

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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Being a portion of the premises conveyed by Onesime Brunelle to Fillmore Hooper by deed dated April 22, 1913 and recorded in the Y.C.R.D. in Book 616 page 47, and being a portion of the premises conveyed by Fillmore Hooper to Mary O. Hooper by deed dated October 28, 1921 and recorded in the Y.C.R.D. in Book 697 page 23

**PARCEL #4 + #5**

A certain lot or parcel of land situated in said Biddeford bounded and described as follows. Commencing at the southeasterly corner of land of Daniel Smith and William Hutchins; thence southwesterly 13 1/2 rods; thence northwesterly by land of Octavus D. Dolliff about thirty rods; thence northeasterly by land of said Dolliff 13 1/2 rods; thence southeasterly by land of the said Smith about 30 rods to point of beginning, said land containing two and one half acres, more or less.

Being a portion of the premises conveyed by Onesime Brunelle to Fillmore Hooper by deed dated October 15, 1913 and recorded in the York County Registry of Deeds in Book 627 page 151, and being a portion of the premises conveyed by Fillmore Hooper to Mary O. Hooper by deed dated October 28, 1921 and recorded in the York County Registry of Deeds in Book 697 page 23.

Also, a certain lot of land situated in said Biddeford and described as follows, viz: Beginning on the Mill stone rock by land formerly owned by George Buzzell; thence southeast by said Buzzell's land thirty and one half rods to a stake in the Heath; thence southwest twenty-five and two-thirds rods to a stake by a rock; thence northwest thirty and one half rods to a stake near a white oak tree spotted; thence north east twenty-five and two thirds rods to the place of beginning; containing six acres be the same more or less.

Being a portion of the premises conveyed by Onesime Brunelle to Fillmore Hooper by deed dated October 15, 1913 and recorded in the York County Registry of Deeds in Book 627 page 151, and being a portion of the premises conveyed by Fillmore Hooper to Mary O. Hooper by deed dated October 28, 1921 and recorded in the York County Registry of Deeds in Book 697 page 23.

See title page for effective date.

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**CHAPTER 48**

**H.P. 1149 - L.D. 1603**

**Resolve, to Clear Title or to Secure a Release of Property from the State**

**Authority to convey. Resolved:** That the Director of the Bureau of Public Lands shall convey to Gerald H. Briggs and Elizabeth G. Briggs the State's interest in a certain parcel of land in Bangor. The State's interest shall be conveyed at the cost of the State's initial investment in the property and associated title transfer costs. The parcel of land is described as follows:

A certain lot or parcel of land, together with the buildings thereon, situated in Bangor, Penobscot County, State of Maine, bounded and described as follows, to wit:

Beginning at Number 6 iron rebar located at the northwesterly sideline of Stillwater Avenue at the southeasterly corner of land now or formerly of Statewide Floor Waxing, Inc. as described in Penobscot County Registry of Deeds in Book 2232, Page 464; thence N 10° 13' 08" W through a one inch bolt, One Thousand Three Hundred Seventy-Seven and Forty-Two Hundredths Feet (1,377.42'), more or less, to a Number 6 iron rebar, thence N 5° 01' 22" E, Six Hundred Sixty and Seventy-Four Hundredths (660.74'), more or less to a Number 6 iron rebar; thence S 59° 35' 00" E Three Hundred Forty-Seven and Sixty Hundredths Feet (347.60'), more or less, through a Number 6 iron rebar to a Number 6 iron rebar at the northeasterly corner of land of Helen Gardner described in said Registry in Book 3958, Page 309; thence S 30° 25' 00" W One Hundred Nine and Eighty-Four Hundredths Feet (109.84'), more or less, to a Number 6 iron rebar; thence S 58° 27' 35" E Six Hundred Sixty-Six and Fifty-One Hundredths Feet (666.51'), more or less, to a Number 6 iron rebar; thence S 32° 03' 49" W Two Hundred Feet (200'), more or less, to a Number 6 iron rebar; thence S 57° 56' 11" E Two Hundred Ten Feet (210'), more or less, to a Number 6 iron rebar at the northwesterly sideline of Stillwater Avenue; thence S 32° 03' 49" W, along the northwesterly sideline of Stillwater Avenue One Thousand Three Hundred Thirteen and Eighty-Six Hundredths Feet (1,313.86'), more or less, to the point of beginning. Being 22.53 acres more or less. Bearings in this paragraph are based upon a Standard Boundary Survey conducted by Richard N. Perry, Jr., dated November 18, 1986.

See title page for effective date.

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**CHAPTER 49**

**H.P. 1262 - L.D. 1758**

**Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989**

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

**Whereas,** Penobscot County has certain expenses and liabilities which must be met as they become due; and

**Whereas,** it is necessary that the taxes for the year 1989 hereinafter mentioned be immediately assessed in order to provide the required revenue for the county; 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. Penobscot County; taxes apportioned.**

**Resolved:** That the following sum is granted as a tax on Penobscot County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized herein, and for other purposes of law, for the calendar year 1989:

**1989 TAX**

\$4,297,090

; and be it further

**Sec. 2. General Fund expenditures authorized.**

**Resolved:** That the following sums, based on the county budget filed in the office of the Secretary of State, are authorized as General Fund expenditures by the county during the calendar year 1989, in the specific total amounts of expenditures for personal services, contractual services, commodities and capital expenditures for each account in the county budget:

| APPROPRIATION<br>ACCOUNT NUMBER    | APPROPRIATIONS |
|------------------------------------|----------------|
| 1000 - District Court              |                |
| Contractual Services               | \$22,850       |
| Commodities                        | 600            |
| 1005 - Superior Court              |                |
| Contractual Services               | 111,473        |
| Commodities                        | 2,000          |
| 1010 - Emergency Management Agency |                |
| Personal Services                  | 14,988         |
| Contractual Services               | 4,750          |
| Commodities                        | 600            |
| Capital Expenditures               | 300            |
| 1015 - District Attorney           |                |
| Personal Services                  | 107,421        |
| Contractual Services               | 78,075         |
| Commodities                        | 6,500          |
| Capital Expenditures               | 14,125         |
| 1020 - County Commissioners        |                |
| Personal Services                  | 79,290         |
| Contractual Services               | 22,960         |
| Commodities                        | 4,200          |
| 1025 - County Treasurer            |                |
| Personal Services                  | 3,172          |
| Contractual Services               | 3,035          |
| Commodities                        | 125            |
| Capital Expenditures               | 2,500          |
| 1030 - Labor Relations             |                |
| Contractual Services               | 15,000         |

|                                    |         |
|------------------------------------|---------|
| 1040 - County Buildings            |         |
| Personal Services                  | 96,876  |
| Contractual Services               | 124,400 |
| Commodities                        | 83,000  |
| Capital Expenditures               | 1,000   |
| 1050 - Jail - Support of Prisoners |         |
| Personal Services                  | 958,632 |
| Contractual Services               | 311,985 |
| Commodities                        | 233,400 |
| Capital Expenditures               | 22,300  |
| 1060 - Telecommunications          |         |
| Personal Services                  | 103,189 |
| Contractual Services               | 28,165  |
| Commodities                        | 900     |
| Capital Expenditures               | 40,950  |
| 1065 - Register of Deeds           |         |
| Personal Services                  | 128,262 |
| Contractual Services               | 133,175 |
| Commodities                        | 5,750   |
| Capital Expenditures               | 4,340   |
| 1070 - Register of Probate         |         |
| Personal Services                  | 110,540 |
| Contractual Services               | 33,125  |
| Commodities                        | 4,250   |
| Capital Expenditures               | 3,300   |
| 1075 - Sheriff                     |         |
| Personal Services                  | 311,243 |
| Contractual Services               | 130,140 |
| Commodities                        | 21,250  |
| Capital Expenditures               | 92,850  |
| 1076 - Sheriff - Civil Process     |         |
| Personal Services                  | 56,461  |
| Contractual Services               | 13,070  |
| Commodities                        | 1,625   |
| Capital Expenditures               | 18,000  |
| 1090 - Auditing                    |         |
| Contractual Services               | 4,500   |
| 1095 - Debt Service                |         |
| Contractual Services:              |         |
| Principal                          | 255,000 |
| Interest                           | 276,293 |
| 1096 - Roads and Mapping           |         |
| Personal Services                  | 14,988  |
| Contractual Services               | 4,850   |
| Commodities                        | 535     |
| 2000 - Interest Expense            |         |
| Contractual Services               | 95,000  |
| 2005 - Extension Service           |         |
| Contractual Services               | 53,350  |
| 2025 - Employee Benefits           |         |
| Contractual Services:              |         |

|                                       |                    |
|---------------------------------------|--------------------|
| Unemployment Compensation             | 3,000              |
| Maine State Retirement System         | 62,500             |
| Social Security                       | 172,920            |
| Blue Cross and Blue Shield            | 275,000            |
| 2035 - Soil Conservation              |                    |
| Personal Services                     | 12,900             |
| 2045 - Program Grants                 |                    |
| Contractual Services:                 |                    |
| Eastern Maine Development Corporation | 65,000             |
| Mattawamkeag Park                     | 5,000              |
| Penquis Community Action Program      | 30,000             |
| Green Valley Association              | 5,600              |
| 2050 - Insurance                      |                    |
| Contractual Services                  | 198,600            |
| 2055 - County Dues                    |                    |
| Contractual Services                  | 1,650              |
| 2075 - Capital Reserve Funds          |                    |
| Contractual Services:                 |                    |
| Bridges                               | 100                |
| Building Improvements                 | 40,000             |
| Jail Building                         | 500,000            |
| 2085 - Wage Adjustment                |                    |
| Contractual Services                  | 332,000            |
| <b>TOTAL GENERAL FUND</b>             | <u>\$5,974,928</u> |

; and be it further

**Sec. 3. Summary. Resolved:** That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1989. The following is a summary of revenues and appropriations:

|                                 |                |
|---------------------------------|----------------|
| Total Appropriations            | \$5,974,928    |
| Available Credits:              |                |
| Estimated Revenue               | \$1,027,829    |
| Transfer from Surplus           | 375,000        |
| Department of Corrections       | <u>300,000</u> |
| Total Available Credits         | (1,702,829)    |
| Capital Overlay                 | <u>24,991</u>  |
| Amount to be raised by taxation | \$4,297,090    |

; and be it further

**Sec. 4. Sheriff's department wages study. Resolved:** That a study concerning the wages paid to employees of the Penobscot County sheriff's department shall be

performed by an unbiased entity, selected through a bidding process and presented to the Penobscot legislative delegation for its approval before selection, from outside of Penobscot County to determine budgeting costs; and be it further

**Sec. 5. Jail construction loan. Resolved:** That the Penobscot County commissioners may borrow up to \$500,000 for additional expenses for jail construction.

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

Effective June 28, 1989.

**CHAPTER 50**

**H.P. 1247 - L.D. 1740**

**Resolve, Concerning the Dam on Mattawamkeag Lake**

**Sec. 1. Commissioner of Inland Fisheries and Wildlife authorized to take dam by eminent domain.**

**Resolved:** That pursuant to the Maine Revised Statutes, Title 12, section 7652, the Commissioner of Inland Fisheries and Wildlife may take by eminent domain the Mattawamkeag Lake Dam, flowage rights appurtenant thereto and additional land within the area described in section 2 of this resolve as necessary for an assignable right-of-way to the dam for dam maintenance. Ownership of the dam by the department shall be subject to the following conditions.

1. The department may lease its interest in the dam. Any lease agreement made shall compensate the department for any outstanding acquisition costs associated with the taking of this dam and land. The lease agreement shall also require any lessee to pay operating, maintenance and repair costs for the dam. Any funds collected as lease fees shall be credited to the department.
2. The department may acquire by gift, bequest or otherwise any land described in section 2 of this resolve or any funds required by the department for acquisition.
3. Notwithstanding the Maine Revised Statutes, Title 38, section 840, the department shall establish a water level regime for the dam.
4. The department may require the lessee to construct a fishway for the dam and shall provide technical assistance for the fishway's design, construction and operation; and be it further

**Sec. 2. Description of lands. Resolved:** That the department is authorized to take only land as needed for ownership of the Mattawamkeag Lake Dam, flowage rights appurtenant thereto, access to the dam through a right-of-way and any land as needed for maintenance and repair.