unit to serve fewer than 1,200 students but not less than
16 1,000 students in an isolated rural community, including, for purposes of this
17 paragraph, students attending from the unorganized territory, if the proposed
18 regional school unit meets at least one of the following criteria:

19 (a) The proposed regional school unit comprises 3 or more school
20 administrative units in existence prior to July 1, 2008;

21 (b) The member municipalities of the proposed regional school unit are
22 surrounded by approved regional school units or alternative organizational
23 structures and there are no other school administrative units available to join
24 the proposed regional school unit; or

25 (c) The member municipalities of the proposed regional school unit include
26 2 or more isolated small schools that are eligible for an isolated small school
27 adjustment pursuant to section 15683, subsection 1, paragraph F; and

28 (2) The formation of a regional school unit if the governing body or bodies of the
29 proposed regional school unit demonstrate, in the notice of intent under
30 subsection 1, that all reasonable and practical means of satisfying the
31 requirements of subparagraph (1) and paragraph B, subparagraph (1) have been
32 exhausted, and that approval is warranted based on the unique or particular
33 circumstances of the unit or units.

34 In considering a request under this paragraph, the commissioner's decision must be
35 based on, but is not limited to, the specific facts presented in the notice of intent and
36 is applicable only to the specific school administrative units the decision concerns. If
37 the commissioner denies approval of a regional school unit under this paragraph, the
38 commissioner's decision constitutes final agency action and is not subject to appeal to
39 the state board.

Sec. 2. 20-A MRSA §1461-B, sub-§6, ¶A, as enacted by PL 2009, c. 580, §5, is repealed.

Sec. 3. ~~20-A MRSA §1461-B, sub-§6, ¶B~~, as enacted by PL 2009, c. 580, §5, is repealed.

Sec. 4. 20-A MRSA §1461-B, sub-§6, ¶C, as enacted by PL 2009, c. 580, §5, is repealed.

Sec. 5. 20-A MRSA §1465, sub-§3, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

3. Referendum for a school administrative unit to join an existing regional school unit. The municipal officers of each municipality in a proposed reorganized school administrative unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

~~The following statement must accompany the article:~~

~~"Explanation:~~

~~A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."~~

Sec. 6. 20-A MRSA §1465, sub-§4, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

4. Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall call a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

~~The following statement must accompany the article:~~

~~"Explanation:~~

11

1 A "YES" vote means that you approve of the (municipality or school
2 administrative unit) joining the proposed regional school unit. The financial
3 penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the
4 existing school administrative unit will no longer apply to the proposed regional
5 school unit."

6 **Sec. 7. 20-A MRSA §1466, sub-§20**, as enacted by PL 2009, c. 580, §9, is
7 repealed.

8 **Sec. 8. 20-A MRSA §15696**, as amended by PL 2009, c. 455, §1, is repealed.

9 **Sec. 9. PL 2007, c. 240, Pt. XXXX, §36, sub-§11**, as amended by PL 2009, c.
10 571, Pt. VVV, §1, is further amended to read:

11 **11. Result of disapproval at January 2008 referendum or subsequent**
12 **referendum on or before January 30, 2009.** A school administrative unit that rejects a
13 proposed reorganization plan at the January 15, 2008 referendum or at a subsequent
14 referendum on or before January 30, 2009 may restart the process to form a regional
15 school unit with the same or other school administrative units and may seek assistance
16 from the Department of Education to prepare another reorganization plan.

17 A. Subsequent reorganization plans must meet the same requirements as for
18 reorganization plans filed prior to the January 2008 referendum, except that the
19 timelines are adjusted to reflect a July 1, 2009 reorganization date.

20 ~~B. The penalties set forth in Title 20-A, section 15696 apply to any school~~
21 ~~administrative unit that fails to approve a reorganization plan on or before January~~
22 ~~30, 2009 and to implement that plan by July 1, 2009, including those school~~
23 ~~administrative districts that are reformulated under subsection 12. These penalties do~~
24 ~~not apply to any school administrative unit that implements a reorganization plan by~~
25 ~~July 1, 2011 in accordance with subsection 11-A.~~

26 **Sec. 10. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A**, as amended by PL 2009,
27 c. 571, Pt. VVV, §2, is further amended to read:

28 **11-A. Result for school administrative unit that approves plan at referendum on**
29 **or before January 30, 2010 but is unable to implement plan.** A school administrative
30 unit that approves a proposed reorganization plan at the January 15, 2008 referendum or
31 at a subsequent referendum on or before January 30, 2010 but is unable to implement the
32 plan because the plan was rejected at referendum by one or more of its proposed partner
33 school administrative units under the plan may restart the process to form a regional
34 school unit with the same or other school administrative units and may seek assistance
35 from the Department of Education to prepare another reorganization plan.

36 A. Subsequent reorganization plans must meet the same requirements as for
37 reorganization plans filed prior to the January 2008 referendum, except that the
38 timelines are adjusted to reflect a July 1, 2011 reorganization date.

39 ~~B. The penalties set forth in Title 20-A, section 15696 apply, as of July 1, 2011, to~~
40 ~~any school administrative unit that fails to approve a reorganization plan on or before~~
41 ~~January 30, 2011 and to implement that plan by July 1, 2011.~~

Sec. 11. PL 2007, c. 240, Pt. XXXX, §44 is repealed.

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

SUMMARY

This bill amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units. The bill also eliminates the provision that gives the Commissioner of Education final approval of a regional school unit, including an alternative organizational structure, and eliminates the requirement that a school after leaving an alternative organizational structure must join a conforming school administrative unit within 2 years.

13

1

L.D. 385

2

Date:

(Filing No. H-)

3

EDUCATION AND CULTURAL AFFAIRS

4

Reproduced and distributed under the direction of the Clerk of the House.

5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

125TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT “ ” to H.P. 311, L.D. 385, Bill, “An Act To Amend the School Administrative Unit Consolidation Laws”

10

11

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 10 in L.D.)

12

13

Amend the bill by inserting after section 11 the following:

14

'Sec. 12. Effective date. This Act takes effect July 1, 2012.'

15

Amend the bill by striking out all of the emergency clause.

16

SUMMARY

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This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes the emergency preamble and the emergency clause from the bill. The amendment also adds an effective date of July 1, 2012 to the bill, including provisions that repeal the following:

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1. The Maine Revised Statutes, Title 20-A, section 15696, which sets out penalties for nonconforming school administrative units;

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23

2. References in the Maine Revised Statutes to penalties for nonconforming school administrative units, including in provisions pertaining to a member municipality that withdraws from a regional school unit and does not join a conforming school administrative unit within 2 years, a member entity that withdraws from an alternative organizational structure and does not join a conforming school administrative unit within 2 years and referenda provision language for a nonconforming school administrative unit seeking to join an existing regional school unit;

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3. Provisions governing school administrative units failing to approve a reorganization plan on or before January 30, 2009 in Public Law 2007, chapter 240, Part XXXX that cross-reference the penalties established for nonconforming school administrative units; and

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33

COMMITTEE AMENDMENT

14

1 4. Provisions in Public Law 2007, chapter 240, Part XXXX that cross-reference the
2 penalties established for nonconforming school administrative units and direct the State
3 Board of Education to modify rules governing the rating process for school construction.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**

PL 2011
C.251

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 311 - L.D. 385

An Act To Amend the School Administrative Unit Consolidation Laws

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

Sec. 1. 20-A MRSA §1461, sub-§3, ¶C, as enacted by PL 2009, c. 580, §4, is amended to read:

C. Notwithstanding paragraph B, subparagraph (1), the commissioner may approve:

(1) A regional school unit to serve fewer than 1,200 students but not less than 1,000 students in an isolated rural community, including, for purposes of this paragraph, students attending from the unorganized territory, if the proposed regional school unit meets at least one of the following criteria:

(a) The proposed regional school unit comprises 3 or more school administrative units in existence prior to July 1, 2008;

(b) The member municipalities of the proposed regional school unit are surrounded by approved regional school units or alternative organizational structures and there are no other school administrative units available to join the proposed regional school unit; or

(c) The member municipalities of the proposed regional school unit include 2 or more isolated small schools that are eligible for an isolated small school adjustment pursuant to section 15683, subsection 1, paragraph F; and

(2) The formation of a regional school unit if the governing body or bodies of the proposed regional school unit demonstrate, in the notice of intent under subsection 1, that all reasonable and practical means of satisfying the requirements of subparagraph (1) and paragraph B, subparagraph (1) have been exhausted, and that approval is warranted based on the unique or particular circumstances of the unit or units.

In considering a request under this paragraph, the commissioner's decision must be based on, but is not limited to, the specific facts presented in the notice of intent and is applicable only to the specific school administrative units the decision concerns. ~~If the commissioner denies approval of a regional school unit under this paragraph, the commissioner's decision constitutes final agency action and is not subject to appeal to the state board.~~

16

Sec. 2. 20-A MRSA §1461-B, sub-§6, ¶A, as enacted by PL 2009, c. 580, §5, is repealed.

Sec. 3. 20-A MRSA §1461-B, sub-§6, ¶B, as enacted by PL 2009, c. 580, §5, is repealed.

Sec. 4. 20-A MRSA §1461-B, sub-§6, ¶C, as enacted by PL 2009, c. 580, §5, is repealed.

Sec. 5. 20-A MRSA §1465, sub-§3, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

3. Referendum for a school administrative unit to join an existing regional school unit. The municipal officers of each municipality in a proposed reorganized school administrative unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

~~A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."~~

Sec. 6. 20-A MRSA §1465, sub-§4, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

4. Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall call a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

~~A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."~~

Sec. 7. 20-A MRSA §1466, sub-§20, as enacted by PL 2009, c. 580, §9, is repealed.

Sec. 8. 20-A MRSA §15696, as amended by PL 2009, c. 455, §1, is repealed.

Sec. 9. PL 2007, c. 240, Pt. XXXX, §36, sub-§11, as amended by PL 2009, c. 571, Pt. VVV, §1, is further amended to read:

11. Result of disapproval at January 2008 referendum or subsequent referendum on or before January 30, 2009. A school administrative unit that rejects a proposed reorganization plan at the January 15, 2008 referendum or at a subsequent referendum on or before January 30, 2009 may restart the process to form a regional school unit with the same or other school administrative units and may seek assistance from the Department of Education to prepare another reorganization plan.

A. Subsequent reorganization plans must meet the same requirements as for reorganization plans filed prior to the January 2008 referendum, except that the timelines are adjusted to reflect a July 1, 2009 reorganization date.

~~B. The penalties set forth in Title 20-A, section 15696 apply to any school administrative unit that fails to approve a reorganization plan on or before January 30, 2009 and to implement that plan by July 1, 2009, including those school administrative districts that are reformulated under subsection 12. These penalties do not apply to any school administrative unit that implements a reorganization plan by July 1, 2011 in accordance with subsection 11-A.~~

Sec. 10. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A, as amended by PL 2009, c. 571, Pt. VVV, §2, is further amended to read:

11-A. Result for school administrative unit that approves plan at referendum on or before January 30, 2010 but is unable to implement plan. A school administrative unit that approves a proposed reorganization plan at the January 15, 2008 referendum or at a subsequent referendum on or before January 30, 2010 but is unable to implement the plan because the plan was rejected at referendum by one or more of its proposed partner school administrative units under the plan may restart the process to form a regional school unit with the same or other school administrative units and may seek assistance from the Department of Education to prepare another reorganization plan.

A. Subsequent reorganization plans must meet the same requirements as for reorganization plans filed prior to the January 2008 referendum, except that the timelines are adjusted to reflect a July 1, 2011 reorganization date.

~~B. The penalties set forth in Title 20-A, section 15696 apply, as of July 1, 2011, to any school administrative unit that fails to approve a reorganization plan on or before January 30, 2011 and to implement that plan by July 1, 2011.~~

Sec. 11. PL 2007, c. 240, Pt. XXXX, §44 is repealed.

Sec. 12. Effective date. This Act takes effect July 1, 2012.

SENATE

BRIAN D. LANGLEY, District 28, Chair
GARRETT P. MASON, District 17
JUSTIN L. ALFOND, District 8

PHILLIP MCCARTHY, Legislative Analyst
CAROLYN RUSSO, Legislative Analyst
RYAN BOYD, Committee Clerk



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MARY P. NELSON, Falmouth
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HELEN RANKIN, Hiram
MADONNA M. SOCTOMAH, Passamaquoddy Tribe

State of Maine
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

April 4, 2012

MEMO TO: Senator David R. Hastings, Senate Chair;
Representative Joan M. Nass, House Chair; and
Members of the Joint Standing Committee on Judiciary

FROM: Senator Brian D. Langley, Senate Chair; *B D L*
Representative David E. Richardson, House Chair; and *DR*
Members of the Joint Standing Committee on Education and Cultural Affairs

SUBJ: **Review of the Title 20-A Provisions Related to the Referendum Votes Required Before a School Administrative Unit Can Join an Existing Regional School Unit**

At the request of the Department of Education, the Joint Standing Committee on Education and Cultural Affairs reviewed a proposal to correct two errors in the Title 20-A provisions that permit a "school administrative unit" to join an existing "regional school unit." The Education Committee unanimously supports this proposal and recommends that the Joint Standing Committee on Judiciary considers including these two corrections in the committee amendment to LD 1868, the "Errors Bill."

The first part of the proposed correction would amend Title 20-A, section 1465, subsection 3 to clarify that the municipalities that are required to vote on the proposed school reorganization plan are the member municipalities of the school administrative unit that seeks to join an existing regional school unit and not the municipalities that are already members of the existing regional school unit.

The second part of the proposed correction would amend Title 20-A, section 1465, subsection 4 to clarify that the existing regional school unit must "conduct" a regional school unit referendum vote on the admission of the additional school administrative unit after the referendum vote conducted by the school administrative to approve the reorganization plan to join the existing regional school unit was approved.

We have enclosed draft language prepared by the Department of Education related to these two proposed corrections.

Please contact us should you have any questions regarding this recommendation. We would be happy to send representatives of the Education Committee to meet with the Judiciary Committee to discuss this recommendation.

cc: Margaret J. Reinsch, Esq., Senior Legislative Analyst
Phillip McCarthy, Ed.D., Legislative Analyst

Enclosure

Corrections to errors in 20-A §1465. ADDITION OF A SCHOOL ADMINISTRATIVE UNIT TO AN EXISTING REGIONAL SCHOOL UNIT

Sec. ?, 20-A, MRSA, §1465, subsection 3 as enacted by PL 2007, c. 240, Pt XXXX, §13 is amended to read:

3. (TEXT EFFECTIVE UNTIL 7/1/12) Referendum for a school administrative unit to join an existing regional school unit. The municipal officers of each municipality ~~in a proposed reorganized that is a member of a~~ school administrative unit that is proposing to join a regional school unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."

Sec. ?, 20-A, MRSA, §1465, subsection 3 as amend by PL 2011, c. 251, §13 is amended to read:

3. (TEXT EFFECTIVE 7/1/12) Referendum for a school administrative unit to join an existing regional school unit. The municipal officers of each municipality ~~in a proposed reorganized that is a member of a~~ school administrative unit that is proposing to join a regional school unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

Sec. ?, 20-A, MRSA, §1465, subsection 4 as enacted by PL 2007, c. 240, Pt XXXX, §13 is amended to read:

4. (TEXT EFFECTIVE UNTIL 7/1/12) Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall ~~eat~~ conduct a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name)

Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

A "YES " vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative unit will no longer apply to the proposed regional school unit."

Sec. ?, 20-A, MRSA, §1465, subsection 4 as amend by PL 2011, c. 251, §13 is amended to read:

4. (TEXT EFFECTIVE 7/1/12) Referendum on the admission of an additional school administrative unit to an existing regional school unit. If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall ~~eaH~~ conduct a regional school unit referendum to vote on the following article.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?

Yes No"

Summary

The first two sections correct an error in that the municipality that is required to vote is the municipality proposing to join an existing regional school unit not the municipal members of that existing regional school unit.

The third and fourth sections correct and clarify that the regional school unit must conduct a referendum to vote on an article to allow a new municipality to join an existing regional school unit after the vote has been conducted by the joining municipality and the results are in the affirmative. The referendum could be called but may not conducted before the results are known from the municipality proposing to join the regional school unit.

Sec. SUPP-34. Resolve 2007, c. 91, §9 is amended to read:

Sec. 9. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Jay, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant and on such terms and conditions as the director may direct convey to Taylor Made Homes, Inc., and its successors or assigns, an easement to cross a state-owned recreational trail for the purposes of providing motor vehicle access and aboveground or below ground utilities to benefit the properties described in a survey labeled Plan of Look Brook Estates, made for Polar Enterprises, compiled by M.S.B. Associates, Inc., and recorded in the Franklin County Registry of Deeds on March 15, 1984 in Plan Book Page P-436. The trail crossing easement authorized under this section is approximately 50 feet wide and located approximately 360 feet west of the trail crossing described in section 8. The easement must approximate the location and dimensions of the western trail crossing depicted in the recorded plan for Look Brook Estates and with a length of ~~173.97~~ 128.37 feet on the east side and ~~128.37~~ 173.97 feet on the west side. The parties to the conveyance authorized in this section may by mutual agreement alter the exact location and alignment of the easement within the plan area based on engineering and safety considerations; and be it further

SUMMARY

SUPP-34 corrects the description of an easement to cross a state-owned recreational trail in Franklin County.

G:\COMMITTEES\JUD\ERRORS BILL 2012\Resolve 2007 c 91.docx (4/4/2012 9:44:00 AM)

ERRORS BILL SUPPLEMENT § SUPP- 34

LAW AMENDED: Resolve 2007, c. 91, §9

General Subject: Conservation easement authority, Look Brook Estates

Type of correction (conflict, reference, other): wrong property description

Category (technical, substantive): S

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 4/4/12

File name: G:\COMMITTEES\JUD\ERRORS BILL 2012\SUPP-34.doc (4/4/2012 9:40:00 AM)

EXPLANATION

Resolve 2007, chapter 91, Authorizing the Department of Conservation, Bureau of Parks and Lands to Convey Certain Lands, in Sec. 9 authorized the Director of the Bureau of Parks and Lands to convey an easement to cross a state-owned recreational trail for the purposes of providing motor vehicle access and utilities to benefit the properties of the planned Look Brook Estates. The easement is intended to approximate the location and dimensions of the western trail crossing that is depicted in the recorded plan. The Resolve provides specific east and west side lengths for the easement.

Unfortunately, the lengths were transposed, and this was apparently discovered by the Town of Jay (which will likely be asked to accept the easement as a road sometime in the future) last week.

Section SUPP-34 corrects the distances in Section 9 of the Resolve.

This is a substantive change that the Joint Standing Committee on Agriculture, Conservation and Forestry will need to approve.

Reinsch, Margaret

From: Burke, Dan <Dan.D.Burke@maine.gov>
Sent: Wednesday, April 04, 2012 8:53 AM
To: Reinsch, Margaret
Cc: Ippoliti, Jill
Subject: Info for Errors Bill
Attachments: Resolve ch 91.pdf; email from Town of Jay.pdf

Peggy,

I've attached the Resolve and an email from the Town of Jay that brought this to our attention and also cc'd Jill. The problem is in Section 9 of the Resolve (page 6) in the second to last sentence, which reads:

"The easement must approximate the location and dimensions of the western trail crossing depicted in the recorded plan for Look Brook Estates and **with a length of 173.97 feet on the east side and 128.37 feet on the west side.**"

The distances were transposed. It should read: "with a length of 128.37 feet on the east side and 173.97 feet on the west side." Please let me know if you need any more from me. I'm happy to help where I can. I can be available this afternoon if necessary.

Jill, is there anything you need to for the ACF committee? Sen. Saviello was involved with this back in the 123rd. Do we need to loop him in?

Thanks much,

Dan

Dan Burke
Assistant to the Commissioner
Maine Department of Conservation
22 State House Station
Augusta, ME 04333-0022
Phone: (207) 287-4909
Email: dan.burke@maine.gov

PLEASE NOTE: Legislative Information *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain 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.

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 Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1814, 1837 and 1851; now, therefore, be it

Sec. 1 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Wyman Township, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value, upon issuance of necessary approvals by the Maine Land Use Regulation Commission and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a nonexclusive linear easement to benefit TransCanada Maine Wind Development, Inc. and its successors and assigns, in the Township of Wyman, Franklin County. The easement must be located entirely within 2 separate tracts of land bounded and described as follows.

Tract One: Beginning on the southwest boundary of State Route 27 in Wyman Township, at the intersection of said highway line with the northwest boundary of the Appalachian Trail Corridor, as said intersection is shown on a plan recorded in Franklin County Registry of Deeds, Plan No. 3588; thence southwesterly along the northwest boundary of said Appalachian Trail Corridor a distance of 103 feet to the north boundary of the 150-foot-wide transmission line corridor known as the "Boralex Corridor" as shown on a plan recorded in Franklin County Registry of Deeds, Plan No. 2035; thence southwesterly and westerly following the north boundary of said Boralex Corridor a distance of 4,899 feet to the centerline of Stony Brook; thence northerly along the centerline of Stony Brook a distance of 228 feet, more or less, to a line that is parallel with and 125 feet distant northerly from the north boundary of said Boralex Corridor; thence easterly and northeasterly along said line that is parallel with and 125 feet distant northerly from the north boundary of said Boralex Corridor a distance of 4,146 feet to a line that is parallel with and 425 feet distant westerly from the northwest boundary of the aforementioned Appalachian Trail Corridor; thence northeasterly along said line that is parallel with and 425 feet distant westerly from the northwest boundary of the aforementioned Appalachian Trail Corridor a distance of 529 feet to the southwest boundary of State Route 27; thence due east crossing State Route 27 a distance of 505 feet to the northwest boundary of the aforementioned Appalachian Trail Corridor; thence southwesterly along the northwest boundary of the Appalachian Trail Corridor a distance of 364 feet to the point of beginning.

Tract Two: Beginning at the intersection formed by the south boundary of the 150-foot-wide transmission line corridor know as the "Boralex Corridor" as shown on the plan recorded in Franklin County Registry of Deeds, Plan No. 2035, with the northwest boundary of the Appalachian Trail Corridor, as shown on a plan recorded in Franklin County Registry of Deeds, Plan No. 3588; thence southwesterly along the northwest boundary of said Appalachian Trail Corridor a distance of 322 feet to a line that is parallel with and 200 feet distant southerly from the south boundary line of the above-referenced Boralex Corridor; thence southwesterly along said line that is parallel with and 200 feet distant southerly from the south boundary line of the Boralex Corridor a distance of 3,272 feet to the town line between Wyman Township and the Town of Carrabassett Valley; thence westerly along said town line a distance of 856 feet to land of Gardner Land Company described in a deed recorded in Franklin County Registry of Deeds, Book 2848, Page 119; thence northerly along land of said land of Gardner Land Company to the south boundary of the above-referenced Boralex Corridor; thence northeasterly along the south boundary of the Boralex Corridor a distance of 3,875 feet to the point of the beginning.

For reference see the deed from Huber Resources Corp. to the State of Maine, Department of Conservation, Bureau of Parks and Lands, dated March 29, 1999 and recorded in the Franklin County Registry of Deeds in Book 1836, Page 198.

The conveyance of the linear easement may include the right to utilize up to 2 crossing easements reserved by J. M. Huber Corporation as described in that certain indenture for transmission line dated May 11, 1988 and recorded at the Franklin County Registry of Deeds in Book 1038, Page 65, subject to all the terms and conditions for the crossing easements set forth in that indenture for transmission line, so that TransCanada Maine Wind Development, Inc. and its successors and assigns may cross the 150-foot-wide fee strip now or formerly of Boralex Stratton Energy Inc. as described in that certain warranty deed from Stratton Energy Associates dated September 25, 1998 and recorded at Franklin County Registry of Deeds in Book 1787, Page 42; and be it further

Sec. 2 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Bradley, Penobscot County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a linear nonexclusive easement for electric transmission purposes to benefit Bangor Hydro-Electric Company, a Maine Corporation with its principal place of business in Bangor, Maine, and its successors and assigns, across a certain lot or parcel of land in the Town of Bradley, Penobscot County, being approximately 55 acres, together with an access easement along with danger tree rights. The director may limit the easement with terms or conditions, such as but not limited to terms or conditions regarding certificates of public necessity as provided by the Public Utilities Commission. The parcel is currently occupied by Bangor Hydro-Electric Company, as lessee, pursuant to a Utility Line Lease dated February 15, 1990, as modified by a memorandum of intent dated March 24, 2005 with the Department of Conservation, Bureau of Parks and Lands as lessor and described as follows: being a strip of land 170 feet in width as lies within the State's Public Reserved Land in the Town of Bradley. The strip extends northeasterly by 2 tangents from its westerly bound to its northerly bound and measures 14,150 feet in length; and be it further

Sec. 3 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in No. 21 Township, Washington County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a linear nonexclusive easement for electric transmission purposes to benefit Bangor Hydro-Electric Company, a Maine Corporation with its principal place of business in Bangor, Maine, and its successors and assigns, a certain lot or parcel of land in No. 21 Township, Washington County, being approximately 18 acres together with an access easement along with danger tree rights. The director may limit the easement with terms or conditions, such as but not limited to terms or conditions regarding certificates of public necessity as provided by the Public Utilities Commission. The parcel is currently occupied by Bangor Hydro-Electric Company, as lessee, pursuant to a Utility Line Lease dated February 15, 1990, as modified by a memorandum of intent dated March 24, 2005, with the Department of Conservation, Bureau of Parks and Lands as lessor and described as follows: being a strip of land 170 feet in width as lies within the State's Public Reserved Land, north lot, in No. 21 Township. The strip extends northeasterly from its southerly bound to its northerly bound and measures 4,590 feet in length; and be it further

Sec. 4 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Freedom, Waldo County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by release deed convey, for no compensation, to the Town of Freedom the Sandy Pond Dam, State ID# 475, located at the northeastern end of the 430-acre Sandy Pond in the Town of Freedom, Waldo County. The dam is predominately a rock-faced, earthen structure measuring approximately 350 feet long by 5 feet high with a 30-inch-wide fixed concrete spillway. This conveyance is intended to release all right, title and interest the State may have in and to the dam that was previously awarded to Joseph A.F. Sadowski by Department of Environmental Protection Order #L-18506-37-A-N, dated October 12, 1993, which award of ownership was subsequently voided by the Department of Environmental Protection by letter to Joseph Sadowski, dated July 1, 2005; and be it further

Sec. 5 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in St. John Plantation, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a trail crossing easement being approximately 25 feet by 199 feet crossing the St. John Valley Heritage Trail and an access easement on an approximately 625.06-foot-by-25-foot-wide road to benefit the properties of Darnell and Stephanie Oliver, Eugene and Diane Berube, Don Berube, Bob and Diane Berube, Ernest Berube and George Pelletier, all of St. John Plantation, Aroostook County. For reference see Recreational Trail Easement deed from Town of Fort Kent to the Department of Conservation, dated June 19, 2000 and recorded in the Aroostook County Registry of Deeds - Northern Division in Book 1213, Page 213; and be it further

Sec. 6 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in St. Francis, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without



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covenant convey for fair market value and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, a trail crossing easement to be approximately 25 feet by 99 feet across the St. John Valley Heritage Trail to benefit the property of Vernal, Pauline and Mike Nadeau, in the Town of St. Francis. The trail crossing easement is further bounded and described as follows: part of ancient parcel No. 37 as conveyed to the Bangor and Aroostook Railroad Company by warranty deed of Joseph Plourd dated August 13, 1909 and recorded August 17, 1909 in Book 63, Page 387 of the Northern Aroostook Registry of Deeds. Reference to B&A Plan V2v/4 June 30, 1916.

Beginning at a survey nail buried in the centerline of the former Bangor & Aroostook Railroad main line at B&A Station 703 & 35 according to B&A Plan V2v/4 dated June 30, 1916, and designated as point "A" according to plan of survey prepared for Vernal, Pauline & Mike Nadeau by Northern Maine Surveyors dated April 21, 2007;

Thence proceeding N-78°-54'-48"-E along the centerline of the former B&A Railroad main line for a distance of 169.57'; to a survey nail designated as point "B" and being the True point of beginning of the easement strip herein described;

Thence proceeding S-02°-15'-W for a distance of 50.87' to an iron pin and cap set along the southern bound of land formerly of the B&A Railroad.

Thence proceeding N-78°-54'-48"-E along the southerly bound of land formerly of the B&A Railroad, for a distance of 20.55' to an iron pin and cap set;

Thence proceeding N-02°-15'-E for a distance of 101.74' to an iron pin and cap set along the northerly bound of the land formerly of the B&A Railroad;

Thence proceeding S-78°-54'-48" W along the northerly bound of land formerly of the B&A Railroad for a distance of 20.55' to an iron pin and cap;

Thence proceeding S-02°-15'-W for a distance of 50.87' to the true point of beginning.

Said easement contains 2,035Sq. Ft. or 0.05 acre+/-.

For reference see Recreational Trail Easement deed from Town of Fort Kent to State of Maine Department of Conservation, dated June 29, 2000 and recorded in the Aroostook County Registry of Deeds - Northern Division in Book 1213, Page 213; and be it further

Sec. 7 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Mapleton, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey a parcel of land, which totals in area approximately .65 acres, to abutter Chandler Family LLC, and on such other terms and conditions as the director may direct. The parcel to be conveyed to Chandler Family LLC. is further bounded and described as follows:

A parcel of land situated in the Town of Mapleton, County of Aroostook, State of Maine being part of Lot numbered 33, also being part of the land now or formerly owned by The State of Maine, Department of Conservation, as recorded in Volume 4146, Page 35, at the Southern Aroostook County Registry of Deeds in Houlton, Maine. Bounded and described more particularly as follows:

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Beginning at a rebar set on the southerly limit of the right-of-way of State Road (Route 227), at the easterly limit of the right-of-way of the former Bangor and Aroostook Railroad, now owned by the State of Maine, Department of Conservation;

Thence, along the easterly limit of the right-of-way of said former Railroad along a 2007 magnetic bearing of, South 33°33'30" West, a distance of 104.74 feet to a rebar set on line;

Thence, continuing along the same course and along said easterly limit, South 33°33'30" West, a distance of 25.04 feet to land now or formerly owned by the Bangor and Aroostook Railroad, as recorded in Volume 240, Page 205, and Volume 553, Page 65 (said parcel having been excluded in the sale to the State of Maine);

Thence, along land of said Railroad, North 56°11'50" West, a distance of 30.50 feet to a rebar set at the northwesterly corner thereof;

Thence, continuing along land of said Railroad, South 33°36'10" West, a distance of 136.00 feet to the southwesterly corner thereof;

Thence, continuing along land of said Railroad, South 56°11'50" East, a distance of 30.60 feet to the easterly limit of the right-of-way of the former Railroad (now State of Maine);

Thence, along the easterly limit of said right-of-way, South 33°33'30" West, a distance of 190.61 feet to a rebar set;

Thence, continuing along the same course, South 33°33'30" West, a distance of 48.13 feet to a rebar set;

Thence, crossing the source parcel, North 07°06'30" West, a distance of 63.68 feet to a rebar set;

Thence, continuing along the same course, North 07°06'30" West, a distance of 50.64 feet;

Thence, running parallel to and 25 feet west of the centerline of the former Railroad, North 33°33'30" East, a distance of 374.10 feet to the southerly limit of the right-of-way of the aforementioned State Road;

Thence, along the southerly limit of said State Road, along a curve to the left with a radius of 1597.35 feet, a distance of 50.68 feet to a rebar set (the tie course for this curve segment is South 86°12'00" East, a distance of 50.68 feet);

Thence, continuing along said southerly limit and along said curve (to the left with a radius of 1597.35 feet), a distance of 35.70 feet (the tie course for this curve segment is South 87°44'50" East, a distance of 35.70 feet) to the Point of Beginning.

The above described parcel of land containing 0.65 acres.

The above described parcel of land is based on a field survey conducted under the supervision of Daniel O. Bridgham, PLS #1027, and shown on a Plan dated April 23, 2007. All bearings are magnetic as of 2007. All monuments set were 5/8-inch metal rebar with yellow plastic caps affixed to them, with "D. Bridgham, PLS #1027" imprinted in the caps; and be it further

Sec. 8 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Jay, Franklin County. **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey



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on such terms and conditions as the director may direct, except that the transfer must be at no cost to the Town of Jay, an approximately 50-foot-by-89-foot trail crossing easement for a town way as defined by state law along with permissions for above ground and below ground utilities to the Town of Jay. The trail crossing is further bounded and described in a survey labeled Plan of Look Brook Estates, made for Polar Enterprises, compiled by M.S.B. Associates, Inc. and recorded in the Franklin County Registry of Deeds on March 15, 1984 in Plan Book Page P-436. The trail crossing easement to be conveyed is the eastern crossing shown on the plan with a trail crossing width of 89.53 feet on the east side and 89.03 feet on the west side; and be it further

Sec. 9 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Jay, Franklin County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant and on such terms and conditions as the director may direct convey to Taylor Made Homes, Inc., and its successors or assigns, an easement to cross a state-owned recreational trail for the purposes of providing motor vehicle access and aboveground or below ground utilities to benefit the properties described in a survey labeled Plan of Look Brook Estates, made for Polar Enterprises, compiled by M.S.B. Associates, Inc., and recorded in the Franklin County Registry of Deeds on March 15, 1984 in Plan Book Page P-436. The trail crossing easement authorized under this section is approximately 50 feet wide and located approximately 360 feet west of the trail crossing described in section 8. The easement must approximate the location and dimensions of the western trail crossing depicted in the recorded plan for Look Brook Estates and with a length of 173.97 feet on the east side and 128.37 feet on the west side. The parties to the conveyance authorized in this section may by mutual agreement alter the exact location and alignment of the easement within the plan area based on engineering and safety considerations; and be it further

Sec. 10 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Pownal, Cumberland County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such terms and conditions as the director may direct, including restrictions, maintenance and safety obligations and responsibilities, an approximately 850-foot-by-20-foot access easement over a woods road to benefit the property of Robert C. and Linda J. McMahon of the Town of Pownal, Cumberland County, and their successors and assigns. The access easement is further bounded and described as follows:

A certain right-of-way located westerly of Minot Road in the Town of Pownal, Cumberland County, State of Maine, being depicted as "Parcel A" on a plan entitled "Standard Boundary Survey of the Robert C. McMahon Parcel" dated March 1, 1995 and recorded in the Cumberland County Registry of Deeds in Plan Book 195 Page 140, the centerline of said right-of-way being further bounded and described as follows:

BEGINNING at the centerline of a certain lane at a point measured 350.49' southerly along the apparent westerly sideline of Minot Road from a 5/8 inch diameter iron rod set flush at the northeasterly corner of land of Robert C. McMahon as depicted on aforesaid plan;

THENCE in a general westerly direction, along the centerline of a certain roadway and which centerline is described by a series of tie lines as follows:

S83°13'15"W 83.7'

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S86°58'30"W 77.7'
S88°54'30"W 76.1'
S65°18'45"W 48.9'
S83°54'15"W 32.0'
S77°18'00"W 36.5'
S64°01'45"W 56.0'
N64°59'15"W 26.9'
S78°05'00"W 41.0'
S71°36'15"W 45.7'
S55°58'45"W 59.8'
S84°19'30"W 63.4'
N56°40'30"W 16.2'
N27°46'45"W 76.8'
N83°14'45"W 81.8'
S80°20'15"W 82.9'

to a point lying N27°30'40"W 33.7' from a 1 ¾" diameter iron pipe with a cap marked "U.S.3" at the corner of a stonewall, and land now or formerly of the State of Maine described in the Cumberland County Registry of Deeds in Book 2039, Page 159.

The width of the above described "Parcel A" is approximately 21 feet.

Reference is made to a deed from Helen C. Cowan to the State of Maine dated March 28, 1951 recorded in the Cumberland County Registry of Deeds in Book 2039, Page 159.

The bearings noted herein are based on magnetic north observed August 24, 1994.

The above description was prepared by John T. Mann, PLS, Mann Associates, Inc., Bowdoin, Maine; and be it further

Sec. 11 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Littleton, Aroostook County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value and on such other terms and conditions as the director may direct, including restrictions, an approximately 24-foot-by-25-foot parcel to abutter Arnold Miller of the Town of Littleton, Aroostook County; and be it further

Sec. 12 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Richardsontown Township, Oxford County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey at fair market value on such terms and conditions as the director may direct, the

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land leased to D. Aaron, LLC, pursuant to a Bureau of Parks and Lands lease, as amended, being more particularly bounded and described therein and as set forth below, being 4 contiguous parcels of land being approximately 4 acres, more or less, and such adjacent land as the director considers necessary and appropriate. The director may not convey any portion of a parcel that is currently used or managed as a public boat launch. Authorization for the conveyance of these parcels is contingent upon the 4 parcels being consolidated into one parcel prior to conveyance and restrictions in the deed that prohibit future division of the consolidated parcel. Said parcels to be conveyed to D. Aaron, LLC, are further bounded and described as follows:

Camp Lot #1: Premises situated in T4R1, Oxford County, ME, on the northerly shore of Upper Richardson Lake, westerly of the mouth of Mill Brook and adjacent to Camp Lot #2, beginning at a maple tree near the high water mark, witnessed by a cedar tree and a pine tree, thence due west across the trail to the main camps, 388' to a large pine tree, thence N 42° W, 92' to a cedar post, thence S 51° W, 50' to three witness trees; a spruce, a fir, and a maple near the high water mark, thence southwesterly around the point, thence northwest along the shore line to the maple tree, the point of beginning as surveyed in 1972 by A. Allen Murphy & Richard Wellman.

Camp Lot #2: Premises situated in T4R1, Oxford County, ME. Beginning at the fir tree with three witness trees as described in the Boathouse lease on the northerly shore of Upper Richardson Lake, thence westerly along the lake shore to a maple tree on the high water mark and a cedar tree scribed "Dexter", thence due west, 174' to a cedar post, thence due north 356', to a white birch across the old wood road, thence down the old road S 44° E 200', N 84° E 70', N 78° E 70', N 81° E 84', to a white birch tree which is the same birch on the corner of the Boathouse Lot, thence due south 178' to the point of beginning as surveyed by A.A. Murphy and R. Wellman.

Parcel #2: Premises situated on T4R1, W.B.K.P., Oxford County, ME, a lot of land on the northerly shore of Upper Richardson Lake on the westerly side of Mill Brook at a fir tree scribed "Dexter" witnessed by a second fir tree scribed "1972 AM RW", thence due west 173' to a white birch tree, thence due south to a fir tree on the lake shore scribed "Dexter" and having three for witness trees, thence up the lake shore to the mouth of Mill Brook to the fir tree, the point of beginning. Said lot to include the boathouse situated near the mouth of the brook, and the turning circle and parking area being Parcel #2.

Parcel #1: Parcel #1 covered by the same lease, a strip of land sufficiently wide for use as a private truck road; Beginning on the southerly side of Rte. #16, Wilson Mills to Oquossoc Road, on the northerly line of section #1 of T4R2 near the westerly line of Public Lot #2 same town; thence southeasterly across Public Lot #2 in Section #1 same town, a distance of about 45.13 chains to the boathouse lot described here in as Parcel #2, said lots being re-surveyed in 1972 by A. Murphy & R. Wellman.

Parcel #1 Description Amended As Follows: Parcel #1 shall include a strip of land sufficiently wide for use as a private truck road. Beginning on the southerly side of Route #16, Wilson Mills to Oquossoc road, in the easterly part of Section 31 of T.4 R.2 near the westerly line of public lot #2 same town; thence southeasterly to the west line of said public lot. Also, including a like strip of land, beginning at the south



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line of said public lot (being also the north line of T.4 R.1), thence southeasterly to the boathouse lot described herein as Parcel #2. Said description of Parcel #1 hereby intending to except that section of the road which crosses public lot #2 in T.4 R.2.

For Reference see Recreational Lease Indenture dated October 1, 1981, by and between Pingree Associates, Inc., and James River Corporation ("Lessor") and Nathaniel T. Dexter ("Lessee"), said document being located in the Property Records Office of the Department of Conservation, Bureau of Parks and Lands in Augusta, Maine.

Burke, Dan

From: Rodrigues, David
Sent: Wednesday, April 04, 2012 8:35 AM
To: Burke, Dan
Subject: FW: FW: Town of Jay Crossing Look Brook Estate

Here is the message we spoke about from the Jay CEO, Shiloh.

David Rodrigues
Senior Planner
Acquisitions and Conservation Easements
Maine Bureau of Parks and Lands
22 State House Station
Augusta, Maine 04333
(207) 287-4916

From: Shiloh LaFreniere [mailto:jceo@jay-maine.org]
Sent: Friday, March 30, 2012 11:09 AM
To: Rodrigues, David
Cc: Ruth Cushman; John Johnson
Subject: Re: FW: Town of Jay Crossing Look Brook Estate

Good morning David,

Thank you for all of the information. We have reviewed the Right-of-Way Easement and just need a little clarification. The paragraph stating that the "Town of Jay shall be responsible for the maintenance and safety obligations and responsibilities of the trail-crossing easement" - specifically, what does this mean? Is it simply that the Town will maintain our road in that area?

Also, just a couple little items - the zip code for the Town of Jay in the first paragraph should be 04239, and just for your reference, in reviewing the Look Brook map and the dimensions outlined in the Resolve, the 2nd to last sentence in Sec. 9, dealing with the Taylor Crossing, states the length dimensions for the east and west side as opposite of what they really are. The easterly side is 128.37 and the westerly side is 173.97. Just wanted to mention this so you are aware of it when preparing the easement and so that, if the Town is ever asked to accept this road, there will be no discrepancies.

Please just provide clarification on the first item - then I believe we will be all set to move forward. As Ruth mentioned, our Town Meeting will be June 12th. The warrant for that meeting is being posted today so we will prepare an article for acceptance of this easement to go on that warrant.

Thank you,
Shiloh

4/4/2012

(13)

On Thu, Mar 29, 2012 at 10:13 AM, Ruth Cushman <jmanager@jay-maine.org> wrote:

From: Rodrigues, David [<mailto:David.Rodrigues@maine.gov>]
Sent: Thursday, March 29, 2012 9:37 AM
To: jmanager@jay-maine.org
Subject: Town of Jay Crossing Look Brook Estate

Hi Ruth,

Attached draft crossing easement. Please review and let me know if acceptable. I have also attached the resolve authorizing the transfer, #8 and the message sent by Michael Gentile in 2009 that we discussed.

Thank you,
David

<<Resolve.pdf>> <<RE Look Brook EstatesTaylor Made HomesTown of Jay Crossing Easement
Gentile.htm>> <<Dept of Con - Release to Jay draft 03 27 2012.doc>>

David Rodrigues
Senior Planner
Acquisitions and Conservation Easements
Maine Bureau of Parks and Lands
22 State House Station
Augusta, Maine 04333
(207) 287-4916

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Shiloh LaFreniere
Town of Jay
340 Main Street
Jay, ME 04239
207-897-6785

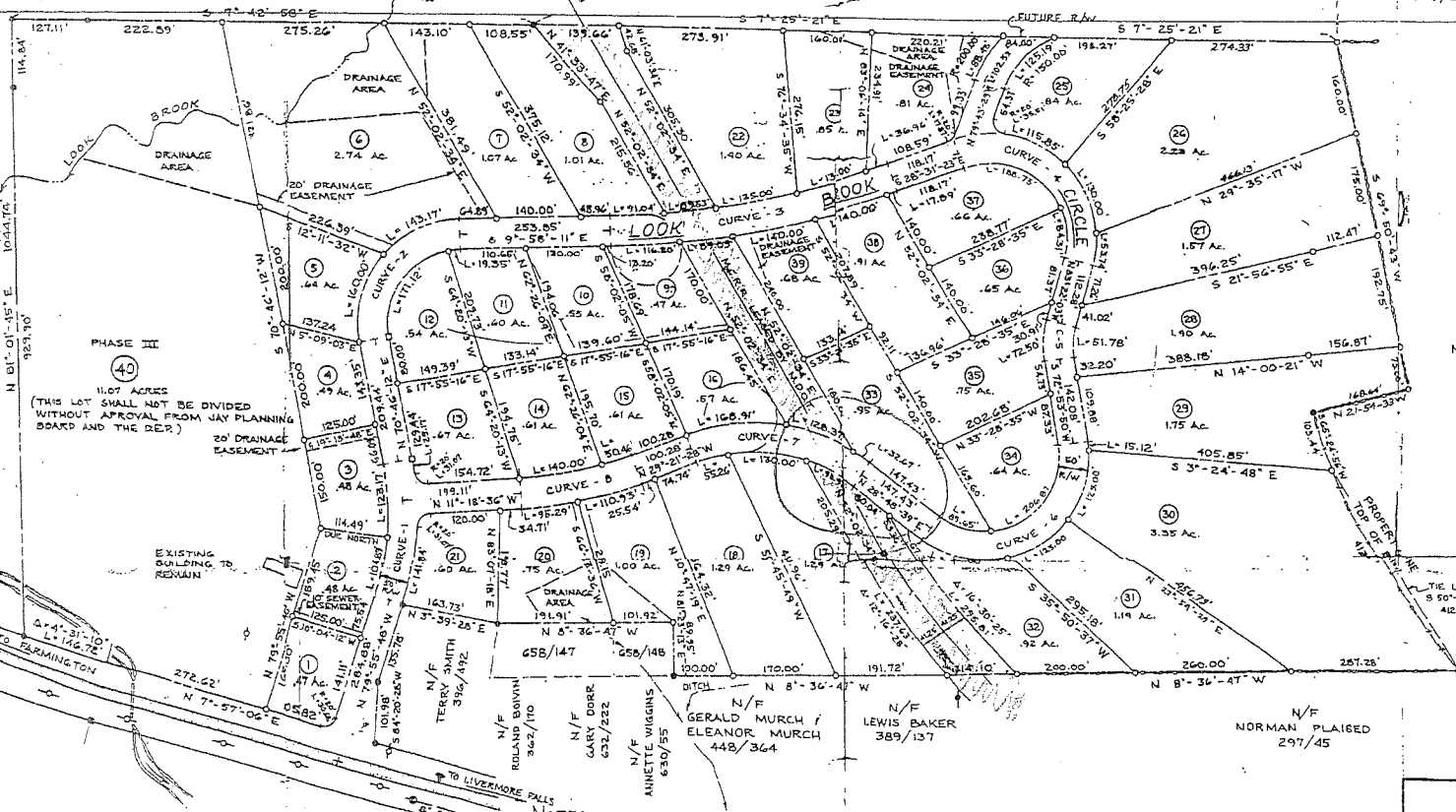
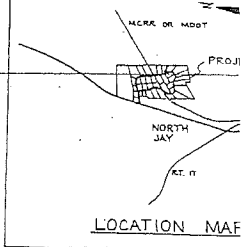
4/4/2012

14

FORMERLY: MICHAEL GENTILE 532/122
PRESENTLY: CHEESEBOROUGH PONDS

N/F ALBA & LOUIS NOYES
550/63

N/F ROBERT METZ
569/256



NOTES

9. DRAINAGE EASEMENTS AND DRAINAGE ARE NOT TO BE DISTURBED.
10. PHASE I LOTS 1 THRU 21 (19.29 ACRES, INCL ROAD) APPROVED THIS DATE, 1-14-84
11. PHASE II LOTS 22 THRU 39 (24.28 ACRES, INCL ROAD) APPROVED THIS DATE, PENDING APPROVAL BY D.E.P.
12. TEMPORARY CUL-DE-SACS REVERT TO LOTS 9 & 16 UPON D.E.P. APPROVAL OF PHASE II
13. LOTS 9 & 16 SHALL BE RESERVE CONNECTING ROAD UNTIL APPROVAL PHASE II
14. PHASE III LOT 40, 11.07 ACRES APPROVED THIS DATE, PENDING APPROVAL BY D.E.P.
15. THIS PLAN SUPERSEDES THE PLAN LOOK BROOK ESTATES RECORDED IN COUNTY REG. DEEDS PLAN NO. 306

ACREAGE

LOTS	38.98 AC.
ROAD R/W	4.59 AC.
RAILROAD R/W	2.49 AC.
RETAINED PARCEL	11.07 AC.
TOTAL	57.13 ACRES

CENTERLINE CURVE DATA

NO.	RADIUS	D°	Δ	L
1	470.98'	12°-09'-55"	29°-18'-00"	240.85'
2	150.00'	38°-11'-50"	99°-15'-37"	259.86'
3	1530.57'	3°-44'-36"	18°-33'-12"	495.62'
4	150.00'	38°-11'-50"	125°-09'-20"	327.66'
5	150.00'	38°-11'-50"	23°-44'-07"	62.14'
6	150.00'	38°-11'-50"	135°-54'-49"	355.82'
7	300.00'	19°-05'-55"	38°-07'-10"	304.57'
8	629.68'	9°-05'-57"	18°-02'-57"	198.34'

- LEGEND
- MONUMENT FOUND
 - MONUMENT SET
 - IRON PIPE OR PIN FOUND
 - IRON PIN SET
 - UTILITY POLE
 - HYDRANT
 - MANHOLE
 - BARBED WIRE
 - BROOK
 - STONEWALL
 - N/F NOW OR FORMERLY OF 72/25 REGISTRY BOOK/PAGE
 - R/W RIGHT OF WAY

NOTES

1. OWNER OF RECORD: POLAR ENTERPRISES 722/128
2. REFERENCE IS MADE TO A PLAN COMPILED BY MAIN-LAND DEVELOPMENT CONS. INC. FOR CHEESEBOROUGH PONDS DATED: 9/9/1982; FROM WHICH THE "TRUE BEARINGS" ON THIS PLAN WERE ESTABLISHED.
3. REFERENCE IS MADE TO A PLAN COMPILED BY D. BRUCE VERRILL FOR LYNN CHASSIE F. EUGENE DUBORD DATED 4/15/81
4. REFERENCE IS MADE TO MAINE S.H.C. FILE NO. 4-45
5. REFERENCE IS MADE TO M.C.R.R. FILE NO. V5/53
6. THE 11.07 ACRE LOT RETAINED IS NOT CONSIDERED AS A LOT IN THE SUBDIVISION AND IS NOT RESTRICTED AS ONE
7. THIS SUBDIVISION IS SUBJECT TO THE FACTS AND FINDINGS OF THE STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FILE NO. _____
8. A LIST OF RESTRICTIONS AND REQUIREMENTS SHALL BE RECORDED WITH THIS PLAN.

PLAN APPROVED BY THE TOWN OF JAY PLANNING BOARD
APPROVED DATE: 1-14-84
Anna J. Cook
Charles Merrill
John J. Smith
Barbara D. Smith

NOTICE
THIS APPROVAL IS LIMITED TO THE REQUIREMENTS OF TITLE 30 M.R.S.A. SECTION 4956 AND THE JAY PLANNING BOARD'S GUIDELINES. ROADS MAY ONLY BE ACCEPTED BY A VOTE OF THE TOWN OF JAY. THIS APPROVAL DOES NOT INDICATE COMPLIANCE WITH ANY OTHER FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, RULES OR REGULATIONS.

PLAN OF
LOOK BROOK ESTATES
RT. 4 - NORTH JAY - FRANKLIN COUNTY - MAINE

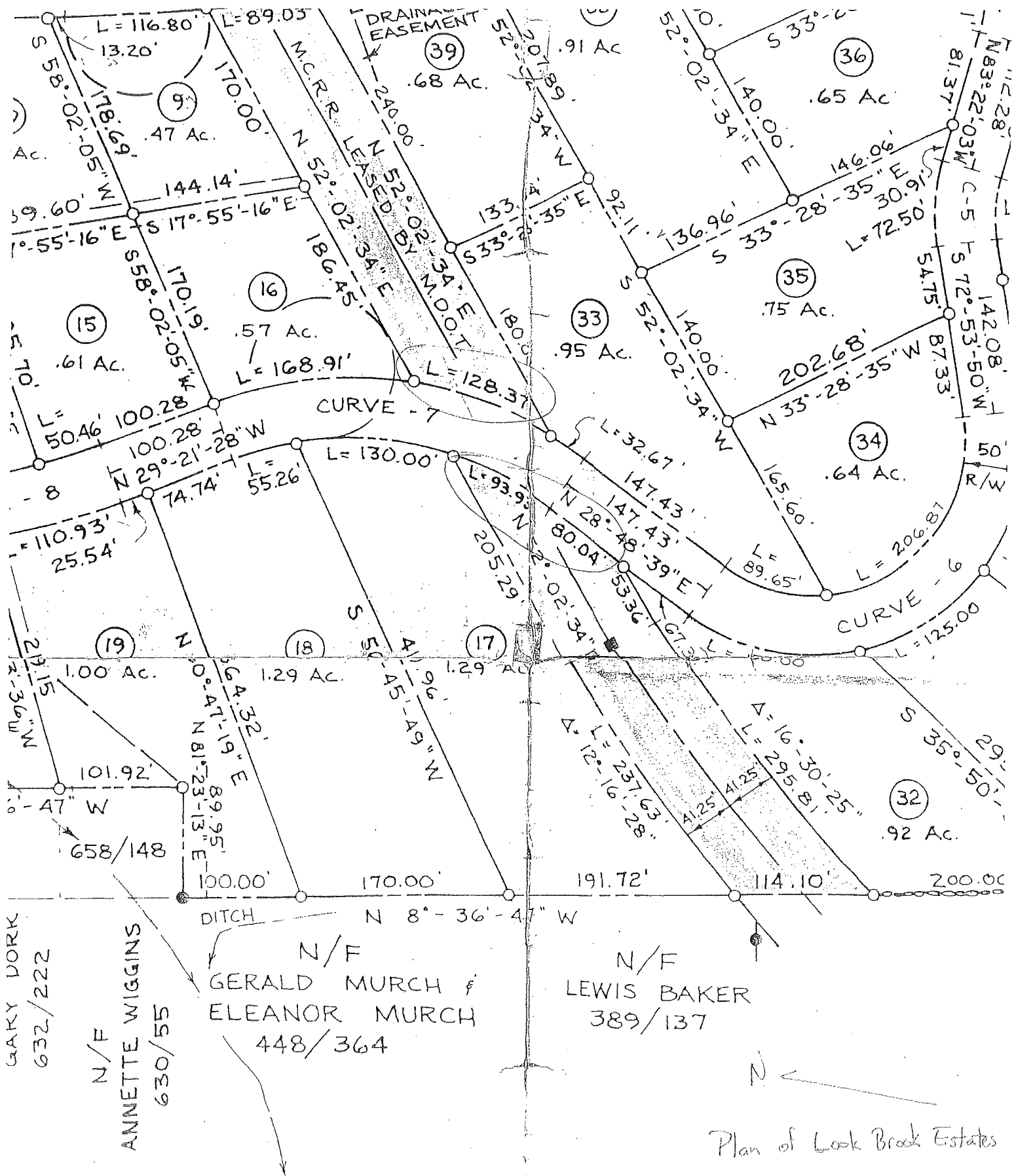
MADE FOR
POLAR ENTERPRISES
P.O. BOX D LIVERMORE FALLS, MAINE 04254

COMPILED BY
M.S.B. ASSOCIATES, INC.
P.O. BOX D LIVERMORE FALLS, MAINE 04254

SCALE: 1"=100'
0 50 100 200 300 400 FEET
0 10 20 30 40 50 METERS

REVISED JAN. 10, 1984
DATE: APRIL 5, 1983
DR. BY: M.S. BERRY
JOB NO. 23-01
STATE OF MAINE
FRANKLIN SS. REGISTRY
RECEIVED March 16
AT 2:52 PM P.M. AND K
IN BOOK _____ PAGE P
ATTEST *John J. Smith*
REGISTER

Betty Curran Development



Sec. 32

D. The director may establish a reasonable minimum rent to which any lease is subject, not to exceed \$100 is \$150 per year.

Sec. 6. 12 MRSA §1862, sub-§9, as enacted by PL 1997, c. 678, §13, is amended to read:

9. Public compensation. ~~When~~ With respect to any lease, including, but not limited to, leases for offshore projects, when the director determines that the public should be compensated for the loss or diminution of traditional and customary public uses resulting from the activities proposed by the lessee, the director may negotiate with the lessee to provide public access improvements such as walkways, boat launching ramps, parking space or other facilities or negotiate a fee in lieu of such improvements as a condition of the lease. The determination of loss or diminution of traditional and customary public uses and appropriate public compensation must be made in consultation with local municipal officials.

Sec. 7. Application. This Act applies to new and renewal leases issued under the Maine Revised Statutes, Title 12, chapter 220, subchapter 5 after June 30, 2009 and all leases after December 31, 2009.

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

Effective June 9, 2009.

CHAPTER 317

H.P. 633 L.D. 915

An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety

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

PART A

Sec. A-1. 5 MRSA §948, sub-§1, as amended by PL 2003, c. 20, Pt. R, §§5 and 6, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Public Safety. Notwithstanding any other provision of law, these positions and their successor positions shall be are subject to this chapter:

- A. Chief, Bureau of State Police;
- C. Director, Office of State Fire Marshal;
- D. Director, Maine Criminal Justice Academy;

E. Assistant to the Commissioner for Public Information;

G. ~~Two Deputy Chiefs~~ Chief, Bureau of State Police;

H. Director, Bureau of Highway Safety;

I. Director, Maine Drug Enforcement Agency;

J. Assistant Director, Maine Drug Enforcement Agency;

K. Two majors, Bureau of State Police; and

L. Director, Maine Emergency Medical Services;

M. Director, Bureau of Consolidated Emergency Communications; and

N. Director, Bureau of Building Codes and Standards.

PART B

Sec. B-1. 23 MRSA §6072, sub-§1, ¶A, as amended by PL 2003, c. 199, §1, is further amended to read:

A. Has met all the education and training requirements as outlined under former Title 25, section 2805, first paragraph or Title 25, sections section 2804-B and or 2804-C;

PART C

Sec. C-1. 25 MRSA §1533; as enacted by PL 2003, c. 678, §2, is repealed and the following enacted in its place:

§1533. Bureau of Consolidated Emergency Communications

The Bureau of Consolidated Emergency Communications, referred to in this chapter as "the bureau," is established within the department for the provision of emergency dispatch and E-9-1-1 call-taking services to municipal, county and state government entities.

1. Coordination with the Public Utilities Commission. In accordance with a designation made by the Public Utilities Commission, the department shall provide E-9-1-1 call-taking services.

2. Director; duties. The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall carry out policies and procedures established by the board. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day E-9-1-1 call-taking and dispatching services to first responders.

officers in the capitol area, other state-controlled locations and public ways designated by the commissioner beyond the duties and powers enumerated in this section to investigate, prosecute, serve process on and arrest violators of any law of this State. Police officers may issue summons in the course of their duty to enforce this section. The commissioner may grant statewide power of enforcement of any law of this State to police officers described in this subsection. That power may be granted only to police officers who have completed a basic training course at the Maine Criminal Justice Academy or for whom the basic training course has been waived by the board of trustees of the academy because of equivalent training, as provided in section 2804-C, subsection 1 or 5. The commissioner shall provide forms and standard operating procedures to police officers to carry out their functions under this section.

2. Cooperation of other law enforcement agencies. The State Police, sheriffs, deputy sheriffs, constables and municipal police officers shall, as much as possible, cooperate with the police officers appointed and employed under this section in the enforcement of rules adopted pursuant to this chapter and any law of this State.

Sec. E-15. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "capital security officer" appear or reference is made to a security officer appointed by the Commissioner of Public Safety pursuant to the Maine Revised Statutes, Title 25, section 2908, they are amended to read or mean, as appropriate, "Capitol Police officer" or "police officer appointed by the Commissioner of Public Safety pursuant to Title 25, section 2908," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. E-16. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Bureau of Capital Security" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Bureau of Capitol Police," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART F

→ **Sec. F-1. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 2007, c. 348, §18, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;

(3) A Bureau of Marine Patrol vehicle operated by a coastal warden;

(4) A Department of Conservation vehicle operated by a forest ranger;

(5) A Department of Conservation vehicle used for forest fire control;

(6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;

(7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;

(8) A Department of Public Safety vehicle operated by a capital security police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;

(9) An emergency medical service vehicle;

(10) A fire department vehicle;

(11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

(14) A State Police or municipal police department vehicle;

(15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;

(16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;

(18) A Federal Government vehicle operated by a federal law enforcement officer;

(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;

(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202; and

(21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator.

See title page for effective date.

F. To establish the most efficient, innovative and cost-effective system for delivering a broad array of long-term care services.

Sec. 2. 22 MRSA §7302, sub-§5, as enacted by PL 1981, c. 511, §1, is amended to read:

5. In-home and community support services. "In-home and community support services" means health and social services and other assistance required to enable adults with long-term care needs to remain in their places of residence. These services include, but are not limited to, medical and diagnostic services; professional nursing; physical, occupational and speech therapy; dietary and nutrition services; home health aide services; personal care assistance services; companion and attendant services; handyman, chore and homemaker services; respite care; hospice care; counseling services; transportation; small rent subsidies; various devices which that lessen the effects of disabilities; and other appropriate and necessary social services.

Sec. 3. Planning for comprehensive presentation of long-term care budget for services and supports for adults with long-term care needs. The Department of Health and Human Services shall undertake a process to provide a comprehensive presentation of a budget for long-term care services and supports for adults with long-term care needs that is complementary to the State's vision for a consumer-centered approach to long-term care. By January 1, 2010, the Commissioner of Health and Human Services shall submit a report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

Sec. 4. Report. The Department of Health and Human Services shall report by January 1, 2010 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on:

1. Waiting lists for services for home-based and community-based care and homemaker services for adults with long-term care needs and strategies to eliminate waiting lists;
2. Funding sources for assistive technologies to help accomplish the State's vision of long-term services and supports for adults with long-term care needs;
3. A comprehensive and systematic approach to training, reimbursement and benefits for direct care workers in home-based and community-based care, residential facilities and nursing facilities; and
4. Work done regarding the expenditures and the operations of the Aging and Disability Resource Centers and efforts to improve the discharge planning

process and the provision of information to consumers and their families.

Sec. 5. Increase number of people served. The Department of Health and Human Services shall undertake efforts to increase the number of people served and funds spent in home-based and community support services for people with long-term care needs. The department shall report annually through 2015 on its progress regarding increased funding and access to in-home and community support services by February 1st beginning in 2010 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

Sec. 6. Aging and Disability Resource Centers. As resources permit, the Department of Health and Human Services shall work with the 5 area agencies on aging to identify and seek federal or other appropriate funding sources to provide services on a statewide basis through the Aging and Disability Resource Centers.

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

Effective June 17, 2009.

CHAPTER 421

S.P. 135 - L.D. 393

**An Act Relating to Death
Benefits for Certain Law
Enforcement Officers and
Amending the Definition of
Emergency Vehicles**

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

Sec. 1. 20-A MRSA §12552, sub-§2, as amended by PL 1997, c. 160, §2, is further amended to read:

2. Law enforcement officer. "Law enforcement officer" means an active state police officer, municipal police officer, county sheriff or deputy sheriff in this State. "Law enforcement officer" also means an active game warden, fire marshal, liquor enforcement officer, forest ranger, Baxter State Park ranger, detective employed by the Office of the Attorney General pursuant to Title 5, section 202, person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, juvenile community corrections officer as described in Title 34-A, section 5602, probation officer, security officer appointed by the Commissioner of Public Safety pursuant to Title 25, section 2908, motor vehicle investigator or supervisor appointed by the Secre-

tary of State pursuant to Title 29-A, section 152, military security police officer appointed by the Adjutant General, University of Maine System police officer or marine patrol officer, if employed on a full-time basis in that position in this State.

Sec. 2. 25 MRSA §1611, sub-§5, as amended by PL 2005, c. 519, Pt. XXX, §1, is further amended to read:

5. Law enforcement officer or officer. "Law enforcement officer" or "officer" means an active state police officer, municipal police officer, county sheriff, deputy sheriff, game warden, an employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7, fire marshal, state judicial marshal or state judicial deputy marshal, ~~liquor enforcement officer forest ranger, Baxter State Park ranger, a detective employed by the Office of the Attorney General pursuant to Title 5, section 202, a person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile community corrections officer as described in Title 34-A, section 5602, a probation officer, a security officer appointed by the Commissioner of Public Safety pursuant to section 2908, a motor vehicle investigator or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a military security police officer appointed by the Adjutant General, a University of Maine System police officer or marine patrol officer in this State.~~

Sec. 3. 25 MRSA §1612, sub-§7, as amended by PL 2005, c. 2, Pt. A, §12 and affected by §14, is further amended to read:

7. Payment from the Maine Budget Stabilization Fund. Benefits are payable from the Maine Budget Stabilization Fund as provided in Title 5, section 1532, subsection 6. If funds in the Maine Budget Stabilization Fund are insufficient to pay a death benefit when due, the benefit must be paid as soon as a sufficient balance exists.

→ Sec. 4. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 2007, c. 348, §18, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Conservation vehicle operated by a forest ranger;
- (5) A Department of Conservation vehicle used for forest fire control;

(6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;

(7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;

(8) A Department of Public Safety vehicle operated by a capital security officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;

(9) An emergency medical service vehicle;

(10) A fire department vehicle;

(11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

(14) A State Police or municipal police department vehicle;

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(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202; and

(21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator; and

(22) A University of Maine System vehicle operated by a University of Maine System police officer.

See title page for effective date.

SENATE

GARRETT PAUL MASON, DISTRICT 17, CHAIR
RODNEY L. WHITEMORE, DISTRICT 26
STAN GERZOFSKY, DISTRICT 10

CURTIS C. BENTLEY, LEGISLATIVE ANALYST
ALYSON MAYO, LEGISLATIVE ANALYST
VICTORIA JACKSON, COMMITTEE CLERK



HOUSE

GARY E. PLUMMER, WINDHAM, CHAIR
DAVID C. BURNS, WHITING
RICKY D. LONG, SHERMAN
SUSAN E. MORISSETTE, WINSLOW
DEBORAH J. SANDERSON, CHELSEA
ANNE M. HASKELL, PORTLAND
STEPHEN P. HANLEY, GARDINER
MICHAEL A. LAJOIE, LEWISTON
ANNA D. BLODGETT, AUGUSTA
MICHAEL H. CLARKE, BATH

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

Supp-7

MEMORANDUM

TO: Senator David R. Hastings III, Chair
Representative Joan M. Nass, Chair
Joint Standing Committee on Judiciary

FROM: Senator Garrett Paul Mason, Senate Chair *GP*
Representative Gary E. Plummer, House Chair *GP*
Joint Standing Committee on Criminal Justice and Public Safety

DATE: April 3, 2012

SUBJECT: Errors Bill Supplements §SUPP-7 and SUPP-15

We are writing to inform you that those members of the Criminal Justice and Public Safety Committee that expressed an opinion (7) there is unanimous support for including Supp-7 and Supp-15 in LD 1868. Supplement 7 amends current law to correct a conflict created last year with the enactment of Public Law 2011, c. 298 and Public Law 2011, c. 394. Both bills were voted out of our committee but once enacted the resulting conflict caused the law to be amended so that it no longer fully carry out our intent. We agree that the proposed change in Supp-7 reflects the intent of our committee both now and when we voted on those pieces of legislation last session. Supplement 15 is needed to correct a clerical error in a bill (LD 1563, An Act to Regulate the licensing and Oversight of Professional Investigators) we passed unanimously last session. That bill pertained the licensing of professional private investigators in Maine. Supplement 15 will amend the law to ensure the qualifications for a professional private investigator license are applied in accordance with the intended of our committee and the Legislature.

We would like to thank you for considering these supplements in your deliberations on the Errors Bill, and we would like to thank your analyst, Peggy Reinsch, for drafting expertise.

Please feel free to contact us if you have questions and good luck finishing your work on LD 1868.

SENATE

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STAN GERZOFKY, DISTRICT 10

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VICTORIA JACKSON, COMMITTEE CLERK



HOUSE

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

Supp 15

MEMORANDUM

TO: Senator David R. Hastings III, Chair
Representative Joan M. Nass, Chair
Joint Standing Committee on Judiciary

FROM: Senator Garrett Paul Mason, Senate Chair *GP*
Representative Gary E. Plummer, House Chair *GP*
Joint Standing Committee on Criminal Justice and Public Safety

DATE: April 3, 2012

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MICHAEL D. THIBODEAU, DISTRICT 23
ELIZABETH M. SCHNEIDER, DISTRICT 30

JILL IPPOLITI, LEGISLATIVE ANALYST
MEGAN RICKER, COMMITTEE CLERK



HOUSE

PETER E. EDGECOMB, CARIBOU, CHAIR
DEAN A. CRAY, PALMYRA
JEFFERY A. GIFFORD, LINCOLN
RUSSELL J. BLACK, WILTON
KAREN D. FOSTER, AUGUSTA
JEFFREY L. TIMBERLAKE, TURNER
JEFF M. MCCABE, SKOWHEGAN
ANDREW R. O'BRIEN, LINCOLNVILLE
PETER S. KENT, WOOLWICH
JAMES F. DILL, OLD TOWN

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

To: David R. Hastings III, Senate Chair
Joan M. Nass, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

From: Roger L. Sherman, Senate Chair
Peter E. Edgecomb, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry

Re: Errors Bill – Supplement #34

Date: April 4, 2012

We are writing to let you know that members of the Joint Standing Committee on Agriculture, Conservation and Forestry have received materials relating to Resolve 2007, c. 91, §9 and approve of the correction proposed for inclusion in the errors bill. Our analyst retrieved the original bill file from the records center. The map and the proposed amendment to §9 included in the file both indicate that the distances were, in fact, transposed in the final version.

We appreciate your dedication and conscientious review of supplement # 34 and approve its inclusion in this year's errors bill.

Cc. Margaret Reinsch, Office of Policy & Legal Analysis
Dan Burke, Department of Conservation

SENATE

BRIAN D. LANGLEY, District 28, Chair
GARRETT P. MASON, District 17
JUSTIN L. ALFOND, District 8

PHILLIP MCCARTHY, Legislative Analyst
CAROLYN RUSSO, Legislative Analyst
RYAN BOYD, Committee Clerk



HOUSE

DAVID E. RICHARDSON, Carmel, Chair
PETER E. EDGECOMB, Caribou
HOWARD E. MCFADDEN, Dennysville
PETER B. JOHNSON, Greenville
JOYCE A. MAKER, Calais
MICHAEL D. MCCLELLAN, Raymond
RICHARD V. WAGNER, Lewiston
MARY P. NELSON, Falmouth
STEPHEN D. LOVEJOY, Portland
HELEN RANKIN, Hiram
MADONNA M. SOCTOMAH, Passamaquoddy Tribe

State of Maine
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

April 4, 2012

MEMO TO: Senator David R. Hastings, Senate Chair;
Representative Joan M. Nass, House Chair; and
Members of the Joint Standing Committee on Judiciary

FROM: Senator Brian D. Langley, Senate Chair; *BL*
Representative David E. Richardson, House Chair; and *DR*
Members of the Joint Standing Committee on Education and Cultural Affairs

SUBJ: **Review of Title 20-A Provisions Related to the Annual Entitlement Plan and
Budget of the Regional Sites of the Child Development Service System**

The Joint Standing Committee on Education and Cultural Affairs Committee has reviewed the proposed initiatives to be included in the Judiciary Committee amendment to LD 1868, (the "Errors Bill"), involving the re-enactment of certain statutory provisions related to the Child Development Service System ("CDS System") that were unintentional repealed on June 30, 2008. These provisions were repealed when a bill introduced during the 123rd Legislature -- with the intent of removing the repealers -- was not enacted as an emergency measure and resulted in the repeal of these provisions by their own terms.

We support the adoption of the proposals included in Supplements 9, 10 and 11 that would restore the following repealed provisions:

- Title 20-A, section 7209, subsection 1, paragraph B that provided for the Department of Education to approve the annual entitlement plan and budget of so-called intermediate educational units (or regional CDS sites); and
- Title 20-A, section 7209, subsection 2, paragraph B that established a state-level advisory committee, comprised of members of each board of directors of an intermediate educational units, to provide advice to the Department of Education on implementing the general administration and supervision provisions in section 7209.

We have reviewed this matter with representatives of the Department of Education. Following this review, the Education Committee unanimously recommended that the Judiciary Committee consider restoring these provisions as part of the Committee Amendment to the Error's Bill.

Ironically, the repeal of these provisions was not revealed until OPEGA began a program audit of the CDS System last year. OPEGA sought background information on the annual entitlement plan and budget approval process; but, upon review of the Revisor of Statutes' statutory database, nonpartisan staff became aware that these provisions had been repealed (18 days before the enacted law would have removed the repeal provision). To their surprise, the current edition of the Maine Revised Statutes Annotated, Title 20-A, (published by Thomson/West), still contains these repealed provisions.

Finally, we want to inform you that LD 1903, (the Governor's second supplemental budget bill for the FY 2011-12 and FY 2012-13 biennium), contains provisions that may be inconsistent with these corrections to the CDS statutes pertaining to intermediate educational units. Since we do not yet know the fate of the CDS-related initiatives in the budget bill, we recommend that the Judiciary Committee approve these changes.

Please contact us should you have any questions regarding this matter. We would be happy to send representatives of the Education and Cultural Affairs Committee to meet with the Judiciary Committee to discuss this recommendation.

cc: Margaret J. Reinsch, Esq., Senior Legislative Analyst
Phillip McCarthy, Ed.D., Legislative Analyst

SENATE

ROGER L. SHERMAN, DISTRICT 34, CHAIR
MICHAEL D. THIBODEAU, DISTRICT 23
ELIZABETH M. SCHNEIDER, DISTRICT 30

JILL IPPOLITI, LEGISLATIVE ANALYST
MEGAN RICKER, COMMITTEE CLERK



HOUSE

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

To: David R. Hastings III, Senate Chair
Joan M. Nass, House Chair
Joint Standing Committee on Judiciary

From: Roger L. Sherman, Senate Chair
Peter E. Edgecomb, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry

Re: Errors Bill – Supplement #34

Date: April 4, 2012

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We appreciate your dedication and conscientious review of supplement # 34 and approve its inclusion in this year's errors bill.

Cc. Margaret Reinsch, Office of Policy & Legal Analysis
Dan Burke, Department of Conservation

HOUSE REPORT

THE COMMITTEE ON JUDICIARY


to which was referred the following:

An Act To Correct Errors and Inconsistencies in the Laws of Maine
(EMERGENCY)

H.P. 1383

L.D. 1868

has had the same under consideration, and asks leave to report that the same
OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT " "


(Signature) REP. NASS

of Acton
For the Committee

(Type)
Rep. of (Town) and/or Sen. of (County)

(Signatures)

HOUSE REPORT

Printed on recycled paper

JUDICIARY COMMITTEE VOTING SHEET

L.D. or Confirmation 1868 ERRORS AND INCONSISTENCIES

Date 5 April 2012

Motion OTP-A

Motion by Rep. Priest

Seconded by Rep. Sarty

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain

Rep. Monaghan-Derrig	X						
Rep. Moulton	X						
Rep. Fossel	X						
Senator Woodbury	<i>Pres</i>						
Senator Dill	<i>✓ CAN</i>						
Senator Hastings	X						
Rep. Nass	X						
Rep. Priest	X						
Rep. Waterhouse	X						
Rep. Sarty	X						
Rep. Maloney	X						
Rep. Beaulieu	X						
Rep. Rochelo	X						
TOTALS							