

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 21, 1989 to August 22, 1989

CHAPTER 60

H.P. 1172 - L.D. 1626

Resolve, Concerning the Development of a New Master Plan for the Capitol Area

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

Whereas, a new master plan is urgently needed to guide future development of the capitol area which is held in trust for the people of Maine; and

Whereas, this plan must serve as a blueprint for the future, recognizing reasonable growth with a commitment to protect and preserve our valued inheritance; and

Whereas, the district plan requires active participation from the highest levels of the city government and each of the 3 coequal branches of State Government to inspire the best usage and appreciation; and

Whereas, it is desired to select a master planner through a competitive search; and

Whereas, a special committee is necessary to oversee the selection of the master planner and the development of the first new master plan for the capitol area in 20 years; 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. Committee established. Resolved: That there is established the Special Committee on the New Capitol Area Master Plan; and be it further

Sec. 2. Master plan; development. Resolved: That work on the development of a new master plan for the orderly development of future state buildings, grounds and traffic routes in the capitol area of Augusta shall be initiated as soon as possible after the passage of this resolve; and be it further

Sec. 3. Master planner. Resolved: That a nationally recognized master planner shall be selected and engaged for the purpose of developing a master plan for submission to the Governor and the Legislature in accordance with this resolve. Selection of this planner shall be made by means of a competitive search with no geographic limitation for entrants. Members of the Special Committee on the New Capitol Area Master Plan shall participate in the screening of applicants and shall approve the selection of the master planner. The master planner shall take into consideration in the development of the new master plan other concurrent planning efforts within the capitol area; and be it further

Sec. 4. Membership; appointment. Resolved: That the special committee shall consist of the following 25 members:

A. One Senator to be appointed by the President of the Senate and one member of the House of Representatives to be appointed by the Speaker of the House of Representatives, both of whom represent the capitol planning district;

B. The Mayor of the City of Augusta or a permanent designee;

C. Four members of the State Capitol Commission appointed by the commission chair;

D. The Executive Director of the Maine Historic Preservation Commission;

E. The Director of the State Capitol Commission;

F. The chair and 3 additional members of the Capitol Planning Commission, one who lives in the capitol planning district, a city councilor representing the capitol planning district and a member-at-large;

G. A licensed architect appointed by the Governor from nominees proposed by the Maine State Board for Licensure of Architects and Landscape Architects;

H. The Governor or a permanent designee;

I. The President of the Senate or a permanent designee;

J. The Speaker of the House of Representatives or a permanent designee;

K. The minority leader of the Senate or a permanent designee;

L. The minority leader of the House of Representatives or a permanent designee;

M. A permanent designee of the Chief Justice of the Supreme Judicial Court;

N. Three public members who reside in the City of Augusta, one of whom is to be appointed by the Governor, one by the President of the Senate and one by the Speaker of the House of Representatives;

O. The Director of the Bureau of Public Improvements; and

P. The Commissioner of Transportation or the commissioner's designee.

All other agencies in State Government shall cooperate fully with the special committee and provide or develop relevant information upon request; and be it further

Sec. 5. Chair. Resolved: That the Chair of the Capitol Planning Commission shall serve as chair of the special committee and shall call the first meeting of the committee as soon as all appointments have been made. The chair shall call all subsequent meetings of the special committee; and be it further

Sec. 6. Duties of the special committee. Resolved: That the duties of the special committee shall be as follows:

A. Oversee the competition for selection of a master planner who will develop a proposed new capitol area master plan and participate in all aspects of the selection process, including review of criteria for selection, screening and final selection of candidates for this role; and

B. Provide assistance to the master planner in the development of the new master plan; and be it further

Sec. 7. Committee report. Resolved: That the special committee shall present a progress report no later than January 1, 1990, to the Governor and the Legislative Council. This report shall describe the progress of, and any recommendations proposed by, the special committee. The committee shall submit a preliminary report that includes a workplan for completion of the master plan to be transmitted to the Governor and the Legislature no later than April 1, 1990. This report shall include a cost estimate sufficient to complete the detailed design of the master plan, and any necessary implementing legislation. The committee shall submit a final report that includes the detailed design of the master plan and any necessary implementing legislation to the First Regular Session of the 115th Legislature, no later than January 15, 1991; and be it further

Sec. 8. Staff. Resolved: That the special committee shall be authorized to hire staff who shall work under the direction of the chair. Additional assistance from the legislative staff may be requested from the Legislative Council; and be it further

Sec. 9. Compensation. Resolved: That all members of the special committee, except the employees of State Government, shall receive reimbursement for travel and other necessary expenses upon application to the Executive Director of the Legislative Council. Members of the special committee who are Legislators shall receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at committee meetings; and be it further

Sec. 10. Review of construction, sale or lease. Resolved: That notwithstanding any other provision of law, with respect to state-owned land within the City of Augusta, no state agency may sell, grant, lease, transfer

or otherwise convey any real property, engage in any construction of any new facility or any substantial addition to an existing structure, or establish any new public ways or widen any existing way abutting such state-owned land until the Legislature has approved a new master plan. Exceptions for hardship may be granted only if a specific exemption is recommended by the master planner and approved by a 2/3 majority of the membership of the special committee. Exceptions for the Secretary of State may be granted by the Legislative Council. This section is not intended to prohibit state agencies from entering into leases as lessees of space and facilities to carry out their mission; and be it further

Sec. 11. Acquisition of land. Resolved: That the Department of Administration shall ascertain, on the most favorable terms possible, the costs associated with the acquisition of certain parcels of real estate in the City of Augusta, more particularly described as follows:

Parcel 1

Apparent owner: Upper Ganneston Development Corporation

Lots 21 through 75, inclusive, of Upper Ganneston Park Subdivision, being a subdivision located in Augusta, County of Kennebec, State of Maine, and being recorded in the Kennebec County Registry of Deeds on March 8, 1989, as File Nos. E-89049 through E-89055, inclusive.

Parcel 2

Apparent owner: Sumner H. Lipman

"Reserve lot," so-called in the northeast of Upper Ganneston Park Subdivision, as more particularly described in the deed from Lipman and Gall Real Estate to Sumner H. Lipman, dated February 19, 1989, and recorded in Kennebec County Registry of Deeds at Book 3500, Page 232.

The Department of Administration shall submit a report to the Legislature on its findings concerning acquisition of both parcels of land described in this section prior to January 1, 1990; and be it further

Sec. 12. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1989-90

ADMINISTRATION, DEPARTMENT OF

Public Improvements - Planning -
Construction - Administration

All Other \$90,000

Provides funds to contract with a master planner to provide assistance to the Special Committee on the New Capitol Area Master

Plan. These funds shall not be expended for this purpose until the special committee has voted to approve the selection of the master planner. The Bureau of Public Improvements shall prepare a detailed budget for the expenditure of these funds and submit it to the special committee for review and approval no later than September 1, 1989. Any expenditures which deviate from the approved budget shall require an affirmative vote of the special committee. The Bureau of Public Improvements shall provide the chair and members of the special committee with a report of expenditures to date at least monthly. These funds shall not lapse but shall carry forward to June 30, 1991.

DEPARTMENT OF ADMINISTRATION	
TOTAL	\$90,000
LEGISLATURE	
Special Committee on the New Capitol Area Master Plan	
All Other	\$10,000
Provides funds to hire one staff person on a contractual basis and for the meeting, advertising and printing costs of the special committee. These funds shall not lapse, but remain in this account until expended for the purposes described.	
LEGISLATURE	
TOTAL	\$10,000
TOTAL APPROPRIATIONS	\$100,000

Beginning at an iron pipe standing at the intersection of Maple and Fourth Streets which marks the north-easterly corner of land herein described; thence southerly along the westerly bounds of Fourth Street for a distance of 200 feet to an iron pipe set as a property corner; thence South 61° 40' West and parallel to Maple Street for a distance of 95 feet to an iron pipe set as a property corner; thence North 28° 10' West along the easterly line of other land of the Grantor for a distance of 200 feet to an iron pipe standing on the southerly bounds of Maple Street; thence easterly along said bounds of Maple Street for a distance of 95 feet to the point of beginning.

The above described parcel contains 19,000 square feet and is the easterly 95 feet of lots 197, 198, 199 and 200 as described in a deed to the Oxford County Association for Retarded Children recorded in book 618 on page 463 in the Oxford County registry of deeds in South Paris, Maine.

Effective November 21, 1989.

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

Effective August 23, 1989.

CHAPTER 61

H.P. 1306 - L.D. 1810

Resolve, to Allow the Oxford County Commissioners to Release Interest in Land to the Oxford County Association for Retarded Children

Oxford County Commissioners; transfer of property. Resolved: That, notwithstanding any other provision of law, the Oxford County Commissioners may release any interest they may have acquired in the following described parcel of land to the Oxford County Association for Retarded Children of Rumford, Maine:

A certain lot or parcel of land with buildings thereon located at the corner of Maple and Fourth Streets in the Town of Mexico, Oxford County, State of Maine and more particularly located and described as follows: