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Legislative Document

No. 1536

H.P. 1103

House of Representatives, May 14, 2013

An Act To Correct Errors and Inconsistencies in the Laws of Maine

Reported by Representative PRIEST of Brunswick for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 contemplated to be issued if the enactment submitted to the electors should be ratified.
2 The Treasurer of State shall also set forth in that statement an estimate of costs involved,
3 including explanation of, based on such factors as interest rates that may vary, the interest
4 cost contemplated to be paid on the amount to be issued, the total cost of principal and
5 interest that will be paid at maturity and any other substantive explanatory information
6 relating to the debt of the State as the Treasurer of State considers appropriate. To meet
7 the requirement that the signed statement of the Treasurer of State accompany any ballot
8 question for ratification of a bond issue, the statement may be printed on the ballot or it
9 may be printed as a separate document that is made available to voters as provided in
10 Title 21-A, sections ~~605~~ 605-A and 651.

11 **Sec. A-4. 5 MRSA §1764-A, sub-§3**, as enacted by PL 2003, c. 497, §1 and
12 affected by §5, is amended to read:

13 **3. Approval.** A state agency responsible for approving the construction of a new or
14 substantially renovated state-owned or state-leased building and buildings built with state
15 funds, including buildings funded ~~through~~ through state bonds or the Maine Municipal
16 Bond Bank, may not grant such approval unless the agency or other entity or organization
17 proposing the construction can show that it has duly considered the most energy-efficient
18 and environmentally efficient designs suitable in accordance with rules adopted pursuant
19 to this section.

20 **Sec. A-5. 10 MRSA §9723, sub-§2**, as amended by PL 2011, c. 633, §6 and c.
21 655, Pt. FF, §2 and affected by §16, is repealed and the following enacted in its place:

22 **2. Training program standards; implementation.** The committee shall direct the
23 training coordinator of the Division of Building Codes and Standards, established in Title
24 25, section 2372, to develop a training program for municipal building officials, local
25 code enforcement officers and 3rd-party inspectors. The Department of Economic and
26 Community Development, Office of Community Development, pursuant to Title 30-A,
27 section 4451, subsection 3-A, shall implement the training and certification program
28 established under this chapter.

29 **Sec. A-6. 12 MRSA §1803, sub-§7**, as enacted by PL 2011, c. 394, §1 and
30 amended by c. 657, Pt. W, §7, is further amended to read:

31 **7. Exceptions.** Notwithstanding subsection 6 or any other rule-making authority, the
32 division may not adopt rules that prohibit the following persons from carrying a
33 concealed ~~firearm~~ handgun in the buildings or parts of buildings and other public
34 property that are under the division's jurisdiction:

35 A. A person to whom a valid permit to carry a concealed ~~firearm~~ handgun has been
36 issued under Title 25, chapter 252. The person must have in that person's possession
37 the valid permit;

38 B. A person to whom a valid permit to carry a concealed ~~firearm~~ handgun has been
39 issued by another state if a permit to carry a concealed ~~firearm~~ handgun issued from
40 that state has been granted reciprocity under Title 25, chapter 252. The person must
41 have in that person's possession the valid permit;

1 C. An authorized federal, state or local law enforcement officer in the performance
2 of that officer's official duties;

3 D. A qualified law enforcement officer pursuant to 18 United States Code, Section
4 926B. The law enforcement officer must have in that law enforcement officer's
5 possession photographic identification issued by the law enforcement agency by
6 which the person is employed as a law enforcement officer; and

7 E. A qualified retired law enforcement officer pursuant to 18 United States Code,
8 Section 926C. The retired law enforcement officer must have in the retired law
9 enforcement officer's possession:

10 (1) Photographic identification issued by the law enforcement agency from
11 which the person retired from service as a law enforcement officer that indicates
12 that the person has, not less recently than one year before the date the person
13 carries the concealed ~~firearm~~ handgun, been tested or otherwise found by the
14 agency to meet the standards established by the agency for training and
15 qualification for active law enforcement officers to carry a ~~firearm~~ handgun of
16 the same type as the concealed ~~firearm~~ handgun; or

17 (2) Photographic identification issued by the law enforcement agency from
18 which the person retired from service as a law enforcement officer and a
19 certification issued by the state in which the person resides that indicates that the
20 person has, not less recently than one year before the date the person carries the
21 concealed ~~firearm~~ handgun, been tested or otherwise found by that state to meet
22 the standards established by that state for training and qualification for active law
23 enforcement officers to carry a ~~firearm~~ handgun of the same type as the
24 concealed ~~firearm~~ handgun.

25 **Sec. A-7. 12 MRSA §6728, sub-§3**, as repealed and replaced by PL 2007, c. 557,
26 §9 and repealed by c. 607, Pt. A, §10, is repealed and the following enacted in its place:

27 **3. Violation.** Notwithstanding section 6174, a person who violates this section
28 commits a civil violation for which the following penalties apply:

29 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on
30 board may be seized;

31 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on
32 board may be seized; and

33 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all
34 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in
35 addition to the penalty imposed under section 6728-B.

36 **Sec. A-8. 12 MRSA §6728, sub-§3-A**, as enacted by PL 2007, c. 607, Pt. A, §11,
37 is repealed.

38 **Sec. A-9. 15 MRSA §393, sub-§2**, as amended by PL 2009, c. 503, §1, is further
39 amended to read:

1 **2. Application after 5 years.** A person subject to the provisions of subsection 1,
2 paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of
3 5 years from the date that the person is finally discharged from the sentences imposed as
4 a result of the conviction or adjudication, apply to the commissioner for a permit to carry
5 a firearm subject to subsection 4. That person may not be issued a permit to carry a
6 concealed ~~firearm~~ handgun pursuant to Title 25, chapter 252. A permit issued pursuant to
7 this subsection is valid for 4 years from the date of issue unless sooner revoked for cause
8 by the commissioner. For purposes of this subsection, "firearm" does not include a
9 firearm defined under 18 United States Code, Section 921(3).

10 **Sec. A-10. 15 MRSA §1023, sub-§4, ¶C**, as amended by PL 2011, c. 640, Pt. A,
11 §2 and c. 680, §1, is repealed and the following enacted in its place:

12 C. In a case involving domestic violence, set preconviction bail for a defendant
13 before making a good faith effort to obtain from the arresting officer, the responsible
14 prosecutorial office, a jail employee or other law enforcement officer:

15 (1) A brief history of the alleged abuser;

16 (2) The relationship of the parties;

17 (3) The name, address, phone number and date of birth of the victim;

18 (4) Existing conditions of protection from abuse orders, conditions of bail and
19 conditions of probation;

20 (5) Information about the severity of the alleged offense; and

21 (6) Beginning no later than January 1, 2015, the results of a validated, evidence-
22 based domestic violence risk assessment recommended by the Maine
23 Commission on Domestic and Sexual Abuse, established in Title 5, section
24 12004-I, subsection 74-C, and approved by the Department of Public Safety
25 conducted on the alleged abuser when the results are available;

26 **Sec. A-11. 17-A MRSA §1058, sub-§2-A**, as enacted by PL 2005, c. 527, §9, is
27 amended to read:

28 **2-A.** It is not a defense to a prosecution under this section that the person holds a
29 valid permit to carry a concealed ~~firearm~~ handgun issued under Title 25, chapter 252.

30 **Sec. A-12. 20-A MRSA §8402**, as amended by PL 2011, c. 679, §12 and c. 686,
31 §3, is repealed and the following enacted in its place:

32 **§8402. Programs**

33 A center shall provide programs of career and technical education. Programs of
34 career and technical education are eligible to receive state subsidy pursuant to chapters
35 606-B and 609. All programs of career and technical education offered by a center must
36 be approved by the commissioner pursuant to section 8306-B, including programs
37 previously approved under former section 8306-A. The programs must offer a sequence
38 of courses that are directly related to the preparation of individuals for employment in
39 current or emerging occupations and may include training and education in academic and

1 business skills preparing students to further their education at the community college or
2 other college level or allowing students to use trade and occupational skills on other than
3 an employee basis. A center may also provide courses described in section 4722,
4 subsection 2, the successful completion of which satisfies the diploma requirements set
5 forth in section 4722.

6 **Sec. A-13. 20-A MRSA §8451-A**, as amended by PL 2011, c. 679, §19 and c.
7 686, §4, is repealed and the following enacted in its place:

8 **§8451-A. Programs**

9 A region shall provide programs of career and technical education. Programs of
10 career and technical education are eligible to receive state subsidy pursuant to chapters
11 606-B and 609. All programs of career and technical education offered by a region must
12 be approved by the commissioner pursuant to section 8306-B. The programs must offer a
13 sequence of courses that are directly related to the preparation of individuals for
14 employment in current or emerging occupations and may include training and education
15 in academic and business skills preparing students to further their education at the
16 community college or college level or allowing students to use trade and occupational
17 skills on other than an employee basis. A region may also provide courses described in
18 section 4722, subsection 2, the successful completion of which satisfies the diploma
19 requirements set forth in section 4722.

20 **Sec. A-14. 22 MRSA §335, sub-§1, ¶E**, as amended by PL 2011, c. 213, §3 and
21 repealed by c. 424, Pt. B, §15 and affected by Pt. E, §1, is repealed.

22 **Sec. A-15. 22 MRSA §335, sub-§5-A**, as amended by PL 2011, c. 648, §9, is
23 further amended to read:

24 **5-A. Record.** The record created by the department in the course of its review of an
25 application must contain the following:

26 A. The letter of intent described in section 337, subsection 1, all other materials
27 submitted by the applicant relating to the letter of intent and any written materials
28 relating to the letter of intent;

29 B. The application and all other materials submitted by the applicant for the purpose
30 of making those documents part of the record;

31 C. All information generated by or for the department in the course of gathering
32 material to assist the commissioner in determining whether the conditions for
33 granting an application for a certificate of need have or have not been met. This
34 information may include, without limitation, the report of consultants, including
35 reports by panels of experts assembled by the department to advise it on the
36 application, memoranda of meetings or conversations with any person interested in
37 commenting on the application, letters, memoranda and documents from other
38 interested agencies of State Government and memoranda describing officially noticed
39 facts;

1 D. Stenographic or electronic recordings of any public hearing held by the
2 commissioner or the staff of the department at the direction of the commissioner
3 regarding the application;

4 E. Stenographic or electronic recording of any public informational meeting held by
5 the department pursuant to section 337, subsection 5;

6 F. Any documents submitted by any person for the purpose of making those
7 documents part of the record regarding any application for a certificate of need or for
8 the purpose of influencing the outcome of any analyses or decisions regarding an
9 application for certificate of need, except documents that have been submitted
10 anonymously. Such source-identified documents automatically become part of the
11 record upon receipt by the department;

12 G. Preliminary and final analyses of the record prepared by the staff; and

13 H. Except with regard to a project related to nursing facility services, a written
14 assessment by the Director of the Maine Center for Disease Control and Prevention
15 of the impact of the project on the health of Maine citizens; ~~and.~~

16 ~~I. Except with regard to a project related to nursing facility services, or a project that
17 qualifies for a simplified review process under section 336, the commissioner may
18 require a written assessment by the Superintendent of Insurance of the impact of the
19 project on the cost of insurance in the region and the State. The superintendent may
20 request additional information from the applicant for the purpose of reviewing the
21 application. Any such request must be transmitted through the department and
22 becomes part of the official record. The applicant shall respond to the request within
23 30 days. Any such response must be transmitted through the department and
24 becomes part of the official record. The inability of the superintendent to complete
25 the review of the application due to the failure of the applicant to respond timely must
26 be noted in the superintendent's assessment filed with the department and may be
27 cause for the commissioner to deny approval of the project.~~

28 Except with regard to a project related to nursing facility services, or a project that
29 qualifies for a simplified review process under section 336, the commissioner may
30 require a written assessment by the Superintendent of Insurance of the impact of the
31 project on the cost of insurance in the region and the State. The superintendent may
32 request additional information from the applicant for the purpose of reviewing the
33 application. Any such request must be transmitted through the department and becomes
34 part of the official record. The applicant shall respond to the request within 30 days. Any
35 such response must be transmitted through the department and becomes part of the
36 official record. The inability of the superintendent to complete the review of the
37 application due to the failure of the applicant to respond timely must be noted in the
38 superintendent's assessment filed with the department and may be cause for the
39 commissioner to deny approval of the project.

40 **Sec. A-16. 22 MRSA §337, sub-§5**, as amended by PL 2011, c. 636, §1 and c.
41 648, §15, is repealed and the following enacted in its place:

42 **5. Public notice; public informational meeting.** Within 5 business days of the
43 filing of a certificate by an applicant that a complete certificate of need application is on

1 file with the department, public notice that the application has been filed must be given
2 by publication in a newspaper of general circulation in Kennebec County and in a
3 newspaper published within the service area in which the proposed expenditure will
4 occur. If an existing health care facility may close or lose bed capacity as a result of a
5 proposal for which a certificate of need application has been filed, the department shall
6 notify the municipal officers of the municipality in which that health care facility is
7 located and the members of the State House of Representatives and the State Senate
8 representing any part of that municipality. The notice must also be provided to all persons
9 who have requested notification by means of asking that their names be placed on a
10 mailing list maintained by the department for this purpose. The notice must also be
11 published on the department's publicly accessible website. This notice must include:

12 A. A brief description of the proposed expenditure or other action, including the
13 name and location of any existing health care facility that may close or lose bed
14 capacity as a result of a proposal for which a certificate of need application has been
15 filed;

16 B. A description of the review process and schedule;

17 C. A statement that any person may examine the application, submit comments in
18 writing to the department regarding the application and examine the entire record
19 assembled by the department at any time from the date of publication of the notice
20 until the application process is closed for comment;

21 D. If a public informational meeting is being held, the time and location of the public
22 informational meeting, a statement that any person may appear at the meeting to
23 question the applicant regarding the project or the department regarding the
24 conditions the applicant must satisfy in order to receive a certificate of need for the
25 project, and a statement that a public hearing may be requested by any person directly
26 affected by a review if the request is received by the commissioner within 15 days
27 following the public informational meeting pursuant to the provisions of section 339,
28 subsection 2; and

29 E. If a public informational meeting is not being held, a statement that a public
30 hearing may be requested by any person directly affected by a review if the request is
31 received by the commissioner within 15 days following the publication of the notice
32 that an application has been filed.

33 The department shall make an electronic or stenographic record of the public
34 informational meeting.

35 A public informational meeting is not required for the simplified review and approval
36 process in section 336 unless requested by the applicant, the department or a person
37 directly affected by a review.

38 **Sec. A-17. 25 MRSA §2003, sub-§1, ¶E,** as amended by PL 2011, c. 298, §7, is
39 further amended to read:

40 E. Does the following:

41 (1) At the request of the issuing authority, takes whatever action is required by
42 law to allow the issuing authority to obtain from the Department of Health and

1 Human Services, limited to records of patient committals to Riverview
2 Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law
3 enforcement agencies and the military information relevant to the following:

4 (a) The ascertainment of whether the information supplied on the application
5 or any documents made a part of the application is true and correct;

6 (b) The ascertainment of whether each of the additional requirements of this
7 section has been met; and

8 (c) Section 2005;

9 (2) If a photograph is an integral part of the permit to carry concealed handguns
10 adopted by an issuing authority, submits to being photographed for that purpose;

11 (3) If it becomes necessary to resolve any questions as to identity, submits to
12 having fingerprints taken by the issuing authority;

13 (4) Submits an application fee along with the written application to the proper
14 issuing authority pursuant to the following schedule:

15 (a) Resident of a municipality or unorganized territory, \$35 for an original
16 application and \$20 for a renewal, except that a person who paid \$60 for a
17 concealed ~~firearms~~ handgun permit or renewal during 1991 or 1992 is
18 entitled to a credit toward renewal fees in an amount equal to \$30 for a
19 person who paid \$60 for an original application and \$45 for a person who
20 paid \$60 for a permit renewal. The credit is valid until fully utilized; and

21 (b) Nonresident, \$60 for an original or renewal application; and

22 (5) Demonstrates to the issuing authority a knowledge of handgun safety. The
23 applicant may fully satisfy this requirement by submitting to the issuing
24 authority, through documentation in accordance with this subparagraph, proof
25 that the applicant has within 5 years prior to the date of application completed a
26 course that included handgun safety offered by or under the supervision of a
27 federal, state, county or municipal law enforcement agency or a firearms
28 instructor certified by a private firearms association recognized as knowledgeable
29 in matters of handgun safety by the issuing authority or by the state in which the
30 course was taken. A course completion certificate or other document, or a
31 photocopy, is sufficient if it recites or otherwise demonstrates that the course
32 meets all of the requirements of this subparagraph.

33 As an alternative way of fully satisfying this requirement, an applicant may
34 personally demonstrate knowledge of handgun safety to an issuing authority, if
35 the issuing authority is willing to evaluate an applicant's personal demonstration
36 of such knowledge. The issuing authority is not required to offer this 2nd option.

37 The demonstration of knowledge of handgun safety to the issuing authority may
38 not be required of any applicant who holds a valid state permit to carry a
39 concealed ~~firearm~~ handgun as of April 15, 1990 or of any applicant who was or is
40 in any of the Armed Forces of the United States and has received at least basic
41 firearms training.

1 **Sec. A-18. 25 MRSA §2374**, as amended by PL 2011, c. 633, §11 and c. 655, Pt.
2 FF, §3 and affected by §16, is repealed and the following enacted in its place:

3 **§2374. Uniform Building Codes and Standards Fund**

4 The Uniform Building Codes and Standards Fund, referred to in this section as "the
5 fund," is established within the Department of Public Safety to fund the activities of the
6 division under this chapter and the activities of the board under Title 10, chapter 1103 and
7 the Department of Economic and Community Development, Office of Community
8 Development under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is
9 provided by the surcharge established by section 2450-A. The Department of Public
10 Safety and the Department of Economic and Community Development, Office of
11 Community Development shall together determine an amount to be transferred annually
12 from the fund for training and certification under Title 30-A, section 4451, subsection
13 3-A to the Maine Code Enforcement Training and Certification Fund established in Title
14 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be
15 carried forward as a continuing account to be expended for the same purpose in the
16 following fiscal year.

17 **Sec. A-19. 25 MRSA §2450-A**, as amended by PL 2011, c. 633, §12 and c. 655,
18 Pt. FF, §4 and affected by §16, is repealed and the following enacted in its place:

19 **§2450-A. Surcharge on plan review fee for Uniform Building Codes and Standards**
20 **Fund**

21 In addition to the fees established in section 2450, a surcharge of 4¢ per square foot
22 of occupied space must be levied on the existing fee schedule for new construction,
23 reconstruction, repairs, renovations or new use for the sole purpose of funding the
24 activities of the Technical Building Codes and Standards Board with respect to the Maine
25 Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the
26 activities of the Division of Building Codes and Standards under chapter 314 and the
27 activities of the Department of Economic and Community Development, Office of
28 Community Development under Title 30-A, section 4451, subsection 3-A, except that the
29 fee for review of a plan for the renovation of a public school, including the fee
30 established under section 2450, may not exceed \$450. Revenue collected from this
31 surcharge must be deposited into the Uniform Building Codes and Standards Fund
32 established by section 2374.

33 **Sec. A-20. 26 MRSA §595, sub-§5, ¶A**, as enacted by PL 1987, c. 558, §1, is
34 amended to read:

35 A. A person holding a valid permit to carry a concealed ~~firearm~~ handgun is not
36 exempt from this subsection.

37 **Sec. A-21. 26 MRSA §600**, as amended by PL 2011, c. 537, §1, is further
38 amended to read:

1 **§600. Concealed handguns in vehicles**

2 **1. Handguns in vehicles.** An employer or an agent of an employer may not prohibit
3 an employee who has a valid permit to carry a concealed ~~firearm~~ handgun under Title 25,
4 chapter 252 from keeping a ~~firearm~~ handgun in the employee's vehicle as long as the
5 vehicle is locked and the ~~firearm~~ handgun is not visible. This subsection applies to the
6 State as an employer when a state employee's vehicle is on property owned or leased by
7 the State. This subsection does not authorize an employee or state employee to carry a
8 ~~firearm~~ handgun in a place where carrying a ~~firearm~~ handgun is prohibited by law. For
9 purposes of this section, "state employee" means an employee of the State within the
10 executive branch, the legislative branch or the judicial branch performing services within
11 the scope of that employee's employment.

12 **2. Immunity from liability.** An employer or an agent of an employer may not be
13 held liable in any civil action for damages, injury or death resulting from or arising out of
14 another person's actions involving a ~~firearm~~ handgun or ammunition transported or stored
15 pursuant to this section, including, but not limited to, the theft of a ~~firearm~~ handgun from
16 an employee's vehicle, unless the employer or an agent of the employer intentionally
17 solicited or procured the other person's injurious actions. Nothing in this section affects
18 provisions in the Maine Workers' Compensation Act of 1992.

19 **Sec. A-22. 26 MRSA §2006, sub-§7, ¶C,** as amended by PL 2011, c. 627, §3
20 and c. 655, Pt. EE, §18 and affected by §30, is repealed and the following enacted in its
21 place:

22 C. The Governor shall appoint members to the Program Policy Committee, referred
23 to in this paragraph as "the committee," to assist the board in the performance of its
24 duties and responsibilities. The Governor shall appoint persons to serve on the
25 committee for 3-year terms. The services provided by the State's various workforce
26 organizations must be fairly represented in the committee with consideration given to
27 a balance between rural and urban interests. Organizations with representation on the
28 committee may include, but are not limited to, organizations that conduct programs
29 or activities as specified in Section 121(b) of the Workforce Investment Act.

30 **Sec. A-23. 32 MRSA §8113-A, sub-§1,** as amended by PL 2011, c. 366, §45, is
31 further amended to read:

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

38 **Sec. A-24. 32 MRSA §8120-A,** as amended by PL 2011, c. 298, §13 and c. 366,
39 §51, is repealed and the following enacted in its place:

1 **§8120-A. Handguns**

2 A professional investigator licensed under this chapter may carry a handgun while
3 performing the duties of a professional investigator only after being issued a concealed
4 handgun permit by the chief pursuant to Title 25, chapter 252 and passing the written
5 firearms examination prescribed by the chief.

6 **Sec. A-25. 32 MRSA §9412, sub-§5**, as enacted by PL 1987, c. 170, §18, is
7 amended to read:

8 **5. Dangerous weapons at labor disputes and strikes.** It is a Class D crime for any
9 person, including, but not limited to, security guards and persons involved in a labor
10 dispute or strike, to be armed with a dangerous weapon, as defined in Title 17-A, section
11 2, subsection 9, at the site of a labor dispute or strike. A person holding a valid permit to
12 carry a concealed ~~firearm~~ handgun is not exempt from this subsection. A security guard is
13 exempt from this subsection to the extent that federal laws, rules or regulations require
14 the security guard to be armed with a dangerous weapon at the site of a labor dispute or
15 strike.

16 **Sec. A-26. 34-A MRSA §11203, sub-§6, ¶B**, as amended by PL 2011, c. 597,
17 §6 and c. 604, §3 and affected by §4, is repealed and the following enacted in its place:

18 B. A violation under former Title 17, section 2922; former Title 17, section 2923;
19 former Title 17, section 2924; Title 17-A, section 253, subsection 2, paragraph E, F,
20 G, H, I or J; Title 17-A, section 254; former Title 17-A, section 255, subsection 1,
21 paragraph A, E, F, G, I or J; former Title 17-A, section 255, subsection 1, paragraph
22 B or D if the crime was not elevated a class under former Title 17-A, section 255,
23 subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, F-2, G, I, J,
24 K, L, M, N, Q, R, S or T; Title 17-A, section 256; Title 17-A, section 258; former
25 Title 17-A, section 259; Title 17-A, section 282; Title 17-A, section 283; Title 17-A,
26 section 284; Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3),
27 unless the actor is a parent of the victim; Title 17-A, section 511, subsection 1,
28 paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1,
29 paragraph B; or Title 17-A, section 855;

30 **Sec. A-27. 34-B MRSA §3864, sub-§12**, as enacted by PL 2007, c. 670, §19, is
31 amended to read:

32 **12. Transmission of abstract of court ruling to the State Bureau of**
33 **Identification.** Notwithstanding any other provision of this section or section 1207, a
34 court shall transmit to the Department of Public Safety, State Bureau of Identification an
35 abstract of any order for involuntary commitment issued by the court pursuant to this
36 section. The abstract must include:

- 37 A. The name, date of birth and gender of the person who is the subject of the order
38 for involuntary commitment;
- 39 B. The court's ruling that the person has been involuntarily committed; and
- 40 C. A notation that the person has been notified by the court in accordance with
41 subsection 5, paragraph A-1 and subsection 13.

1 The abstract required in this subsection is confidential and is not a "public record" as
2 defined in Title 1, chapter 13; however, a copy of the abstract may be provided by the
3 State Bureau of Identification to a criminal justice agency for legitimate law enforcement
4 purposes, to the Federal Bureau of Investigation, National Instant Criminal Background
5 Check System or to an issuing authority for the purpose of processing concealed ~~firearm~~
6 handgun permit applications.

7 For the purposes of this subsection, "criminal justice agency" means a federal, state,
8 tribal, district, county or local government agency or any subunit thereof that performs
9 the administration of criminal justice under a statute or executive order and that allocates
10 a substantial part of its annual budget to the administration of criminal justice. Courts
11 and the Department of the Attorney General are considered criminal justice agencies.
12 "Criminal justice agency" also includes any equivalent agency at any level of Canadian
13 government.

14 **Sec. A-28. 35-A MRSA §3210-C, sub-§3, ¶C**, as amended by PL 2011, c. 273,
15 §1 and affected by §3 and amended by c. 413, §2, is repealed and the following enacted
16 in its place:

17 C. Any available renewable energy credits associated with capacity resources
18 contracted under paragraph A. The price paid by the investor-owned transmission
19 and distribution utility for the renewable energy credits must be lower than the price
20 received for those renewable energy credits at the time they are sold by the
21 investor-owned transmission and distribution utility.

22 **Sec. A-29. 35-A MRSA §3454, first ¶**, as amended by PL 2011, c. 655, Pt. DD,
23 §14 and affected by §24 and amended by c. 682, §27, is repealed and the following
24 enacted in its place:

25 In making findings pursuant to Title 38, section 484, subsection 3, the primary siting
26 authority shall presume that an expedited wind energy development provides energy and
27 emissions-related benefits described in section 3402 and shall make additional findings
28 regarding other tangible benefits provided by the development. The Department of
29 Labor, the Governor's Office of Policy and Management, the Governor's Energy Office
30 and the Public Utilities Commission shall provide review comments if requested by the
31 primary siting authority.

32 **Sec. A-30. 36 MRSA §187-B, sub-§1-A**, as amended by PL 2011, c. 644, §4 and
33 affected by §33 and repealed by c. 655, Pt. QQ, §2 and affected by §8, is repealed.

34 **Sec. A-31. 36 MRSA §191, sub-§2, ¶UU**, as amended by PL 2011, c. 644, §5
35 and c. 694, §8, is repealed and the following enacted in its place:

36 UU. The production in court on behalf of the assessor or any other party to an action
37 or proceeding under this Title, or the production pursuant to a discovery request
38 under the Maine Rules of Civil Procedure or a request under the freedom of access
39 laws, of any reconsideration decision or advisory ruling issued on or after July 1,
40 2012, in redacted format so as not to reveal information from which the taxpayer may
41 be identified, except that federal returns and federal return information provided to
42 the State by the Internal Revenue Service may not be disclosed except as permitted

1 by federal law. A person requesting the production of any such document shall pay,
2 at the time the request is made, all direct and indirect costs associated with the
3 redacting of information from which the taxpayer or other interested party may be
4 identified, plus an additional fee of \$100 per request;

5 **Sec. A-32. 36 MRSA §191, sub-§2, ¶VV**, as amended by PL 2011, c. 644, §6
6 and repealed by c. 694, §9, is repealed.

7 **Sec. A-33. 36 MRSA §191, sub-§2, ¶WW**, as enacted by PL 2011, c. 644, §7, is
8 amended to read:

9 WW. The disclosure of information to the Department of Inland Fisheries and
10 Wildlife necessary for the administration of the credit for Maine fishery infrastructure
11 investment under section 5216-D; and

12 **Sec. A-34. 36 MRSA §191, sub-§2, ¶WW**, as enacted by PL 2011, c. 694, §10,
13 is reallocated to 36 MRSA §191, sub-§2, ¶XX.

14 **Sec. A-35. 36 MRSA §841, sub-§2**, as amended by PL 2011, c. 552, §1 and c.
15 624, §1, is repealed and the following enacted in its place:

16 **2. Hardship or poverty.** The municipal officers, or the State Tax Assessor for the
17 unorganized territory, within 3 years from commitment, may, on their own knowledge or
18 on written application, make such abatements as they believe reasonable on the real and
19 personal taxes on the primary residence of any person who, by reason of hardship or
20 poverty, is in their judgment unable to contribute to the public charges. The municipal
21 officers, or the State Tax Assessor for the unorganized territory, may extend the 3-year
22 period within which they may make abatements under this subsection.

23 Municipal officers or the State Tax Assessor for the unorganized territory shall:

24 A. Provide that any person indicating an inability to pay all or part of taxes that have
25 been assessed because of hardship or poverty be informed of the right to make
26 application under this subsection;

27 B. Assist individuals in making application for abatement;

28 C. Make available application forms for requesting an abatement based on hardship
29 or poverty and provide that those forms contain notice that a written decision will be
30 made within 30 days of the date of application;

31 D. Provide that persons are given the opportunity to apply for an abatement during
32 normal business hours;

33 E. Provide that all applications, information submitted in support of the application,
34 files and communications relating to an application for abatement and the
35 determination on the application for abatement are confidential. Hearings and
36 proceedings held pursuant to this subsection must be in executive session;

37 F. Provide to any person applying for abatement under this subsection, notice in
38 writing of their decision within 30 days of application; and

1 G. Provide that any decision made under this subsection include the specific reason
2 or reasons for the decision and inform the applicant of the right to appeal and the
3 procedure for requesting an appeal.

4 For the purpose of this subsection, the municipal officers may set off or otherwise treat as
5 available benefits provided to an applicant under chapter 907 when determining if the
6 applicant is able to contribute to the public charges.

7 **Sec. A-36. 36 MRSA §1752, sub-§11, ¶B**, as amended by PL 2011, c. 655, Pt.
8 PP, §2 and affected by §4 and amended by c. 684, §1 and affected by §3, is repealed and
9 the following enacted in its place:

10 B. "Retail sale" does not include:

11 (1) Any casual sale;

12 (2) Any sale by a personal representative in the settlement of an estate unless the
13 sale is made through a retailer or the sale is made in the continuation or operation
14 of a business;

15 (3) The sale, to a person engaged in the business of renting automobiles, of
16 automobiles, integral parts of automobiles or accessories to automobiles, for
17 rental or for use in an automobile rented for a period of less than one year. For
18 the purposes of this subparagraph, "automobile" includes a pickup truck or van
19 with a gross vehicle weight of less than 26,000 pounds;

20 (4) The sale, to a person engaged in the business of renting video media and
21 video equipment, of video media or video equipment for rental;

22 (5) The sale, to a person engaged in the business of renting or leasing
23 automobiles, of automobiles for rental or lease for one year or more;

24 (6) The sale, to a person engaged in the business of providing cable or satellite
25 television services, of associated equipment for rental or lease to subscribers in
26 conjunction with a sale of extended cable or extended satellite television services;

27 (7) The sale, to a person engaged in the business of renting furniture or audio
28 media and audio equipment, of furniture, audio media or audio equipment for
29 rental pursuant to a rental-purchase agreement as defined in Title 9-A, section
30 11-105;

31 (8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant
32 to Title 29-A, section 953;

33 (9) The sale of automobile repair parts used in the performance of repair services
34 on an automobile pursuant to an extended service contract sold on or after
35 September 20, 2007 that entitles the purchaser to specific benefits in the service
36 of the automobile for a specific duration;

37 (10) The sale, to a retailer that has been issued a resale certificate pursuant to
38 section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in
39 the form of tangible personal property, except resale as a casual sale;

1 (11) The sale, to a retailer that has been issued a resale certificate pursuant to
2 section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except
3 resale as a casual sale;

4 (12) The sale, to a retailer that is not required to register under section 1754-B,
5 of tangible personal property for resale outside the State in the form of tangible
6 personal property, except resale as a casual sale;

7 (13) The sale, to a retailer that is not required to register under section 1754-B,
8 of a taxable service for resale outside the State, except resale as a casual sale;

9 (14) The sale of repair parts used in the performance of repair services on
10 telecommunications equipment as defined in section 2551, subsection 19
11 pursuant to an extended service contract that entitles the purchaser to specific
12 benefits in the service of the telecommunications equipment for a specific
13 duration;

14 (15) The sale of positive airway pressure equipment and supplies for rental for
15 personal use to a person engaged in the business of renting positive airway
16 pressure equipment; or

17 (16) The sale, to a person engaged in the business of renting or leasing motor
18 homes, as defined in Title 29-A, section 101, subsection 40, or camper trailers, of
19 motor homes or camper trailers for rental.

20 **Sec. A-37. 36 MRSA §2625**, as amended by PL 2011, c. 649, Pt. E, §5, is further
21 amended to read:

22 **§2625. Return and payment**

23 Every railroad company incorporated under the laws of this State or doing business in
24 this State shall file with the State Tax Assessor annually, on or before April 15th, a
25 railroad excise tax return, on a form prescribed by the State Tax Assessor. The tax must
26 be paid in equal installments on the next June 15th, September 15th and December 15th.
27 ~~Except as otherwise provided in subsection 1, the~~ The Treasurer of State shall deposit all
28 taxes paid under this chapter into the Multimodal Transportation Fund account
29 established under Title 23, section 4210-B.

30 **Sec. A-38. 36 MRSA §5122, sub-§2, ¶II**, as amended by PL 2011, c. 548, §24
31 and affected by §36 and amended by c. 644, §17, is repealed and the following enacted in
32 its place:

33 II. For taxable years beginning on or after January 1, 2012, an amount equal to the
34 net increase in the depreciation deduction allowable under the Code, Sections 167
35 and 168 that would have been applicable to that property had the depreciation
36 deduction under the Code, Section 168(k) not been claimed with respect to such
37 property placed in service during the taxable year beginning in 2011 or 2012 for
38 which an addition was required under subsection 1, paragraph FF, subparagraph (2)
39 for the taxable year beginning in 2011 or 2012.

40 Upon the taxable disposition of property to which this paragraph applies, the amount
41 of any gain or loss includable in federal adjusted gross income must be adjusted for

1 Maine income tax purposes by an amount equal to the difference between the
2 addition modification for such property under subsection 1, paragraph FF,
3 subparagraph (2) related to property placed in service outside the State and the
4 subtraction modifications allowed pursuant to this paragraph.

5 The total amount of the subtraction modification claimed under this paragraph for all
6 tax years may not exceed the addition modification under subsection 1, paragraph FF,
7 subparagraph (2) for the same property;

8 **Sec. A-39. 36 MRSA §5200-A, sub-§2, ¶V**, as amended by PL 2011, c. 548,
9 §28 and affected by §36 and amended by c. 644, §24, is repealed and the following
10 enacted in its place:

11 V. For taxable years beginning on or after January 1, 2012, an amount equal to the
12 net increase in the depreciation deduction allowable under the Code, Sections 167
13 and 168 that would have been applicable to that property had the depreciation
14 deduction under the Code, Section 168(k) not been claimed with respect to such
15 property placed in service during the taxable year beginning in 2011 or 2012 for
16 which an addition was required under subsection 1, paragraph Y, subparagraph (2)
17 for the taxable year beginning in 2011 or 2012.

18 Upon the taxable disposition of property to which this paragraph applies, the amount
19 of any gain or loss includable in federal taxable income must be adjusted for Maine
20 income tax purposes by an amount equal to the difference between the addition
21 modification for such property under subsection 1, paragraph Y, subparagraph (2)
22 related to property placed in service outside the State and the subtraction
23 modifications allowed pursuant to this paragraph.

24 The total amount of the subtraction modification claimed under this paragraph for all
25 tax years may not exceed the addition modification under subsection 1, paragraph Y,
26 subparagraph (2) for the same property;

27 **Sec. A-40. 36 MRSA §5219-GG, sub-§1, ¶G**, as amended by PL 2011, c. 563,
28 §13, is repealed.

29 **Sec. A-41. 36 MRSA §5219-HH, sub-§1, ¶G**, as enacted by PL 2011, c. 548,
30 §33 and affected by §35, is repealed and the following enacted in its place:

31 G. "Qualified active low-income community business" has the same meaning as in
32 the Code, Section 45D and includes any entity making an investment under this
33 section if, for the most recent calendar year ending prior to the date of the investment:

34 (1) At least 50% of the total gross income of the entity was derived from the
35 active conduct of business activity of the entity within any municipality where
36 the average annual unemployment rate for that year was higher than the state
37 average unemployment rate;

38 (2) A substantial portion of the use of the tangible property of the entity was
39 within any location of the State where the average annual unemployment rate for
40 that year was higher than the state average unemployment rate; or

1 (3) A substantial portion of the services performed by the entity by its employees
2 was performed in a municipality where the average annual unemployment rate
3 for that year was higher than the state average unemployment rate.

4 **Sec. A-42. 36 MRSA §6201, sub-§10**, as amended by PL 2011, c. 552, §2, is
5 further amended to read:

6 **10. Property taxes accrued.** "Property taxes accrued" means property taxes
7 exclusive of special assessment, delinquent interest and charges for service levied on a
8 claimant's homestead in this State as of April 1, 1972, or any tax year thereafter. If a
9 claimant receives an abatement of property taxes based on ~~infirmity~~ hardship or poverty
10 pursuant to section 841, subsection 2 during the year for which relief is requested,
11 "property taxes accrued" means only the portion of property taxes levied that was not
12 abated during the year for which the claimant requests relief. If a homestead is owned by
13 2 or more persons or entities as joint tenants or tenants in common, and one or more
14 persons or entities are not members of the claimant's household, "property taxes accrued"
15 is that part of property taxes levied on the homestead that reflects the ownership
16 percentage of the claimant and the claimant's household. If a claimant and spouse own
17 their homestead for part of the year for which relief is requested and rent it or a different
18 homestead for part of the same tax year, "property taxes accrued" means taxes levied on
19 the homestead on April 1st, multiplied by the percentage of 12 months that the property
20 was owned and occupied by the household as its homestead during the year for which
21 relief is requested. When a household owns and occupies 2 or more different homesteads
22 in this State in the same calendar year, property taxes accrued relate only to the total of
23 the property taxes owed for the time that each property was occupied by the household as
24 a homestead. To calculate the amount attributable to each property, the April 1st
25 assessment on each homestead is multiplied by the percentage of 12 months that each
26 property was owned and occupied by the claimant as the claimant's homestead during the
27 year for which relief is requested. If a homestead is an integral part of a larger unit such
28 as a farm, or a multipurpose or multidwelling building, property taxes accrued are that
29 percentage of the total property taxes accrued that the value of the homestead is of the
30 total value, except that property taxes accrued do not include any portion of taxes claimed
31 as a business expense for federal income tax purposes. For purposes of this chapter,
32 "unit" refers to the parcel of property separately assessed of which the homestead is a
33 part.

34 **Sec. A-43. 37-B MRSA §158**, as amended by PL 2011, c. 344, §33, is further
35 amended to read:

36 **§158. Maine Military Family Relief Fund**

37 The Maine Military Family Relief Fund, referred to in this section as "the fund," is
38 established as a nonlapsing fund in the department administered according to rules
39 adopted by the Adjutant General. ~~Except as provided in subsection 1, the~~ The Adjutant
40 General is authorized to award loans and grants from the fund for emergencies and other
41 special needs to members or families of members of the Maine National Guard or
42 residents of the State who are members or families of members of the Reserves of the
43 Armed Forces of the United States and to distribute funds to a statewide nonprofit
44 organization established for the purpose of providing assistance to members or families of

1 members of the Maine National Guard or residents of the State who are members or
2 families of members of the Reserves of the Armed Forces of the United States. The
3 Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants.
4 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
5 chapter 375, subchapter 2-A.

6 **PART B**

7 **Sec. B-1. 12 MRSA §685-C, sub-§1, ¶B**, as repealed by PL 2011, c. 655, Pt. JJ,
8 §6 and affected by §41 and amended by c. 682, §21, is repealed.

9 **Sec. B-2. 12 MRSA §685-C, sub-§1, ¶B-1** is enacted to read:

10 B-1. After the commission has finalized a plan or a portion of a plan, but prior to
11 adoption, the commission shall provide a copy to the Commissioner of Agriculture,
12 Conservation and Forestry, who shall submit the finalized plan or a portion of the
13 plan to the Governor for comments. The commissioner shall submit the finalized plan
14 or a portion of the plan including the Governor's comments to the Legislature within
15 30 days after the convening of the next regular session for approval. The Legislature
16 shall, by act or resolve, approve, disapprove or require changes to the plan or any
17 portion of the plan prior to adjournment. If the plan or a portion of the plan is
18 approved or the Legislature fails to act on the plan or a portion of the plan before
19 adjournment, the plan or a portion of the plan may be finally adopted by the
20 commission. If the plan or a portion of the plan is disapproved or revisions are
21 required, the plan or a portion of the plan must be revised by the commission and
22 resubmitted to the Legislature for approval by act or resolve. The joint standing
23 committee of the Legislature having jurisdiction over conservation matters may
24 submit legislation to implement the provisions of this paragraph.

25 **Sec. B-3. 12 MRSA §685-C, sub-§1, ¶C**, as amended by PL 2011, c. 655, Pt. JJ,
26 §7 and affected by §41 and repealed by c. 682, §21, is repealed.

27 **Sec. B-4. 23 MRSA §3360-A, sub-§5-I, ¶A**, as enacted by PL 2011, c. 72, §4, is
28 amended to read:

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

31 (1) "Lawfully expanded after March 1, 2011" means an expansion of a quarry or
32 borrow pit after March 1, 2011:

33 (a) That requires an authorization, license, permit or variance issued by the
34 Department of Environmental Protection pursuant to Title 38, chapter 3,
35 article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission
36 or the Maine Land Use Planning Commission under Title 12, chapter 206-A
37 and for which a valid authorization, license, permit or variance has been
38 issued; or

39 (b) That requires a filing of a notice of intent to comply pursuant to Title 38,
40 chapter 3, article 7 or 8-A and a complete filing has been made.

1 (2) "Lawfully located on March 1, 2011" means that on March 1, 2011 the quarry
2 or borrow pit existed and:

3 (a) The owner or operator had been issued all authorizations, licenses,
4 permits or variances by the Department of Environmental Protection pursuant
5 to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use
6 Regulation Commission under Title 12, chapter 206-A necessary to operate
7 that quarry or borrow pit; and

8 (b) The quarry or borrow pit was in compliance with any applicable
9 requirements of Title 38, chapter 3, article 7 or 8-A or with any applicable
10 land use district standards of the former Maine Land Use Regulation
11 Commission adopted under Title 12, chapter 206-A.

12 (3) "Lawfully located after March 1, 2011" means that the quarry or borrow pit
13 is established after March 1, 2011 and:

14 (a) The owner or operator possesses all authorizations, licenses, permits or
15 variances issued by the Department of Environmental Protection pursuant to
16 Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use
17 Regulation Commission or the Maine Land Use Planning Commission under
18 Title 12, chapter 206-A necessary to operate that quarry or borrow pit; and

19 (b) The quarry or borrow pit is in compliance with the requirements of Title
20 38, chapter 3, article 7 or 8-A or with applicable land use district standards of
21 the former Maine Land Use Regulation Commission or the Maine Land Use
22 Planning Commission adopted under Title 12, chapter 206-A.

23 (4) "Quarry" has the same meaning as in Title 38, section 490-W, subsection 17.

24 **Sec. B-5. 38 MRSA §488, sub-§9**, as amended by PL 2011, c. 653, §20 and
25 affected by §33 and repealed by c. 682, §31 and affected by §40, is repealed.

26 PART C

27 **Sec. C-1. 1 MRSA §25**, as amended by PL 2011, c. 655, Pt. KK, §1 and affected
28 by §34, is further amended to read:

29 **§25. Topographic mapping**

30 The ~~Bureau~~ Department of Agriculture, Conservation and Forestry, Division of
31 Geology, Natural Areas and Coastal Resources has charge of topographic mapping on
32 behalf of the State. The ~~Bureau~~ Division of Geology, Natural Areas and Coastal
33 Resources is authorized and directed to enter into such agreements with the Director of
34 the United States Geological Survey as will ensure the progress of the work in an
35 efficient and economical manner.

36 **Sec. C-2. 5 MRSA §935, sub-§1, ¶D**, as amended by PL 2011, c. 655, Pt. KK,
37 §3 and affected by §34, is further amended to read:

38 D. Director, ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources;

1 **Sec. C-3. 12 MRSA §541-A**, as amended by PL 2011, c. 655, Pt. KK, §4 and
2 affected by §34, is further amended to read:

3 **§541-A. Division of Geology, Natural Areas and Coastal Resources**

4 The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources is established
5 within the Department of Agriculture, Conservation and Forestry and is administered by
6 the commissioner. The ~~bureau~~ division consists of the Maine Geological Survey, referred
7 to in this chapter as the "survey," the Natural Areas Program and the Maine Coastal
8 Program. The executive director of the ~~bureau~~ division is the director of the survey.

9 **Sec. C-4. 12 MRSA §549**, as amended by PL 2011, c. 655, Pt. KK, §6 and
10 affected by §34 and amended by c. 657, Pt. W, §7, is further amended to read:

11 **§549. Jurisdiction**

12 The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources and the
13 agencies having jurisdiction over state-owned lands have jurisdiction, as set forth in this
14 subchapter, over all state-owned lands for the purpose of mineral development and
15 mining on that land. The ~~Bureau~~ Division of Geology, Natural Areas and Coastal
16 Resources and the agencies having jurisdiction over state-owned lands may make such
17 rules as each considers proper with respect to the authority delegated pursuant to this
18 subchapter.

19 **Sec. C-5. 12 MRSA §549-A, sub-§2**, as amended by PL 2011, c. 655, Pt. KK, §7
20 and affected by §34, is further amended to read:

21 **2. Director of the survey.** "Director of the survey" means the Director of the
22 ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources.

23 **Sec. C-6. 12 MRSA §550-B, sub-§3, ¶A**, as amended by PL 2011, c. 655, Pt.
24 KK, §8 and affected by §34, is further amended to read:

25 A. Within 30 days after completion of any well or dry hole, or the enlarging or
26 deepening of an existing well, a well drilling company shall submit a report to the
27 ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources on forms designed
28 and provided by the ~~Bureau~~ Division of Geology, Natural Areas and Coastal
29 Resources. The report must contain information as may be required by the ~~Bureau~~
30 Division of Geology, Natural Areas and Coastal Resources, including, but not limited
31 to, location, construction and well yield.

32 **Sec. C-7. 12 MRSA §550-B, sub-§6**, as amended by PL 2011, c. 655, Pt. KK, §9
33 and affected by §34, is further amended to read:

34 **6. Information use.** Information collected by the ~~Bureau~~ Division of Geology,
35 Natural Areas and Coastal Resources, Maine Geological Survey under this section is
36 subject to Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the
37 information belongs or pertains requests that it be designated as confidential and the
38 ~~bureau~~ division has determined it contains proprietary information. For the purposes of
39 this subsection, "proprietary information" means information that is a trade secret or

1 production, commercial or financial information the disclosure of which would impair the
2 competitive position of the person submitting the information and would make available
3 information not otherwise publicly available. The ~~Bureau~~ Division of Geology, Natural
4 Areas and Coastal Resources, Maine Geological Survey shall make information collected
5 under this chapter available to any federal, state or municipal entity or authorized agent of
6 such entity.

7 **Sec. C-8. 12 MRSA §1835, sub-§1, ¶A**, as amended by PL 2011, c. 655, Pt. KK,
8 §10 and affected by §34, is further amended to read:

9 A. The first \$20,000 in the aggregate of any money accruing from the alienation of
10 rights to mine upon nonreserved public land, or other income arising out of mining
11 operations, that is actually received during any fiscal year, and every portion thereof
12 accruing from these mining operations, must be paid into the ~~Bureau~~ Division of
13 Geology, Natural Areas and Coastal Resources.

14 **Sec. C-9. 12 MRSA §1847, sub-§2**, as amended by PL 2011, c. 655, Pt. JJ, §8
15 and affected by §41 and amended by c. 682, §38, is further amended to read:

16 **2. Management plans.** The director shall prepare, revise from time to time and
17 maintain a comprehensive management plan for the management of the public reserved
18 lands in accordance with the guidelines in this subchapter. The plan must provide for a
19 flexible and practical approach to the coordinated management of the public reserved
20 lands. In preparing, revising and maintaining such a management plan the director, to the
21 extent practicable, shall compile and maintain an adequate inventory of the public
22 reserved lands, including not only the timber on those lands but also the other multiple
23 use values for which the public reserved lands are managed. In addition, the director
24 shall consider all criteria listed in section 1858 for the location of public reserved lands in
25 developing the management plan. The director is entitled to the full cooperation of the
26 ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, the Department of
27 Inland Fisheries and Wildlife and the Maine Land Use Planning Commission in
28 compiling and maintaining the inventory of the public reserved lands. The director shall
29 consult with those agencies as well as other appropriate state agencies in the preparation
30 and maintenance of the comprehensive management plan for the public reserved lands.
31 The plan must provide for the demonstration of appropriate management practices that
32 will enhance the timber, wildlife, recreation, economic and other values of the lands. All
33 management of the public reserved lands, to the extent practicable, must be in accordance
34 with this management plan when prepared.

35 Within the context of the comprehensive management plan, the commissioner, after
36 adequate opportunity for public review and comment, shall adopt a specific action plan
37 for each unit of the public reserved lands system. Each action plan must include
38 consideration of the related systems of silviculture and regeneration of forest resources
39 and must provide for outdoor recreation including remote, undeveloped areas, timber,
40 watershed protection, wildlife and fish. The commissioner shall provide adequate
41 opportunity for public review and comment on any substantial revision of an action plan.
42 Management of the public reserved lands before the action plans are completed must be
43 in accordance with all other provisions of this section.

1 **Sec. C-10. 12 MRSA §1849, sub-§1, ¶A**, as amended by PL 2011, c. 655, Pt.
2 KK, §11 and affected by §34, is further amended to read:

3 A. The first \$20,000 in the aggregate of any money accruing from the alienation of
4 rights to mine upon public reserved land, or other income arising out of mining
5 operations, that is actually received during any fiscal year, and every portion thereof
6 accruing from these mining operations, must be paid to the ~~Bureau~~ Division of
7 Geology, Natural Areas and Coastal Resources.

8 **Sec. C-11. 12 MRSA §5013, sub-§5**, as amended by PL 2011, c. 655, Pt. KK,
9 §14 and affected by §34, is further amended to read:

10 **5. Division of Geology, Natural Areas and Coastal Resources.** The ~~Bureau~~
11 Division of Geology, Natural Areas and Coastal Resources is under the direction and
12 supervision of a director who is appointed by, and serves at the pleasure of, the
13 commissioner.

14 **Sec. C-12. 12 MRSA §13001, sub-§12**, as amended by PL 2011, c. 655, Pt. KK,
15 §16 and affected by §34 and amended by c. 682, §38, is further amended to read:

16 **12. Freshwater marshes and bogs.** "Freshwater marshes and bogs" means naturally
17 occurring open areas with saturated soils or peat, often associated with standing water and
18 dominated by low herbaceous vegetation, grasses, weeds and shrubs and including
19 wetlands, as shown on the Freshwater Wetlands Map Series, ~~Bureau~~ Division of
20 Geology, Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a
21 Wetland Protection Subdistrict, P-WL, by the Maine Land Use Planning Commission.

22 **Sec. C-13. 22 MRSA §676, sub-§5**, as amended by PL 2011, c. 655, Pt. KK, §17
23 and affected by §34, is further amended to read:

24 **5. Geology.** The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources,
25 Maine Geological Survey within the Department of Agriculture, Conservation and
26 Forestry shall provide technical assistance for waste management.

27 **Sec. C-14. 22 MRSA §679-B, sub-§8**, as amended by PL 2011, c. 655, Pt. KK,
28 §18 and affected by §34 and amended by c. 682, §38, is further amended to read:

29 **8. Transfer of funds.** Notwithstanding Title 5, section 1585, funds allocated under
30 this section must be transferred as necessary to accomplish the purposes of this section
31 and Title 38, chapter 14-A from the department to other agencies, including the
32 Department of Environmental Protection, the ~~Bureau~~ Division of Geology, Natural Areas
33 and Coastal Resources, Maine Geological Survey within the Department of Agriculture,
34 Conservation and Forestry and the Maine Land Use Planning Commission.

35 **Sec. C-15. 32 MRSA §4700-G, sub-§2**, as amended by PL 2011, c. 655, Pt. KK,
36 §19 and affected by §34, is further amended to read:

37 **2. Membership.** The commission consists of the director of the division of
38 environmental health within the Department of Health and Human Services or the
39 director's designee; the Director of the ~~Bureau~~ Division of Geology, Natural Areas and

1 Coastal Resources within the Department of Agriculture, Conservation and Forestry or
2 the director's designee; the Commissioner of Transportation or the commissioner's
3 designee; and 4 public members, 3 of whom must be well drillers.

4 **Sec. C-16. 32 MRSA §4700-G, sub-§6**, as amended by PL 2011, c. 655, Pt. KK,
5 §20 and affected by §34, is further amended to read:

6 **6. Administrative provision.** The department shall administer the affairs and
7 activities of the commission, keep all books and records, excluding data reports. All
8 appropriations for use of the commission must be made to the department. The
9 Department of Agriculture, Conservation and Forestry, ~~Bureau~~ Division of Geology,
10 Natural Areas and Coastal Resources shall keep all well data reports and work with the
11 department in the administration of the commission's activities.

12 **Sec. C-17. 33 MRSA §1213**, as amended by PL 2011, c. 655, Pt. KK, §21 and
13 affected by §34, is further amended to read:

14 **§1213. Water boundaries**

15 For the purposes of this chapter, the Department of Agriculture, Conservation and
16 Forestry, ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources shall draw
17 the water boundaries of the 8 coastal counties in order to determine in which registry of
18 deeds the island must be registered. These lines must be drawn in accordance with the
19 corporate charters of the counties as amended. In instances in which the charter does not
20 clearly specify the seaward boundaries of the counties, the boundaries must be drawn in
21 accordance with state law and the principles contained in the International Convention for
22 the Contiguous and Territorial Sea in determining seaward boundaries between adjacent
23 nation states.

24 **Sec. C-18. 35-A MRSA §3457**, as amended by PL 2011, c. 655, Pt. KK, §23 and
25 affected by §34, is further amended to read:

26 **§3457. Rulemaking; scenic viewpoint; scenic inventory**

27 **1. Scenic viewpoint.** The Department of Agriculture, Conservation and Forestry
28 shall adopt rules to designate scenic viewpoints located on state public reserved land or
29 on a trail that is used exclusively for pedestrian use, such as the Appalachian Trail, that
30 have state or national significance from a scenic perspective based on criteria modeled
31 after those used in the "Maine Rivers Study" published by the former Department of
32 Conservation in 1982 and "Maine Wildlands Lakes Assessment" published by the former
33 Maine Land Use Regulation Commission in June 1987 and consideration of the criteria in
34 section 3452, subsection 3.

35 **2. Scenic inventory.** The Department of Agriculture, Conservation and Forestry,
36 ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources shall adopt rules
37 regarding the methodology for conducting a scenic inventory of scenic resources of state
38 or national significance that are located in the coastal area, as defined by Title 38, section
39 1802, subsection 1, in a manner comparable to that used for an inventory listed in section
40 3451, subsection 9, paragraph H, subparagraph (1). The Department of Agriculture,

1 Conservation and Forestry, ~~Bureau~~ Division of Geology, Natural Areas and Coastal
2 Resources may contract with an outside entity for the preparation of a scenic inventory
3 conducted pursuant to the methodology developed pursuant to this subsection.

4 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
5 chapter 375, subchapter 2-A.

6 **Sec. C-19. 38 MRSA §361-A, sub-§1-D**, as amended by PL 2011, c. 655, Pt.
7 KK, §24 and affected by §34, is further amended to read:

8 **1-D. Aquifer.** "Aquifer" means a geologic formation composed of rock or sand and
9 gravel that stores and transmits significant quantities of recoverable water, as identified
10 by the ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, Maine
11 Geological Survey within the Department of Agriculture, Conservation and Forestry.

12 **Sec. C-20. 38 MRSA §401, 7th ¶**, as amended by PL 2011, c. 655, Pt. KK, §25
13 and affected by §34, is further amended to read:

14 It is the intention of the Legislature that the ~~Bureau~~ Division of Geology, Natural
15 Areas and Coastal Resources provide coordination and develop programs for the
16 collection and analysis of information relating to the nature, extent and quality of aquifers
17 and aquifer recharge areas.

18 **Sec. C-21. 38 MRSA §402**, as amended by PL 2011, c. 655, Pt. KK, §26 and
19 affected by §34, is further amended to read:

20 **§402. Research**

21 The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, in
22 cooperation with the Department of Environmental Protection, is authorized to conduct
23 research and studies to determine recharge and cleansing rates of ~~ground-water~~
24 groundwater in different sand and gravel and bedrock formations.

25 The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, Maine
26 Geological Survey within the Department of Agriculture, Conservation and Forestry in
27 cooperation with other agencies as appropriate shall conduct a 3-year program to assess
28 the impact of agricultural practices and chemicals on ~~ground-water~~ groundwater quality in
29 selected agricultural areas and selected aquifers. The program must evaluate the extent
30 and level of contamination associated with pesticide use, the mechanisms by which
31 pesticides move through the soil and into ~~ground-water~~ groundwater supplies, the
32 synergistic effects of these substances and their persistence in ~~ground-water~~ groundwater.

33 The survey shall report annually its progress to the joint standing committee of the
34 Legislature having jurisdiction over natural resources.

35 **Sec. C-22. 38 MRSA §490-OO, sub-§6, ¶A**, as enacted by PL 2011, c. 653, §23
36 and affected by §33, is amended to read:

37 A. At least 60 days prior to submitting an application to the department, the applicant
38 shall notify by certified mail the municipal officers of each municipality in which the

1 mining area or affected area may be located or, in the unorganized territory, the
2 county commissioners for each county in which the mining area or affected area may
3 be located. The applicant at the same time shall provide a copy of the notice to the
4 department and the Director of the ~~Bureau~~ Division of Geology ~~and~~, Natural Areas
5 and Coastal Resources within the Department of Agriculture, Conservation and
6 Forestry.

7 **Sec. C-23. 38 MRSA §549**, as amended by PL 2011, c. 655, Pt. KK, §29 and
8 affected by §34, is further amended to read:

9 **§549. Personnel and equipment**

10 The commissioner shall establish and maintain at such ports within the State, and
11 other places as the commissioner determines, employees and equipment necessary to
12 carry out this subchapter. The commissioner, subject to the Civil Service Law, may
13 employ personnel necessary to carry out the purposes of this subchapter, and shall
14 prescribe the duties of those employees. The salaries of those employees and the cost of
15 that equipment must be paid from the Maine Coastal and Inland Surface Oil Clean-up
16 Fund established by this subchapter. The commissioner and the Director of the ~~Bureau~~
17 Division of Geology, Natural Areas and Coastal Resources shall periodically consult with
18 each other relative to procedures for the prevention of oil discharges into the coastal
19 waters of the State from offshore drilling production facilities. Inspection and
20 enforcement employees of the department in their line of duty under this subchapter have
21 the powers of a constable.

22 **Sec. C-24. 38 MRSA §1905, sub-§1**, as amended by PL 2011, c. 655, Pt. KK,
23 §31 and affected by §34, is further amended to read:

24 **1. Maps; coastal barriers identified.** Maine's coastal barriers are identified on
25 maps, available for public review, at the Department of Agriculture, Conservation and
26 Forestry, ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, Maine
27 Geological Survey office in Augusta. They are referred to as the Maine Coastal Barrier
28 Resources Systems and are numbered consistent with the United States Coastal Barriers
29 Resource Act.

30 **Sec. C-25. Maine Revised Statutes headnote amended; revision clause.** In
31 the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 1, in the subchapter
32 headnote, the words "bureau of geology, natural areas and coastal resources" are amended
33 to read "division of geology, natural areas and coastal resources" and the Revisor of
34 Statutes shall implement this revision when updating, publishing or republishing the
35 statutes.

36 **PART D**

37 **Sec. D-1. 5 MRSA §17851-A, sub-§1, ¶C**, as enacted by PL 1997, c. 769, §11,
38 is amended to read:

1 C. Forest rangers in the employment of the former Department of Conservation on
2 July 1, 1998, or hired thereafter by the former Department of Conservation or the
3 Department of Agriculture, Conservation and Forestry;

4 **Sec. D-2. 5 MRSA §17852, sub-§7-A**, as amended by PL 2007, c. 491, §§165
5 and 166, is further amended to read:

6 **7-A. Forest rangers after August 31, 1984; option.** Except as provided in section
7 17851-A, the retirement benefit of a person qualifying under section 17851, subsection
8 8-A who retires upon or after reaching 55 years of age is computed in accordance with
9 subsection 1 if:

10 A. The person was first employed as a forest ranger in the former Department of
11 Conservation or the Department of Agriculture, Conservation and Forestry on or after
12 May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to
13 the State Employee and Teacher Retirement Program an increased employee payroll
14 contribution in an amount that equals the full actuarial cost of electing that option; or

15 B. The person was first employed as a forest ranger in the former Department of
16 Conservation or the Department of Agriculture, Conservation and Forestry before
17 May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to
18 the State Employee and Teacher Retirement Program by single or periodic payment
19 of a lump sum or by a combination of single and periodic payments the amount that
20 equals the full actuarial cost of electing that option for service before that date. A
21 person who requests calculation of the full actuarial cost, regardless of whether the
22 person elects the option, must pay to the retirement system by single lump sum
23 payment the reasonable administrative costs of determining the full actuarial costs.
24 Payment of the full actuarial cost related to service on or after May 1, 1996 is made
25 as part of the employee payroll contribution.

26 For the purpose of this subsection, "full actuarial cost" means that the person's payment
27 or payments must fully offset any unfunded liability that would or does result from
28 retirement under the option provided in section 17851, subsection 8-A and must fully
29 fund the cost of the person's retirement prior to normal retirement age so that an
30 additional employer contribution is not required.

31 A person who makes the election provided in section 17851, subsection 8-A at any time
32 after the date on which the person is first employed as a forest ranger in the former
33 Department of Conservation or the Department of Agriculture, Conservation and Forestry
34 must include interest at a rate to be set by the board not to exceed regular interest by 5 or
35 more percentage points, applied as of the date on which the person was first employed in
36 that capacity to the contributions the person would have paid or had picked up by the
37 employer had the person elected that option at the date of first employment.

38 This subsection is effective May 1, 1996. Election to retire under this subsection is a
39 one-time irrevocable election. A person who was first employed as a forest ranger in the
40 former Department of Conservation or the Department of Agriculture, Conservation and
41 Forestry on or after May 1, 1996 must make the election no later than 90 days after the
42 date of first employment. A person who was first employed in that capacity before May
43 1, 1996 must make the election no later than January 1, 1997.

1 **Sec. D-3. 7 MRSA §2171, sub-§1-A**, as enacted by PL 1999, c. 790, Pt. A, §5
2 and affected by §6, is amended to read:

3 **1-A. Fees established by rule.** ~~No later than December 31, 1999, the~~ The
4 Commissioner of Agriculture, ~~Food and Rural Resources~~ Conservation and Forestry shall
5 ~~provisionally~~ adopt rules in accordance with Title 5, chapter 375 to establish fees for
6 licenses issued under this section. Rules adopted pursuant to this subsection are major
7 substantive rules as defined in Title 5, chapter 375, subchapter ~~II-A 2-A~~. ~~Fees established~~
8 ~~by rules adopted under this subsection may take effect no earlier than 90 days after the~~
9 ~~adjournment of the Second Regular Session of the 119th Legislature.~~

10 **Sec. D-4. 10 MRSA §945-B, sub-§1**, as amended by PL 2011, c. 655, Pt. EE,
11 §14 and affected by §30, is further amended to read:

12 **1. Members.** Members are the private individuals, partnerships, firms, corporations,
13 governmental entities and other organizations who pay dues to the center. For the
14 purposes of this chapter, members may include, but are not limited to, municipal and
15 county government, councils of government, local and area development corporations,
16 regional planning commissions, development districts, state agencies, higher educational
17 facilities, including the components of the University of Maine System, the Maine
18 Maritime Academy, private colleges and postsecondary schools and community colleges,
19 and other public or quasi-public entities. The following ~~8~~ 7 public organizations are
20 granted membership by virtue of the State's contribution to the organization; and are
21 exempt from dues requirements and each is entitled to designate one individual to
22 exercise its voting right: the Department of Agriculture, ~~Food and Rural Resources~~
23 Conservation and Forestry, the Governor's Office of Policy and Management, the Finance
24 Authority of Maine, the Department of Labor, ~~the Department of Conservation~~, the
25 Department of Marine Resources, the Department of Economic and Community
26 Development and the Department of Transportation.

27 **Sec. D-5. 12 MRSA §402, sub-§9**, as enacted by PL 1983, c. 458, §1, is amended
28 to read:

29 **9. Outstanding river stretches.** Protect the special resource values of the flowing
30 waters and shorelands of the State's most outstanding river stretches, as identified by the
31 former Department of Conservation's 1982 Maine Rivers Study and as specifically
32 delineated in this chapter.

33 **Sec. D-6. 12 MRSA §1893**, as amended by PL 2007, c. 429, §1 and affected by
34 §3, is further amended to read:

35 **§1893. Off-road Recreational Vehicle Office**

36 **1. Office established.** There is established within the ~~bureau~~ division the Off-road
37 Recreational Vehicle ~~Division~~ Office, referred to in this subchapter as the "~~division~~
38 office." The ~~division~~ office includes the following.

39 A. Within available funds, the snowmobile program shall develop and maintain
40 snowmobile trails and provide educational and informational materials for the use of

1 operators of snowmobiles. The ~~bureau~~ division may charge a reasonable fee for such
2 services and materials when the money credited to it under chapter 937 is insufficient
3 to satisfy the demand for those services and materials. All fees collected must be
4 deposited in the ~~bureau's~~ division's Snowmobile Trail Fund. The ~~bureau~~ division
5 shall administer the Snowmobile Trail Fund, and the snowmobile program's other
6 activities must be conducted pursuant to subsection 3. The Snowmobile Trail Fund
7 receives funding as provided in chapter 937 and Title 36, section 2903-D, subsection
8 2.

9 B. The ~~bureau~~ division shall administer the ATV Recreational Management Fund
10 established under subsection 2 for the purposes given in that subsection and for the
11 acquisition of land to be used for ATV trails. The ~~bureau~~ division may adopt rules in
12 accordance with Title 5, chapter 375, subchapter 2 for the issuance of grants-in-aid
13 from the fund and to further define alpine tundra areas pursuant to section 13001,
14 subsection 4. Additional funding for the ATV Recreational Management Fund is as
15 provided in Title 36, section 2903-D, subsection 3.

16 **2. ATV Recreational Management Fund.** The ATV Recreational Management
17 Fund, referred to in this subsection as "the fund," is established and administered by the
18 department.

19 A. The fund may be used to conduct research on issues related to the management of
20 ATVs; assist in the formation of nonprofit ATV groups; make grants-in-aid to
21 political subdivisions, educational institutions, regional planning agencies, ATV
22 groups and others to construct and maintain ATV trails, to purchase equipment or to
23 otherwise carry out the purposes of the fund; assist in the design and development of
24 ATV trails; purchase, lease or otherwise acquire interests in land, including, but not
25 limited to, fee or easement interests for ATV trails or sport-riding facilities; provide
26 protection to landowners against ATV-related suit or liability; or otherwise provide
27 for the wise and orderly management of ATVs.

28 B. If any money in the fund is not expended during the year in which it is collected,
29 the unexpended balance may not lapse, but must be carried as a continuing account
30 available for the purposes specified until expended.

31 **3. Use of fees.** This subsection applies to the use of fees credited to the Snowmobile
32 Trail Fund.

33 A. The ~~bureau~~ division is authorized to use the money credited to the Snowmobile
34 Trail Fund to make grants-in-aid to political subdivisions, educational institutions,
35 regional planning agencies, snowmobile groups and others for the construction and
36 maintenance of snowmobile trails and for research, development and planning of
37 snowmobile trails.

38 (1) For all grants disbursed after July 1, 1984, the ~~bureau~~ division shall adopt
39 rules specifying how to apply for the grants, which projects are eligible and the
40 formula for state support.

41 (2) The ~~bureau~~ division may charge a reasonable fee for these services and
42 materials when the money credited to it under this paragraph is insufficient to

1 satisfy the demand for the services and materials. All fees so collected must be
2 deposited in the Snowmobile Trail Fund.

3 (3) If any of the money is not expended during the year in which the money is
4 collected, the unexpended balance does not lapse, but is carried as a continuing
5 account available for the purposes specified until expended.

6 B. The ~~bureau~~ division is authorized to use money credited to the Snowmobile Trail
7 Fund for snowmobile trail acquisition, including, but not limited to, the purchase or
8 lease of real estate, grants to snowmobile clubs, municipalities and counties for the
9 acquisition of snowmobile trail maintenance equipment and the acquisition of
10 easements, construction, development, planning and maintenance and for providing
11 educational and informational materials for the use of operators of snowmobiles and
12 for research.

13 C. The money distributed to municipalities by the ~~bureau~~ division under this
14 subsection may be appropriated by the municipalities for any purpose for which they
15 may lawfully appropriate money.

16 D. By June 30th of each fiscal year, the State Controller shall transfer from the
17 Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount
18 equal to the tax exemption under Title 36, section 1760, subsection 90.

19 **Sec. D-7. 12 MRSA §1893-A, sub-§2**, as amended by PL 2003, c. 414, Pt. B,
20 §23 and affected by c. 614, §9, is further amended to read:

21 **2. Development of recreational management areas.** An owner or operator of an
22 excavation site proposing to develop a recreational management area and requesting a
23 variance from reclamation standards under Title 38, section 490-E shall request the
24 assistance of the ~~division~~ office.

25 Upon receipt of a request for assistance, the ~~division~~ office shall assess the affected land
26 for suitability for an all-terrain vehicle trail system. The ~~division~~ office shall advise the
27 landowner of funding, technical assistance and other assistance available through the
28 ATV Recreational Management Fund established in section 1893, subsections 2 and 3.
29 When an initial assessment of the affected land indicates the area is appropriate for an all-
30 terrain vehicle trail system, the ~~division~~ office may assist the owner or operator in
31 developing a plan and completing a variance application.

32 **Sec. D-8. 12 MRSA §8867-A**, as enacted by PL 1997, c. 720, §2, is amended to
33 read:

34 **§8867-A. Rulemaking**

35 ~~No later than November 1, 1998, the Commissioner of Conservation shall~~
36 ~~provisionally adopt rules in accordance with Title 5, chapter 375~~ The Commissioner of
37 Agriculture, Conservation and Forestry may adopt rules to implement this subchapter.
38 Rules adopted pursuant to this subchapter are major substantive rules as defined in Title
39 5, chapter 375, subchapter ~~II-A~~ and must be submitted to the Legislature no later than
40 January 1, 1999 for review 2-A.

1 The Commissioner of Agriculture, Conservation and Forestry shall consult with the
2 Commissioner of Environmental Protection and the Commissioner of Inland Fisheries
3 and Wildlife to ensure that ~~bureau~~ rules adopted under this subchapter are consistent with
4 wildlife habitat and environmental protection.

5 **Sec. D-9. 12 MRSA §8867-B**, as amended by PL 2003, c. 335, §2, is further
6 amended to read:

7 **§8867-B. Regulation of timber harvesting activities in areas adjacent to rivers,**
8 **streams, ponds, wetlands and tidal waters**

9 In accordance with the purposes of chapter 206-A and Title 38, chapter 3 ~~and no later~~
10 ~~than October 1, 2003~~, the Commissioner of Agriculture, Conservation and Forestry shall
11 adopt rules in accordance with Title 5, chapter 375 to establish performance standards for
12 timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal
13 waters. The rules must provide the maximum opportunity for flexibility that achieves the
14 goal of protecting the public resources while minimizing the impact on private resources.
15 The initial rules adopted pursuant to this section are routine technical rules as defined in
16 Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major
17 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. D-10. 12 MRSA §10157, sub-§1, ¶A**, as amended by PL 2011, c. 576, §4,
19 is further amended to read:

20 A. ~~Four~~ Three ex officio members:

- 21 (1) The commissioner or the commissioner's designee;
- 22 (2) The Commissioner of Environmental Protection or the commissioner's
23 designee; and
- 24 (3) The Commissioner of Agriculture, Conservation and Forestry or the
25 commissioner's designee; ~~and~~
- 26 (4) ~~The Commissioner of Agriculture, Food and Rural Resources or the~~
27 ~~commissioner's designee;~~

28 **Sec. D-11. 14 MRSA §159-C, sub-§2**, as enacted by PL 1997, c. 739, §10, is
29 amended to read:

30 **2. Limited liability.** A lake association that has obtained a permit from the former
31 Department of Conservation or the Department of Agriculture, Conservation and Forestry
32 to place navigational aid markers in great ponds is not liable for personal injury, property
33 damage or death caused by placement or maintenance of those navigational aid markers
34 ~~provided that~~ as long as the lake association has placed or maintained the markers in
35 conformance with the terms and conditions of the permit.

36 **Sec. D-12. 35-A MRSA §3451, sub-§9, ¶E**, as enacted by PL 2007, c. 661, Pt.
37 A, §7, is amended to read:

1 E. A segment of a scenic river or stream identified as having unique or outstanding
2 scenic attributes listed in Appendix G of the "Maine Rivers Study" published by the
3 former Department of Conservation in 1982;

4 **Sec. D-13. 36 MRSA §1120**, as enacted by PL 1987, c. 728, §10 and amended by
5 PL 1997, c. 526, §14, is further amended to read:

6 **§1120. Program promotion**

7 The Department of Agriculture, ~~Food and Rural Resources~~ Conservation and Forestry
8 shall undertake an informational program designed to educate Maine citizens as to the
9 existence of the farm and open space tax laws, which ~~shall~~ must include, but not be
10 limited to, informing local farm organizations and associations of tax assessors about the
11 law.

12 ~~By January 1, 1989, the~~ The Department of Agriculture, ~~Food and Rural Resources~~
13 Conservation and Forestry and the Bureau of Revenue Services shall produce written
14 materials designed to inform municipal assessors, farmers and Maine citizens about the
15 farm and open space tax program. These materials ~~shall~~ must be in a form that is
16 attractive, easily understandable and designed to interest the public in the program. The
17 department and the bureau shall ensure that these written materials are made available
18 and distributed as widely as possible throughout the State.

19 **Sec. D-14. 38 MRSA §435, 2nd ¶**, as repealed and replaced by PL 1987, c. 815,
20 §§1 and 11, is amended to read:

21 It is further declared that, in accordance with Title 12, section 402, certain river and
22 stream segments, as identified in the former Department of Conservation's 1982 Maine
23 Rivers Study and as specifically delineated in section 437, are significant river segments
24 and deserve special shoreland zoning controls designed to protect their natural and
25 recreational features.

26 **Sec. D-15. 38 MRSA §446**, as corrected by RR 1991, c. 2, §144, is amended to
27 read:

28 **§446. Municipal ordinance review and certification**

29 Each municipality with shorelands along significant river segments, as identified in
30 section 437, shall review the adequacy of the zoning on these shorelands to protect the
31 special values cited for these river segments by the former Department of Conservation's
32 1982 Maine Rivers Study and for consistency with the guidelines established under
33 section 445. Prior to December 15, 1984, each such municipality shall certify to the
34 Board of Environmental Protection either that its existing zoning for these areas is at least
35 as restrictive as the guidelines established under section 445, or that it has amended its
36 zoning for this purpose. This certification must be accompanied by the ordinances and
37 zoning maps covering these areas. Failure to accomplish the purposes of this section
38 results in adoption of suitable ordinances for these municipalities, as provided for in
39 section 438-A.

1 Section 7 corrects a conflict created when Public Law 2007, chapter 557 repealed and
2 replaced and chapter 607 repealed Title 12, section 6728, subsection 3 by repealing and
3 replacing that subsection using the chapter 557 version.

4 Section 8 corrects a conflict created when Public Law 2007, chapter 557 repealed and
5 replaced Title 12, section 6728, subsection 3 and Public Law 2007, chapter 607 repealed
6 that subsection and enacted a new subsection 3-A with substantially the same language as
7 that in the chapter 557 version of subsection 3 by repealing subsection 3-A.

8 Section 9 changes the term "concealed firearm" to "concealed handgun" to reflect
9 changes in terminology enacted in Public Law 2011, chapter 298.

10 Section 10 corrects a conflict created by Public Law 2011, chapters 640 and 680,
11 which affected the same provision of law, by incorporating the changes made by both
12 laws.

13 Section 11 changes the term "concealed firearm" to "concealed handgun" to reflect
14 changes in terminology enacted in Public Law 2011, chapter 298.

15 Section 12 corrects a conflict created by Public Law 2011, chapters 679 and 686,
16 which affected the same provision of law, by incorporating the changes made by both
17 laws.

18 Section 13 corrects a conflict created by Public Law 2011, chapters 679 and 686,
19 which affected the same provision of law, by incorporating the changes made by both
20 laws.

21 Section 14 corrects a conflict created when Public Law 2011, chapter 213 amended
22 and chapter 424 repealed Title 22, section 335, subsection 1, paragraph E by repealing
23 that paragraph.

24 Section 15 corrects punctuation and makes a format correction.

25 Section 16 corrects a conflict created by Public Law 2011, chapters 636 and 648,
26 which affected the same provision of law, by incorporating the changes made by both
27 laws.

28 Section 17 changes the term "concealed firearm" to "concealed handgun" to reflect
29 changes in terminology enacted in Public Law 2011, chapter 298.

30 Section 18 corrects a conflict created by Public Law 2011, chapters 633 and 655,
31 which affected the same provision of law, by incorporating the changes made by both
32 laws.

33 Section 19 corrects a conflict created by Public Law 2011, chapters 633 and 655,
34 which affected the same provision of law, by incorporating the changes made by both
35 laws.

36 Section 20 changes the term "concealed firearm" to "concealed handgun" to reflect
37 changes in terminology enacted in Public Law 2011, chapter 298.

1 Section 21 changes the term "firearm" to "handgun" to reflect changes in terminology
2 enacted in Public Law 2011, chapter 298.

3 Section 22 corrects a conflict created by Public Law 2011, chapters 627 and 655,
4 which affected the same provision of law, by incorporating the changes made by both
5 laws.

6 Section 23 changes the term "concealed firearm" to "concealed handgun" to reflect
7 changes in terminology enacted in Public Law 2011, chapter 298.

8 Section 24 corrects a conflict created by Public Law 2011, chapters 298 and 366,
9 which affected the same provision of law, by incorporating the changes made by both
10 laws.

11 Section 25 changes the term "concealed firearm" to "concealed handgun" to reflect
12 changes in terminology enacted in Public Law 2011, chapter 298.

13 Section 26 corrects a conflict created by Public Law 2011, chapters 597 and 604,
14 which affected the same provision of law, by incorporating the changes made by both
15 laws.

16 Section 27 changes the term "concealed firearm" to "concealed handgun" to reflect
17 changes in terminology enacted in Public Law 2011, chapter 298.

18 Section 28 corrects a conflict created by Public Law 2011, chapters 273 and 413,
19 which affected the same provision of law. This section repeals the provision and replaces
20 it with the chapter 413 version.

21 Section 29 corrects a conflict created by Public Law 2011, chapters 655 and 682,
22 which affected the same provision of law, by incorporating the changes made by both
23 laws.

24 Section 30 corrects a conflict created when Public Law 2011, chapter 644 amended
25 and chapter 655 repealed Title 36, section 187-B, subsection 1-A by repealing that
26 subsection.

27 Section 31 corrects a conflict created by Public Law 2011, chapters 644 and 694,
28 which affected the same provision of law, by incorporating the changes made by both
29 laws.

30 Section 32 corrects a conflict created when Public Law 2011, chapter 644 amended
31 and chapter 694 repealed Title 36, section 191, subsection 2, paragraph VV by repealing
32 that paragraph.

33 Sections 33 and 34 correct a numbering problem created by Public Law 2011,
34 chapters 644 and 694, which enacted 2 substantively different provisions with the same
35 paragraph letter, and make a technical change.

1 Section 35 corrects a conflict created by Public Law 2011, chapters 552 and 624,
2 which affected the same provision of law, by incorporating the changes made by both
3 laws.

4 Section 36 corrects a numbering problem created by Public Law 2011, chapters 655
5 and 684, which enacted 2 substantively different provisions with the same subparagraph
6 number, and makes a technical change.

7 Section 37 removes a cross-reference to a subsection that has been repealed.

8 Section 38 corrects a conflict created by Public Law 2011, chapters 548 and 644,
9 which affected the same provision of law, by incorporating the changes made by both
10 laws.

11 Section 39 corrects a conflict created by Public Law 2011, chapters 548 and 644,
12 which affected the same provision of law, by incorporating the changes made by both
13 laws.

14 Sections 40 and 41 correct an error that was created when Public Law 2011, chapter
15 563 amended a version of Title 36, section 5219-GG and chapter 548 repealed section
16 5219-GG to resolve a conflict and enacted the language of the version of section
17 5219-GG amended in chapter 563 as section 5219-HH. Section A-45 repeals the
18 amendment to section 5219-GG made by chapter 563 and makes that change in section
19 5219-HH.

20 Section 42 changes language referring to the grounds for a property tax abatement to
21 reflect a change in the grounds made in Public Law 2011, chapter 624.

22 Section 43 removes a cross-reference to a subsection that has been repealed.

23 **PART B**

24 Sections 1 and 2 correct a conflict created when Public Law 2011, chapter 682
25 amended and chapter 655 repealed Title 12, section 685-C, subsection 1, paragraph B by
26 repealing paragraph B and enacting a new paragraph B-1 based on chapter 682.

27 Section 3 corrects a conflict created when Public Law 2011, chapter 655 amended
28 and chapter 682 repealed Title 12, section 685-C, subsection 1, paragraph C by repealing
29 that paragraph.

30 Section 4 changes references in Title 23, section 3360-A, subsection 5-I, paragraph A
31 to the Maine Land Use Regulation Commission by referring to it as the former
32 commission and adds references to the new Maine Land Use Planning Commission to
33 implement the intent of Public Law 2011, chapter 682, section 38.

34 Section 5 corrects a conflict created when Public Law 2011, chapter 653 amended
35 and chapter 682 repealed Title 38, section 488, subsection 9 by repealing that subsection.

36 **PART C**

1 Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture,
2 Food and Rural Resources and the Department of Conservation into one department, the
3 Department of Agriculture, Conservation and Forestry. Pursuant to Part W of that public
4 law, the Bureau of Geology and Natural Areas within the former Department of
5 Conservation is renamed the Division of Geology and Natural Areas. In Public Law
6 2011, chapter 655, Part KK, section 14, the bureau is renamed the Bureau of Geology,
7 Natural Areas and Coastal Resources. This Part corrects that conflict by combining the
8 action of both public laws and renaming the agency the Division of Geology, Natural
9 Areas and Coastal Resources.

10 Additionally, in section 18 of this Part a reference to the Maine Land Use Regulation
11 Commission is corrected to reflect the changed name of that agency pursuant to Public
12 Law 2011, chapter 682.

13 This Part also updates references to the former departments and makes corrections in
14 punctuation and usage.

15 **PART D**

16 Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture,
17 Food and Rural Resources and the Department of Conservation into one department, the
18 Department of Agriculture, Conservation and Forestry. This Part makes changes to
19 reflect that reorganization in sections where various technical corrections were required,
20 as follows.

21 Sections 1, 2 and 11 add language to allow the law to apply to actions taken by both
22 the former Department of Conservation and the new department.

23 Sections 3, 8, 9 and 13 remove obsolete language and references to past dates and
24 make technical changes.

25 Section 4 eliminates reference to one of the departments where both appear and
26 makes a technical change.

27 Sections 5, 12, 14, 15 and 17 add the word "former" to a reference to a past
28 publication of the Department of Conservation.

29 Section 10 eliminates reference to one of the commissioners where both appear and
30 makes a technical change.

31 Sections 6, 7, 16 and 18 implement the reorganization of a bureau within the
32 Department of Conservation to a division within the new department and designate what
33 had been the Off-road Recreational Vehicle Division within that bureau as the Off-road
34 Recreational Vehicle Office.