

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND NINTH LEGISLATURE

January 2, 1980 to April 3, 1980

Whereas, transitional provisions were made to place one desk and chair within the custody of the State Law Librarian; and

Whereas, that desk and chair were used extensively by the Honorable James B. Longley as presiding officer of the Executive Council from 1975 until the Executive Council was abolished; and

Whereas, this furniture has great meaning to former Governor Longley and will be a fitting tribute to an outstanding man and his contributions to the State; and

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

Transfer of certain state property authorized. Resolved: That, in honor and recognition of our former Governor James B. Longley, the desk and chair used by him while Chairman of the Executive Council, which is now the property of the State Law Library, be presented to him as a gift on behalf of the State.

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

Effective February 21, 1980

CHAPTER 33

S. P. 674 — L. D. 1778

RESOLVE, Authorizing Execution of Leasehold Agreement Between Department of Educational and Cultural Services and the City of South Portland Establishing a Greenbelt and Public Park Area on the Southern Maine Vocational-Technical Institute Campus as Part of the Spring Point Shoreway.

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

Whereas, Resolves of 1977, chapter 42, authorized and directed the Department of Educational and Cultural Services and the City of South Portland to negotiate an agreement for the use of a portion of the Southern Maine Vocational-Technical Institute campus as a greenbelt area; and

Whereas, the resolve directed the parties to submit the results of the negotiations to the second regular session of the 108th Legislature for approval; and

Whereas, the parties have now completed the negotiations; and

Whereas, the construction and conservation work to be undertaken as a part of the project may be shared between the City of South Portland Parks and Recreation Department and the students at Southern Maine Vocational-Technical Institute; and

Whereas, only by designating this resolve as an emergency will the City of South Portland and Southern Maine Vocational-Technical Institute students be able to work on this project in the spring and summer of 1980, thereby maximizing the benefits to be made available to the public through this project; and

Whereas, failure to designate this resolve as an emergency will mean the loss of the 1980 construction season with the attendant increase in cost of construction and will postpone for another year the availability of the greenbelt and public park area to the general public; and

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

Execution of leasehold agreement between Department of Educational and Cultural Services and the City of South Portland establishing a greenbelt and public park area on the Southern Maine Vocational-Technical Institute campus as a part of the Spring Point Shoreway authorized. Resolved: That the Department of Educational and Cultural Services, acting by and through its commissioner, is authorized to enter into a long-term leasehold agreement, the initial term of which shall not exceed 20 years, with the City of South Portland for the establishment of a greenbelt and public park area on a portion of the Southern Maine Vocational-Technical Institute campus.

The purpose of the leasehold shall be to permit the City of South Portland to construct, operate and maintain a so-called greenbelt and public park area to permit the general public to enjoy the scenic character and natural beauty of the Casco Bay shoreline adjacent to the Southern Maine Vocational-Technical Institute campus; provided that the operation and maintenance of the greenbelt and public park area shall be consistent with the present educational and vocational school use being made of the property. The lease shall provide for the preservation of the open space character of the Southern Maine Vocational-Technical Institute shore front on Casco Bay; the preservation generally of the remains of Fort Preble, including its walls, gun emplacements, bulkheads and prominent features for future restoration and historical interpretation as an integral part of the Spring Point Shoreway; the limitation of future physical expansion in this portion of the Spring Point Shoreway to presently planned additions to existing permanent buildings of Southern Maine Vocational-Technical Institute; and improvements to existing roads in this portion of the shoreway.

The greenbelt and public park area shall be constructed, operated and

maintained according to the Spring Point Shoreway Plan dated February 14, 1978, as prepared by the Landscape Architect firm of Mitchell & DeWan, which plan is incorporated herein and made a part hereof; provided that the boundaries of the greenbelt and public park area as contained herein shall prevail where inconsistent with those contained in the plan; and provided further that there shall be no obligation on the part of the State or the Department of Educational and Cultural Services to fund any portion of the greenbelt and public park area, except as may be specifically appropriated by the Legislature through the normal funding process.

A lease committee of 6 members shall be established. Three members shall be appointed by the Department of Educational and Cultural Services, each to serve an initial term of one, 2 or 3 years. Three members shall be appointed by the City of Portland, each to serve an initial term of one, 2 or 3 years. Subsequent terms shall be 3 years and until their successors are appointed.

The lease committee shall adopt written rules necessary to implement the lease agreement and this resolve. The rules shall include, but not be limited to, establishment of hours of use, vehicular parking areas and the preservation of scenic views.

The real property in question was conveyed to the State of Maine by 2 deeds from the United States of America, the first dated October 17, 1961, and the 2nd dated December 13, 1957, both of which require that the property be used for educational purposes. Therefore, approval from the Federal Government must be obtained before the commissioner may enter into the lease, and the commissioner is authorized to seek such approval; provided that such approval shall not interfere with present educational programs or facilities at Southern Maine Vocational-Technical Institute nor future plans for expansion of the same, and provided that such approval shall not impose any additional obligations upon the State or the department.

The premises to be leased is a certain lot or parcel of real property located in the City of South Portland, County of Cumberland, State of Maine, and being more particularly described as follows:

Beginning at a point on the edge of the seashore, said point being approximately sixty-five (65) feet distant on a course north 29° 14' west from the northerly corner of a certain lot or parcel of real property conveyed from Ametek, Inc. to the State of Maine by deed dated December 30, 1974, recorded in the Cumberland County Registry of Deeds in Book 3637, Page 291, said corner also being the easterly corner of a certain lot or parcel of real property conveyed by the General Electric Company to the City of South Portland by deed dated October 9, 1978, and recorded in the Cumberland County Registry of Deeds in Book 4336, Page 186; thence south 29° 14' east along land now owned by the City of South Portland sixty-five (65) feet to said corner (all courses herein are based upon magnetic north as of December 1979; the first course mentioned above is the same as the south 49° 01' 15" east course used in the two above-mentioned deeds, the descriptions in which are based

upon true north); thence north $89^{\circ} 47' 15''$ east forty (40) feet to a point on the southerly side of an existing traveled way; thence south $40^{\circ} 12' 45''$ east on a course approximately seventy-five (75) feet distant from the present northeasterly side of the so-called Marine Sciences Building one hundred ninety-one and thirty hundredths (191.30) feet; thence south $51^{\circ} 31' 45''$ east one hundred ninety-one and eighty hundredths (191.80) feet to the northerly corner of the present Machine Shop; thence south $27^{\circ} 29' 05''$ east on a course approximately ten (10) feet distant from the present easterly side of said Machine Shop eighty (80) feet; thence south $42^{\circ} 29' 05''$ east fifty-five (55) feet to the seaward side of Vocational Drive; thence by and along the seaward side of said Vocational Drive as it now exists on the following courses: south $48^{\circ} 29' 05''$ east one hundred ninety (190) feet, thence south $45^{\circ} 19' 05''$ east fifty (50) feet, thence south $32^{\circ} 18' 25''$ east fifty (50) feet, thence south $13^{\circ} 44' 05''$ east fifty (50) feet, thence south $8^{\circ} 20' 55''$ west fifty-five (55) feet, thence south $30^{\circ} 07' 35''$ west sixty-seven (67) feet, thence south $42^{\circ} 37' 35''$ west eighty-four and ninety-eight hundredths (84.98) feet, thence south $59^{\circ} 53' 15''$ west two hundred fourteen and ninety hundredths (214.90) feet to a point approximately ten (10) feet from the northeasterly side of the so-called Electricity and Electronics Building; thence south $32^{\circ} 06' 45''$ east seventy-one and fifteen hundredths (71.15) feet; thence south $58^{\circ} 17' 35''$ west forty-one and fifteen hundredths (41.15) feet; thence south $31^{\circ} 42' 25''$ east fifteen and fourteen hundredths (15.14) feet; thence south $57^{\circ} 58' 35''$ west one hundred fifty-six and ninety-four hundredths (156.94) feet; thence north $32^{\circ} 06' 45''$ west thirty (30) feet; thence south $57^{\circ} 53' 15''$ west seventy-nine (79) feet; thence north $32^{\circ} 06' 45''$ west fifteen and three hundredths (15.03) feet to the seaward side of Vocational Drive as it now exists; thence south $52^{\circ} 30' 55''$ west by and along the seaward side of Vocational Drive three hundred thirty-four and ninety-four hundredths (334.94) feet; thence south $37^{\circ} 30' 25''$ east one hundred thirty-three and ninety-two hundredths (133.92) feet along a line parallel to and fifty (50) feet distant from the northeasterly side of Hildreth Hall as it now exists; thence south $52^{\circ} 30' 55''$ west two hundred sixty and twenty-five hundredths (260.25) feet along a line parallel to and ten (10) feet distant from the southeasterly side of Hildreth Hall as it now exists; thence north $37^{\circ} 30' 25''$ west one hundred thirty-four and fifteen hundredths (134.15) feet along a line parallel to and one hundred (100) feet distant from the southwesterly side of Hildreth Hall as it now exists; to the seaward side of Vocational Drive; thence south $52^{\circ} 30' 55''$ west sixty-three and forty hundredths (63.40) feet; thence south $31^{\circ} 01' 05''$ east one hundred fifty-four and ten hundredths (154.10) feet along a line parallel to and ten (10) feet distant from the northeasterly side of the Dining Hall as it now exists; thence south $58^{\circ} 52' 55''$ west seventy-eight and sixty-four hundredths (78.64) feet along a line parallel to and ten (10) feet distant from the southeasterly side of the Dining Hall as it now exists; thence south $31^{\circ} 07' 05''$ east four (4) feet; thence south $37^{\circ} 36' 35''$ west approximately three hundred forty-two and fifty-nine hundredths (342.59) feet to the northeasterly side of Beach Street; thence southeasterly by and along the northeasterly sideline of Beach Street approximately one hundred and fifty (150) feet to the shoreline; thence northerly, northeasterly, and westerly by and along the shoreline to the point of beginning.

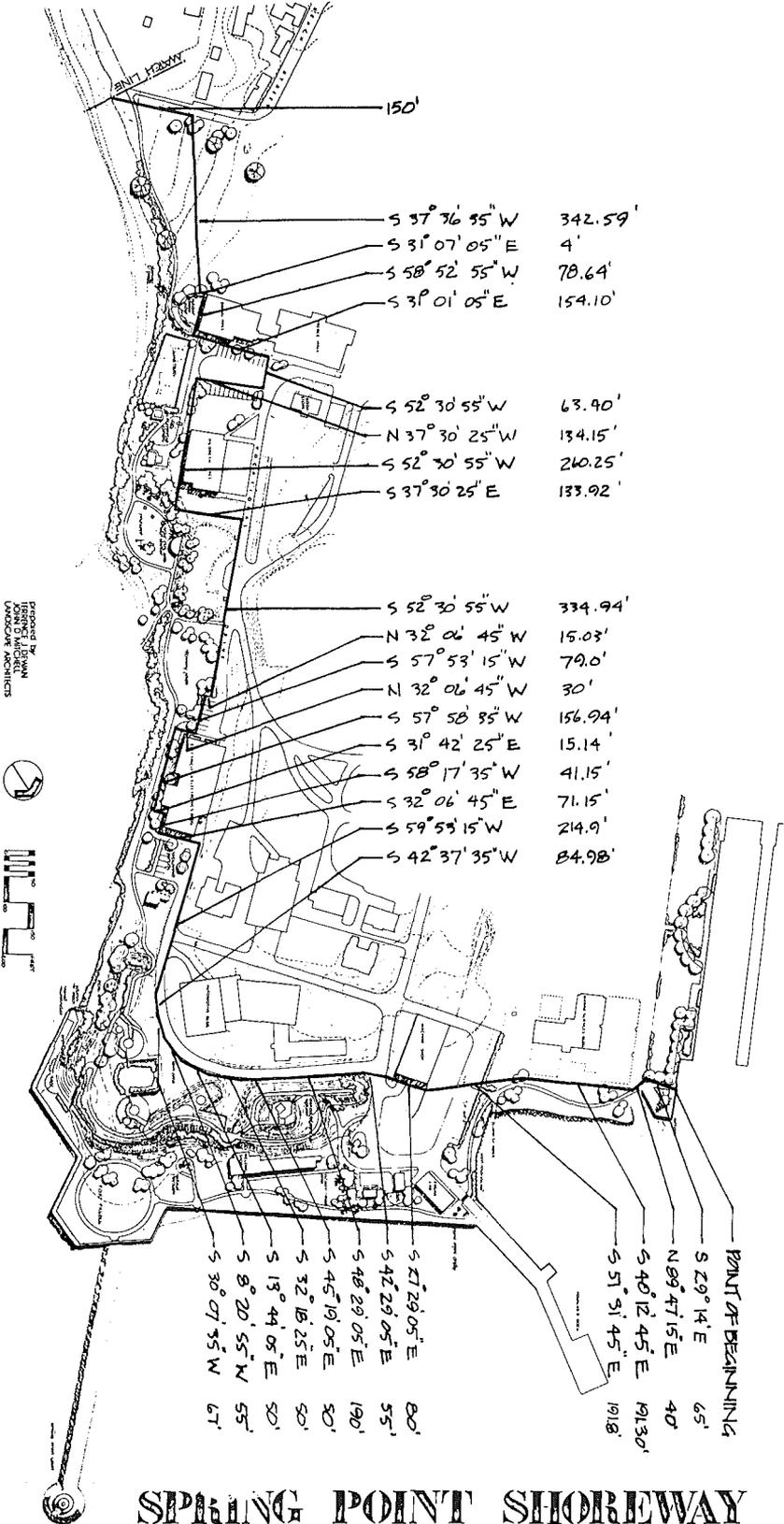
EXCEPTING, HOWEVER, from the above-described premises the Spring

Point Lighthouse and the stone jetty extending from the shoreline to said Lighthouse, the Aqualab II dock, the so-called Industrial Training Building and the so-called Industrial Training Office both of which are located near the shorepoint or base of said Aqualab II dock, the so-called Welding Shop, and two sewerage pumping stations owned by the City of South Portland, and excepting the paved boat ramp, which is twenty-five (25) feet wide, more or less, located at the northeasterly corner of the project, and a right-of-way and access to the ramp as needed by Southern Maine Vocational-Technical Institute.

ALSO, RESERVING, for the State of Maine, or its successors or assigns, a right-of-way or travel way for emergency and public service vehicles between the southeasterly side of the so-called Electricity and Electronics Building and the shoreline.

FURTHER RESERVING, for the State of Maine, or its successors or assigns, the right to continue to use existing buildings located within the above-described premises for educational and vocational school purposes and the right to perform such repair and maintenance work as is reasonably necessary.

Being a portion of the real property conveyed by the United States of America, acting by and through the Department of Health, Education and Welfare to the State of Maine by deed dated October 17, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2638, Page 383; and a portion of the real property conveyed by the United States of America, acting by and through the Secretary of the Navy, to the State of Maine by deed dated December 13, 1957 and recorded in the Cumberland County Registry of Deeds in Book 2397, Page 196.



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

Effective March 1, 1980

CHAPTER 34

H. P. 1742 — L. D. 1860

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Lands in the Unorganized Territory.

State Tax Assessor authorized to convey land. Resolved: That the State Tax Assessor is authorized to convey by sale the interest of the State in lands in unorganized territory as noted in this resolve, such sale, except as otherwise directed herein, to be made to the highest bidder; provided:

1. That notice of the sale be published 3 times prior to the sale, once each week for 3 consecutive weeks in some newspaper in the county where the lands lie; except in those cases in which sale is to be made to a specific individual or individuals as authorized in this resolve, in which case no notice shall be published;

2. That no parcel shall be sold for less than the amount as authorized in this resolve. In the event of identical high bids, that bid postmarked earlier shall be considered the highest bid.

In the event bids in the minimum amount as recommended in this resolve are not received after the notice, the State Tax Assessor may thereafter sell for not less than the minimum amount, without again asking for bids; provided that the property is sold on or before November 1, 1980.

The State Tax Assessor shall, upon receipt of payment as specified in this resolve, record the deed in the appropriate registry at no additional charge to the purchaser, before sending the deed to the purchaser.

Abbreviations, plan and lot references are identified in the 1979 State Valuation.

T.3, R.1, N.B.K.P. - Somerset County

Map So. 34, Plan 4, lot 7
Thomas F. Rooney 0.50 Acre