

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 453-End

AND AT THE  
**FIRST SPECIAL SESSION**  
September 6, 1983 to September 7, 1983  
Chapters 583-588

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**RESOLVES**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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1. Atlantic Sea Run Salmon Commission must receive the consent of the United States Department of Interior, Fish and Wildlife Service to conveyance of salmon smolt raised in federal hatcheries to Ocean Products, Inc., according to the conditions of this resolve.

2. The Atlantic Sea Run Salmon Commission shall negotiate a contract for repayment of the smolt by Ocean Products, Inc. This contract shall contain, as a minimum, the following provisions.

A. Repayment shall include annual interest at 10%, or at a rate equal to the First National Bank of Boston's prime rate plus 2%, whichever is greater.

B. Repayment shall be in the form of salmon in various stages of development or services appropriate to restore and enhance Maine salmon runs.

C. The contract shall provide provisions for default or inability on the part of Ocean Products Inc. to repay this obligation.

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

Effective April 1, 1983.

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## CHAPTER 23

H.P. 1018 - L.D. 1315

RESOLVE, Authorizing the State Director of Public Improvements to Convey a Right-of-way Across the Elizabeth Levinson Center in Bangor.

State Director of Public Improvements authorized to transfer an easement across the Elizabeth Levinson Center in Bangor, subject to conditions. Resolved: That the State Director of Public Improvements is authorized and directed to convey to John Burke, his heirs and assigns, an easement across the Elizabeth Levinson Center in Bangor. The State Director of Public Improvements, in this resolve called "director," shall convey the easement upon the following conditions.

1. The easement shall be 25 feet in width and shall extend from the Hogan Road to John Burke's

property. The easement shall be located so as to provide the greatest degree of safety to the persons served by the Elizabeth Levinson Center.

2. The easement shall be for the limited purpose of providing access from the Hogan Road to the property owned by John Burke. The easement shall be conveyed upon the condition that the property owned by John Burke, his heirs or assigns, shall be used exclusively as a site for a single-family residence. In the event that there is a change in the use of the property owned by John Burke, his heirs or assigns, the easement shall become null and void, and access along the easement described in this resolve shall be denied to John Burke, his heirs or assigns.

3. The surface of the route of travel shall be determined by the Director of the Bureau of Public Improvements with the consent of the Commissioner of the Department of Mental Health and Mental Retardation. The surface of the route of travel shall be maintained in an orderly and attractive manner by and at the cost of John Burke, his heirs or assigns. In the event that the route of travel is not maintained in a reasonable manner, as required, and thereby detracts from the appearance of the Elizabeth Levinson Center grounds and facilities, the easement shall become null and void.

4. In locating the easement the Director of Public Improvements with the Commissioner of the Department of Mental Health and Mental Retardation shall determine the measures necessary, if any, to protect the safety of the persons using the Elizabeth Levinson Center. All measures deemed necessary under this resolve shall be paid for by John Burke, his heirs or assigns. In the event that the safety of the users of the Elizabeth Levinson Center or the appearance of the center is jeopardized following conveyance of the easement without any change in the use of the property of John Burke, his heirs or assigns, the Director of Public Improvements shall require John Burke, his heirs or assigns, to take whatever remedial measures are deemed necessary by the director and the Commissioner of the Department of Mental Health and Mental Retardation at the cost of John Burke, his heirs or assigns.

5. The price of the easement shall be determined by appraisal, the cost of which shall be borne by John Burke. The appraisal shall be conducted by a person selected by the Director of the Bureau of Public Improvements, and the price of the easement shall be no less than the appraisal price.

6. The Director of Public Improvements may require any other terms and conditions in any contract

with John Burke, his heirs or assigns, to protect the interests of the State, the Elizabeth Levinson Center and persons served by the Elizabeth Levinson Center.

Effective September 23, 1983.

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## CHAPTER 24

H.P. 562 - L.D. 712

RESOLVE, to Authorize a Pole and  
Transmission Line Easement on  
Chokecherry Island and Mattanawcook  
Island and a Portion of the  
Penobscot River in the County  
of Penobscot.

Bangor Hydro-Electric Company; easement.  
Resolved: That the Governor may execute and deliver by quitclaim deed an easement for a right-of-way to Bangor Hydro-Electric Company on, over, under and across a certain 100-foot strip of land on Chokecherry Island, also known as Island No. 117; and Mattanawcook Island, also known as Island No. 114; these islands in the Penobscot River, and a portion of the Penobscot River in the County of Penobscot, all as more particularly described and identified in Exhibits "A" and "B" which are attached hereto and incorporated by reference as though fully set forth in this resolve, on such terms and for such consideration as he deems reasonable. This easement shall authorize Bangor Hydro-Electric Company to enter that strip of land to erect and maintain poles and transmission lines. The terms of the easement not specifically provided for in this resolve shall be subject to the approval of the Attorney General.

### EXHIBIT A

The strip of land (the "right-of-way") as shown on the attached copy of a survey map includes, without limitation, the right-of-way on, over, under and across Chokecherry Island and Mattanawcook Island and all rights in and to the Penobscot River appurtenant to the right-of-way located on or appurtenant to Chokecherry Island and Mattanawcook Island, situate in the Town of Chester and the Town of Lincoln, in said county as shown on page 9 of the "Plan of Islands in the Penobscot River Between Old Town Falls and Mattawamkeag Point, Maine" as surveyed by Zebulon Bradley, Esq., 1835, drawn on 11 sheets, lotted and copied by Lore Alfor, 1866, recorded in Indian Plan Books Nos. 1 and 2, located at the James W. Sewall Company, Old Town, in said