

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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

Twin City Printery
Lewiston, Maine
1989

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Report of the Commissioner of Educational and Cultural Services. Resolved: That the Commissioner of Educational and Cultural Services shall review adult education programs and services provided in this State. The commissioner shall report the findings and recommendations for action on ways to increase the level of adult education programs and services to citizens of this State to the Joint Standing Committee on Education and the Joint Standing Committee on Economic Development prior to February 1, 1988. Those recommendations shall include development of an Adult Education Plan to address the recommendations of the Joint Select Committee on Economic Development concerning adult education. The recommendations shall also include necessary implementing legislation and an analysis of the appropriate financial and staff support necessary to implement the plan; and be it further

Guidelines for plan. Resolved: That the Adult Education Plan shall, at a minimum, make recommendations which will:

1. Make available universal adult basic education programs and services to all citizens of this State who need them. This may be achieved by direct provision of services by school administrative units, by contracting with other units or agencies or by other appropriate means;

2. Increase the level of state support for adult education programs and services to address difficulties school administrative units have in providing those services. The objective of this part of the plan is to meet the adult education needs of the citizens of the State without significantly burdening school units. The commissioner may present alternative approaches for consideration by the committees. Among the approaches which the commissioner shall consider for implementation are the related specific recommendations of the Joint Select Committee on Economic Development which will require:

A. Providing all adults access to free public education through grade 12;

B. Subsidizing 75% of the first-year cost to local school units in initiating new and expanded programs for basic literacy and high school completion and allow state participation in the first year to be counted 100% toward the local school units subsidy claim for future years;

C. Funding the state subsidy for adult basic education in sufficient amount to match all local effort; and

D. Funding 100% of the costs of textbooks required for basic literacy and high school completion courses;

3. Address other related issues, including providing dependent care services and for the transportation needs of adult education students; and be it further

Pilot projects. Resolved: That the report of the commissioner may include the recommendation that various parts of the Adult Education Plan be tested during the 1987-88 school year through pilot projects. Detailed specifications for the establishment, conduct and evaluation of and reporting on any pilot projects shall be included in that recommendation; and be it further

Resources. Resolved: That the commissioner shall utilize all appropriate resources available within the department and shall coordinate his efforts with other state departments or agencies, other public and private organizations and interested citizens.

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

Effective June 19, 1987.

CHAPTER 41

H.P. 1293 — L.D. 1771

Resolve, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Bangor, Fronting Main Street, for 2 Parcels of Land at the Bangor International Airport, being Part of the Former Dow Air Force Base.

Department of Defense and Veterans' Services; exchange of land in Bangor. Resolved: That the Department of Defense and Veterans' Services, Military Bureau, shall exchange with the City of Bangor a parcel of land fronting Main Street, being the Bangor Armory lot, for 2 parcels of land at the Bangor International Airport. The State shall convey to the City of Bangor as follows:

The rights of the State in:

The Bangor Armory

The rights of the State in a certain lot or parcel of land situated in the City of Bangor, County of Penobscot, together with buildings thereon known as the Bangor Armory and bounded and described as follows:

Beginning at a point on the northwesterly sideline of Main Street one hundred (100) feet distant from the northeasterly sideline of Dillingham Street, measured at right angles to said northeasterly line of Dillingham Street, thence in a generally northeasterly direction on and along said northwesterly side of Main Street four hundred and six (406) feet to a point; thence in a generally westerly direction making an interior angle of ninety-three (93°) degrees twelve and one half (12 1/2') minutes with last named course, one thousand seventy-eight feet and six tenths (1,078.6) feet to a point. Thence in a generally southwesterly direction and making an interior angle of eighty-four (84°) degrees twenty-two and

one half (22 1/2") minutes, two hundred twelve (212') feet to point in rear of line of the Dillingham Street lots, thence in a generally southeasterly direction on and along the rear line of the said Dillingham Street lots, one thousand ninety-nine (1,099) feet to point of beginning.

Being the same premises conveyed by the City of Bangor to the State of Maine by quitclaim deed dated October 28, 1931 recorded in Penobscot County Registry of Deeds, Book 1052, Page 494. Excepting and reserving a portion of the above described lot previously reconveyed by the State of Maine to the City of Bangor in Book 1596 Page 38 of said registry described as follows:

Beginning at a point on the southwest sideline of the above described premises a distance of 910.0 feet more or less from the northwesterly sideline of Main Street; thence continuing along the southwesterly sideline of the above described lot, a distance of 189.19 feet more or less to a point; thence following a course making an interior angle of 105° 37' 00" with the first described course a distance of 212.0 feet more or less to a point; thence following a course making an interior angle 84° 22' 30" with the aforementioned line, a distance of 222.15 feet more or less to a point; thence following a course making an interior angle 80° 25' 30" with the aforementioned line, a distance of 250.0 feet more or less to the point and place of beginning; and be it further

Bangor Armory conveyed; condition. Resolved: That the the Military Bureau shall convey the above described parcel only on the condition that the City of Bangor convey to the State, to be accepted by the Military Bureau, for no monetary consideration, any right the City of Bangor may now hold in the below described so-called National Guard and Reserve training site and a 50-year leasehold interest in the below described so-called alert aircraft parking area.

1. The National Guard and Reserve Training Site

The rights of the City of Bangor in a certain lot or parcel of land situated in the City of Bangor, County of Penobscot, (see Exhibit A) containing approximately 178 acres more or less to be known as the National Guard and Reserve training site bounded and described as follows and provided the State of Maine shall lease for a period of 50 years said parcel to the United States Air Force with the provision that a National Guard Reserve training site be constructed thereon; and be it further

Rights conveyed. Resolved: That the Military Bureau shall convey the above described parcel only on the condition that the City of Bangor convey to the State, to be accepted by the Military Bureau, for no monetary consideration, any right the City of Bangor may now hold in the following 2 parcels of land; and be it further

State of Maine to lease. Resolved: That the State of Maine shall lease for 50 years the below described parcel 1 to the United States Air Force with the provision that a National Guard and Reserve training site be con-

structed thereon and that the below described parcel 2 shall be leased for 50 years to the United States Air Force subject to reversion to the City of Bangor after 10 years if the premises remains unused for aircraft-related purposes.

1. The National Guard and Reserve Training Site

The rights of the City of Bangor in approximately 178 acres to be known as the National Guard Reserve training site bounded and described as follows:

A certain lot or parcel of land situated in the City of Bangor, County of Penobscot, (Exhibit A) described as follows:

Beginning at a point on the centerline of Fuller Road and northeasterly border of land identified as "Parcel Two" that Gladys K. Carleton conveyed to the United States of America in Penobscot County Registry of Deeds, Book 1526, Page 153 known as Tract #386 E1, said point of beginning being on the easterly border of the easterly right-of-way of the Bangor and Aroostook Railroad; thence southeasterly along the centerline of the Fuller Road and northeasterly boundary of Tract #386 E1 a distance of 65 feet more or less to other land that Gladys S. Carleton conveyed to the United States of America recorded in said registry in Book 1866, Page 11 known as Tract #702; thence continuing southeasterly along the centerline of Fuller Road and the northeasterly boundary of Tract #702 a distance of 415 feet more or less to other land described as "Parcel One" in deed of Gladys K. Carleton to the United States of America recorded in said Registry of Deeds, Book 1526, Page 153 known as Tract #386; thence continuing along the centerline of Fuller Road and northeasterly border of Tract #386 a distance of 345 feet more or less to the Bangor-Hermon town line; thence continuing along the centerline of Fuller Road and land formerly taken by the United States of America by eminent domain from Rose Smith heirs, recorded in said Registry of Deeds, Book 1526, Page 177, known as Tract #388 a distance of 300 feet more or less to a point; thence S 11° 45' W to the intersection of an extension of the so-called building restriction line, which is parallel to and 750 feet from an extended center line of Bangor International Airport runway 15; thence along the said extended building restriction line S 45° 30' 50" E a distance of 4,550 feet more or less to a point; thence along a line perpendicular to the said building restriction line along a line S 44° 29' 10" W a distance of 2,250 feet more or less to a point forming the most northwesterly corner of land that the United States of America formerly took by eminent domain from the heirs of Murtagh Hughes recorded in said Registry of Deeds Book 1189, Page 193 known as Tract #303; thence N 76° 00' 30" W following the southerly sideline of land that the United States of America formerly took from George H. Hunt in said above described eminent domain proceeding, known as Tract #302A a distance of 96 feet more or less to the southwesterly corner of said Tract #302A; thence N 80° 17' 30" W along the southerly border line of other land formerly taken by the Unit-

ed States of America from George H. Hunt in said described eminent domain proceeding; known as Tract #302B; thence in a northwesterly direction N 9° 34' 30" E along the westerly sideline of said Tract #302B which runs along the Bangor-Hermon town line and continuing along the same course and westerly sidelines of lot formerly taken by the United States of America from Flora E. Whitney, recorded in said Registry of Deeds, in Book 1189, Page 185, known as Tract #332, and land that the United States of America purchased from Albert I. Chandler, recorded in Book 1189, Page 197, known as Tract #333, and another parcel that the United States of America formerly took by eminent domain from James H. Kelleher et al., recorded in said Registry of Deeds, Book 1941, Page 124, known as Tract #384, a total distance of 4,815 feet more or less to monument #14; thence from monument #14, N 45° 50' 26" W along the southwesterly sideline of land identified as "Parcel One" conveyed to the United States of America by Gladys K. Carleton in Book 1526, Page 153, known as Tract #386 a distance of 820 feet more or less to monument #13 and land conveyed by Gladys S. Carleton to the United States of America in Book 1866, Page 11, known as Tract #702; thence from monument #13 along the southwesterly sideline of Tract #702 N 45° 35' 50" W a distance of 286 feet more or less to an easement conveyed by Gladys K. Carleton to the United States of America as "Parcel Two" in a deed recorded in said Registry of Deeds in Book 1526, Page 153; thence along the Bangor and Aroostook Railroad right-of-way N 31° 04' 30" E a distance of 279 feet more or less to the centerline of Fuller Road and point and place of beginning containing approximately 86 acres.

Being a portion of the premises conveyed by the United States Air Force to the City of Bangor by quitclaim deed dated 28 April 1968, recorded in Penobscot County Registry of Deeds in Book 2156, Page 450. For further description of the westerly boundaries of said within described premises, see Description of Bangor International Airport recorded in said Registry of Deeds in Book 2148, Pages 89 and 90.

Excepting and reserving a lot with buildings thereon, said lot being 150 feet by 150 feet designated as "Parcel 2" (Airport Surveillance Radar) retained by the United States Air Force by exception to deed from the City of Bangor dated 28 April 1968, recorded in said Registry of Deeds, Book 2148, Page 67, at Schedule A, Page 91.

2. The Alert Aircraft Parking Area

A 50-year leasehold right and interest held by the City of Bangor in a certain lot or parcel of land situated in the City of Bangor, County of Penobscot (see Exhibit B) containing approximately 145 acres with buildings thereon known as the alert aircraft parking area bounded and described as follows and provided said parcel shall be leased for a period of 50 years to the United States Air Force subject to a right of reversion to the City of Bangor after 10 years if the premises remain unused for aircraft-related purposes.

All that tract or parcel of land situated in the City of Bangor, County of Penobscot, State of Maine: Comprising Tracts D-401, D-402, D-403, D-404, D-405, and portions of Tracts 24, 309, 323, 324, D-400, D-406, D-408, D-409 as shown on Department of the Army real estate map entitled "Bangor International Airport," Audited Installation Number 2958, Sheets 1 and 4, dated January 1968, and filed with the City Engineers, City Hall, Bangor, Maine, said parcel being more particularly described as follows:

Beginning at a point in the centerline of Hammond Street at the northwest corner of Tract D-403, a distance of 4,060 feet, more or less, easterly along Hammond Street from its intersection with the Bangor-Hermon town line; proceeding thence northerly 33 feet, more or less, to a concrete bound in the northerly line of Hammond Street; proceeding thence the following five (5) courses and distances along the southerly boundary line of the 1757.112 acre parcel conveyed to the City of Bangor by Quitclaim Deed dated April 28, 1969: (1) N 44° 24' 10" E, 1677.21 feet to an iron pipe; (2) S 45° 35' 50" E, 3303.72 feet to an iron pipe; (3) S 15° 02' 10" W, 500.65 feet to an iron pipe; (4) S 21° 19' 40" W, 169.95 feet to an iron pipe; (5) S 26° 23' 21" W, 314.89 feet to a concrete bound in the southerly boundary line to Tract 324; thence running along said southerly line N 55° 49' 59" W, 509.93 feet to the easterly line of Tract D-409; thence running along said easterly line S 33° 30' 45" W, 428.70 feet to the southerly line of Tract D-406; thence running along said southerly line S 81° 15' W, 875 feet, more or less, to the southerly line of Tract D-404; thence running along said southerly line N 79° 10' W, 1130 feet, more or less, to the southwesterly line of Tract D-403; thence northwesterly along said southwesterly line, 759 feet, more or less, to the southwesterly line of Tract D-400; thence along said southwesterly line N 53° 25' 15" W, 435 feet, more or less, to the southerly line of lands conveyed to Kenneth M. Kurson and Sidney Epstein by quitclaim deed dated May 18, 1965; thence running along said southerly line S 89° E, 310 feet, more or less, to the westerly line of Tract D-403; thence running along said westerly line, N 7° 45' W, 210 feet, more or less, to the westerly line of Tract D-401; thence running along said westerly line N 7° 30' W, 1021.66 feet to the southerly line of Hammond Street; thence northerly 33 feet, more or less, to a point in the centerline of Hammond Street; thence along said centerline easterly 234.50 feet to the point of beginning.

Meaning and intending to convey all of Parcel A, so-called, of land described in an indenture between the United States of America and the City of Bangor dated 13 December 1978 recorded in said Registry of Deeds in Book 2940, Page 172 at 184.

Excepting and reserving the so-called "BanAir Industrial Park" to be retained by the City of Bangor described as follows:

Beginning at an iron pin forming the northeasterly corner of other land of the City of Bangor recorded in said Registry of Deeds in Book 2129, Page 875; also be-

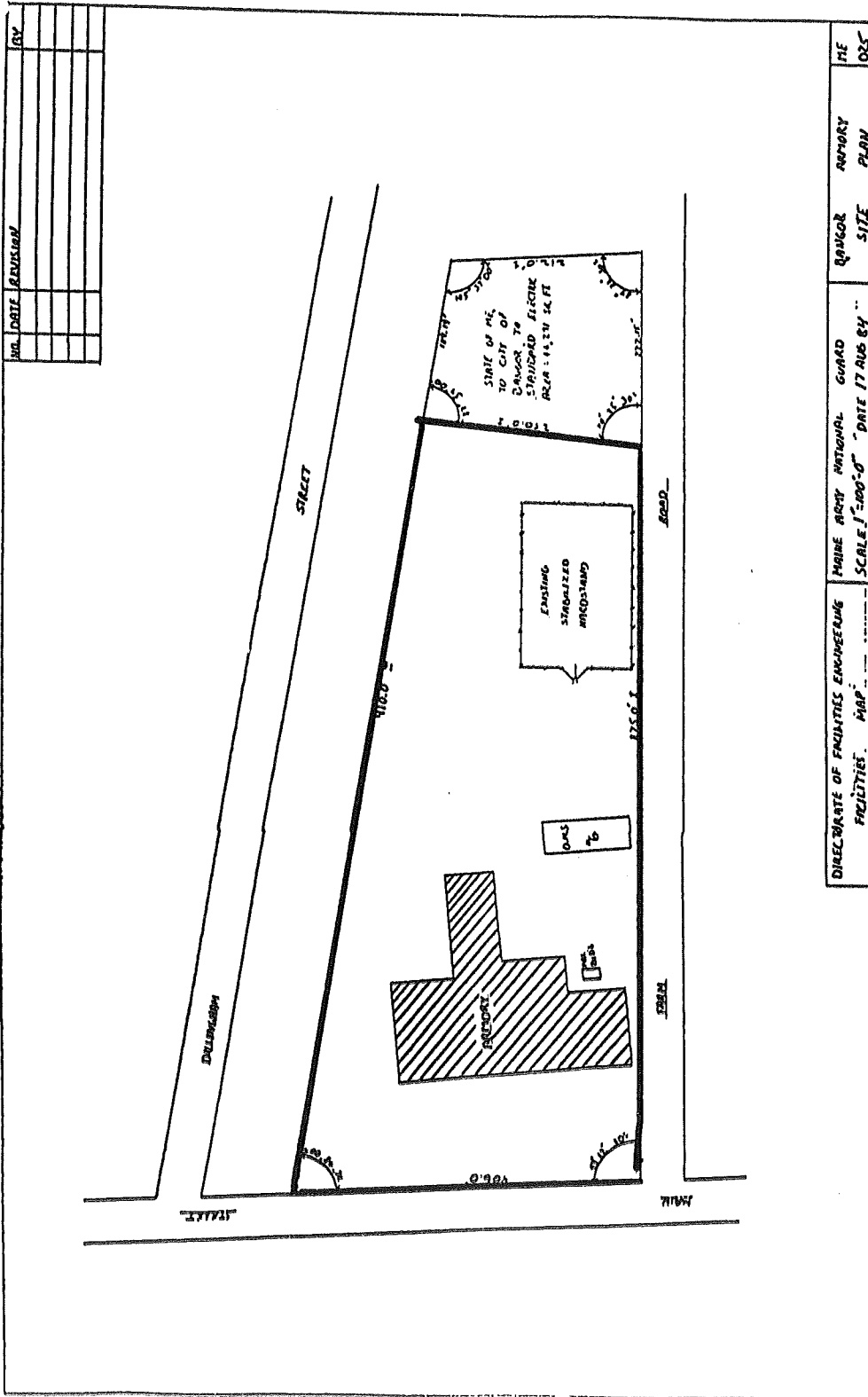
ing a point which is 649.65 feet, more or less, N 79° 02' 00" W from monument #26; thence along the same course a distance of 401.07 feet, more or less, to monument #25 and northeasterly sideline of US Route #2; thence along the northeasterly sideline of US Route #2, N 53° 24' 45" W a distance of 1174.95 feet, more or less, to an iron pin; thence S 89° 26' 23" E a distance of 310.00 feet, more or less, to an iron pin; thence N 5° 23' 05" W, a distance of 210.00 feet, more or less, to an iron pin; thence N 5° 08' 05" W, a distance of 1021.66 feet, more or less, to an iron pin and southerly sideline of Hammond Street; thence along the southerly sideline of Hammond Street N 81° 08' 39" E a distance of 189.55 feet, more or less, to monument #22; thence continuing in the same course along the southerly sideline of Hammond Street 767.20 feet, more or less, to an iron pin; thence S 5° 08' 05" E a distance of 2156.18 feet, more or less, to an iron pin and point and place of beginning, containing 42.92 acres.

The interest conveyed to grantees herein is subject to a prior lease of a certain lot or parcel of land with buildings thereon contained within the boundaries of the above said described premises, designated as building 600, said lease dated May 1, 1986, to Lawrence A. Maul D/B/A AREO FUSION.

Excepting and reserving unto the grantor, City of Bangor, a certain reversionary interest in the leasehold premises herein described as follows: Should the premises not be utilized for 10 years for aircraft-related purposes following the commencement of the lease herein, the leasehold property will be relinquished to the City of Bangor and the underlying lease to the State of Maine will be extinguished.

The parcel to be conveyed by the City of Bangor to the State of Maine, after subtracting the said excepted portion of land, contains 145.60 acres of land.

Exhibit A



NO.	DATE	REVISION	BY

NO.	DATE	REVISION	BY

Effective September 29, 1987.

CHAPTER 42

H.P. 1316 — L.D. 1795

Resolve, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State.

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

Whereas, there are numerous sunken, abandoned watercraft in the coastal waters of the State; and

Whereas, many of these watercraft create visual blight, a hazard to navigation and a source of water pollution; and

Whereas, in considering a bill concerning this subject the Joint Standing Committee on State and Local Government was unable to determine the scope of the problem or identify a responsible governmental agency; 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

Department of Conservation to conduct study. Resolved. That the Commissioner of Conservation shall study the subject of sunken vessels in the coastal waters of the State and shall make a report of his findings with any necessary legislation to the Joint Standing Committee on State and Local Government by February 1, 1988.

The commissioner shall consult with and seek the advice of the Department of Marine Resources, the Department of Transportation, the United States Coast Guard and the United States Army Corps of Engineers.

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

Effective June 24, 1987.

CHAPTER 43

S.P. 287 — L.D. 814

Resolve, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B.

Thomas P. Peters, II, as guardian ad litem in the adoption of Benjamin B., Heather B. and Lucas B.; compensated by the State. **Resolved:** That the Governor of the State is authorized and directed, upon receipt of the necessary releases, to pay \$3,288, from funds appropriated to the Department of Finance, miscellaneous Acts and resolves, in fiscal year 1987-88 in the amount of \$3,288, to Thomas P. Peters, II, attorney-at-law, for services rendered as guardian ad litem in the adoption of Benjamin B., Heather B. and Lucas B. The \$3,288 payment authorized by this resolve shall be in full satisfaction of any and all claims by Thomas P. Peters, II, against the State, in the matter of the adoption of Benjamin B., Heather B. and Lucas B.

Effective September 29, 1987.

CHAPTER 44

H.P. 870 — L.D. 1171

Resolve, to Amend the Reporting Date of the Special Commission to Study Teacher Training in the University of Maine System.

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, in Resolve 1985, chapter 52, created the Special Commission to Study Teacher Training in the University of Maine System, which was to submit a report to the First Regular Session of the 113th Legislature; and

Whereas, much of the information requested in the resolve has been collected, but some information remains to be collected, including a survey on teacher attitudes which is crucial to the veracity of the final report; and

Whereas, many reforms are being currently implemented in the education programs at the various campuses of the University of Maine and consequently more time is needed to analyze the impact of these new programs; 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

Resolved: That the date for the submission of the report to the First Regular Session of the 113th Legislature is changed so that the commission shall report to the Second Regular Session of the 113th Legislature.

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.