

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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

J.S. McCarthy Company
Augusta, Maine
2001

CHAPTER 10**H.P. 776 - L.D. 1020****Resolve, to Assess the Condition of
Historical Records in Maine
Historical Records Repositories**

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

Whereas, historical records in historical records repositories must be protected and preserved; and

Whereas, access to those records must be ensured; and

Whereas, the condition of historical records in historical records repositories throughout the State must be assessed in order to provide for their protection, preservation and access; 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

Sec. 1. Assessment. Resolved: That the Secretary of State and the University of Maine System, in consultation with professionals with expertise in the preservation of documents, shall develop a comprehensive plan for assessing:

1. The condition of historical records in the State;
2. Threats to the integrity of those records; and
3. Accessibility of those records.

For the purposes of this resolve, the term "historical records" includes rare books and other published materials with unique historical value as well as original records with historical value. The plan must include an educational component that provides assistance to historical records repositories in protecting, preserving and providing access to those historical records; and be it further

Sec. 2. Report. Resolved: That the Secretary of State and the University of Maine System, in cooperation with the Maine Historical Records Advisory Board and other organizations and individuals concerned with historical records, shall submit a report along with any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2002. The Joint

Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 120th Legislature pertaining to the preservation and protection of historical records and access to those records.

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

Effective May 8, 2001.

CHAPTER 11**H.P. 259 - L.D. 308****Resolve, to Regulate the Harvesting
of Horseshoe Crabs**

Sec. 1. Regulate harvesting of horseshoe crabs. Resolved: That the Department of Marine Resources shall assess the size of the horseshoe crab resource to the greatest extent practicable, by using volunteer data collectors under the supervision of the department, by October 1, 2002. The department also shall determine by October 1, 2002 whether additional rules and a system of licensing for the harvest of horseshoe crabs are required to protect the horseshoe crab resource; if the department determines that additional rules are needed, it may adopt those rules. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 12**H.P. 1002 - L.D. 1339****Resolve, to Amend Certain Dates for
the Issuance of Bonds**

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

Whereas, the Legislature has authorized the issuance of securities by the Maine Governmental Facilities Authority for the construction of new District Court facilities in Lewiston and Springvale; and

Whereas, those building projects are now prepared to commence; and

Whereas, those projects will be delayed resulting in increased costs if the date for the issuance of securities is not moved to an earlier date; 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

Sec. 1. Resolve 1999, c. 119, §1, amended. Resolved: That Resolve 1999, c. 119, §1 is amended to read:

Sec. 1. Maine Governmental Facilities Authority authorized to issue additional securities to replace the Springvale District Court. Resolved: That, pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2, the Maine Governmental Facilities Authority is authorized to issue additional securities in its own name in an amount of \$1,200,000 on or after ~~July~~ January 1, 2001 for the purpose of replacement of the Springvale District Court.

; and be it further

Sec. 2. Resolve 1999, c. 120, §1, amended. Resolved: That Resolve 1999, c. 120, §1 is amended to read:

Sec. 1. Maine Governmental Facilities Authority authorized to issue additional securities to replace the Lewiston District Court. Resolved: That, pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2, the Maine Governmental Facilities Authority is authorized to issue additional securities in its own name in an amount of \$2,000,000 on or after ~~July~~ January 1, 2001 for the purpose of replacement of the Lewiston District Court.

; and be it further

Sec. 3. Retroactivity. Resolved: That this resolve applies retroactively to January 1, 2001.

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

Effective May 9, 2001.

CHAPTER 13

H.P. 656 - L.D. 856

Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.

2. "District" means Maine School Administrative District No. 16.

3. "State property" means the real and personal property described in section 3 of this resolve; and be it further

Sec. 2. Authority to convey property. Resolved: That the State, by and through the commissioner, may:

1. Lease, sell or transfer the interests of the State in state property;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

3. Exercise the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements, including historic preservation easements, or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale or lease of the State's interest; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. 3. Property interests that may be conveyed. Resolved: That the state property authorized to be sold, leased or transferred is the Reed Auditorium, so-called, depicted as building number 11 on the Augusta State Facilities Master Plan, Building Location Map - Stevens School Campus.

The property described in this section must be conveyed or leased with certain adjacent buildings located between the Reed Auditorium and Winthrop Street in Hallowell and with an amount of land not to exceed 20 acres, as determined by the commissioner as appropriate to its intended use, together with