

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
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 1. Director of the Bureau of Public Lands; property conveyed by quitclaim deed. Resolved: That the Director of the Bureau of Public Lands may by quitclaim deed convey the following properties:

1. To the S.D. Warren Company, the land described in an agreement between S.D. Warren and the Bureau of Public Lands, dated March 21, 1990; and

2. To Ford S. Reiche and Craig R. Jones, the land described in the document entitled "Draft Purchase and Sales Agreement between Ford Reiche, Craig Jones and the Bureau of Public Lands as of March 15, 1990."

All money received from the sales of these lands must be deposited in the Public Reserved Lands Acquisition Fund and must be used to purchase additional land for the public reserved lands system. The State may not convey any land or interest in any land that comprises a public road or a great pond; and be it further

Sec. 2. Director of the Bureau of Public Lands; authority to negotiate and settle a boundary line dispute. Resolved: That, notwithstanding the Maine Revised Statutes, Title 12, section 590, the Director of the Bureau of Public Lands may negotiate with Peter Robohm and Joseph G. Cook, Jr. to settle a boundary line dispute in Attean Township, Somerset County, may enter a settlement of the boundary line issue on any terms and conditions that the director determines appropriate and may execute any deeds or other documents necessary to give effect to the settlement; and be it further

Sec. 3. Director of Bureau of Public Lands; property received by State. Resolved: That the Bureau of Public Lands may consummate the agreement contemplated under section 1, subsection 1 of this resolve between the bureau and S.D. Warren Company only if the language in "subparagraph 1," on page 2 in Exhibit C, a quitclaim deed without covenant, to the agreement dated March 21, 1990, is replaced with language to read:

1. These granted rights to the State of Maine do not represent a deeded right of access to the general public. Public use of these roadways is governed by the Grantor's policy of use of its roadways by the general public.

; and be it further

Sec. 4. Option to acquire access; land exchange with S.D. Warren Company. Resolved: That the Director of the Bureau of Public Lands may consummate the land exchange contemplated under section 1, subsection 1 of this resolve only if the S.D. Warren Company grants to the Bureau of Public Lands an option to acquire full public rights-of-way and all interests in real estate necessary thereto over the lands that are covered by the limited easements of access, as

described in Exhibit C, to the land in Days Academy Grant that the State is acquiring from the S.D. Warren Company. The option must be in a form acceptable to the director, provided that it must give the bureau at least 90 days' notice from the S.D. Warren Company in the event that the S.D. Warren Company wishes to sell all or any portion of the lands subject to such easements. The bureau must be able to acquire the rights to and related interests in real estate covered by this option at any time during the 90-day period following the notice by the S.D. Warren Company, provided that if legislative approval is necessary to the exercise by the State of the option, the time period allowed for the State's exercise of the option is extended to a period ending not sooner than 90 days following the close of the next regular session of the Legislature.

See title page for effective date.

CHAPTER 98

S.P. 700 - L.D. 1838

Resolve, to Study the Use of Herbicides

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 use of herbicides in Maine has increased drastically over the last several years; and

Whereas, overuse of herbicides has the potential to reduce the number of wildlife species due to destruction of habitat; and

Whereas, more information is needed in order to assess the current and future results of the increased use of herbicides; 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. Commission established. Resolved: That the Commission to Study the Use of Herbicides is established; and be it further

Sec. 2. Membership. Resolved: That the commission shall be comprised of the following 13 members: two Senators appointed by the President of the Senate; 3 members of the House of Representatives appointed by the Speaker of the House of Representatives; 2 members representing the forest products industry, one appointed by the President of the Senate and one by the Speaker of

the House of Representatives; 2 members representing the general public, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; and 2 members representing environmental interests, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; the Commissioner of Transportation or the commissioner's designee; and a representative of an electric utility jointly appointed by the President of the Senate and the Speaker of the House of Representatives; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council shall be notified by all appointing authorities when the selections have been made. The Chair of the Legislative Council shall call the first meeting of the commission by July 1, 1990. The commission shall select a Legislator from its membership as chair; and be it further

Sec. 4. Duties. Resolved: That the commission shall meet 5 times to study the current use of herbicides in Maine and the policy implications of that use. The commission shall review the information on the effects of herbicide use on forests, natural habitats, water quality and other environmental impacts and the implications of the methods of applying those herbicides. In addition, the commission shall hold 2 public hearings throughout the State to hear public comments on the use of herbicides in Maine's forests; and be it further

Sec. 5. Report. Resolved: That the commission shall submit its report, together with any recommended legislation, to the First Regular Session of the 115th Legislature by December 1, 1990; and be it further

Sec. 6. Staff assistance. Resolved: That the commission shall request from the Legislative Council sufficient staff assistance to carry out these duties. The commission may also call upon the assistance of the Department of Conservation and the Pesticides Control Board; and be it further

Sec. 7. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to receive the legislative per diem and reimbursement for expenses, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at commission meetings, upon application to the Executive Director of the Legislative Council for those expenses.

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

Effective April 24, 1990.

CHAPTER 99

H.P. 1752 - L.D. 2415

Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties

Sec. 1. Coordinated Response System established. Resolved: That the Coordinated Response System for child abuse referrals is established as a model project in the Department of Human Services' Region IV, Penobscot and Piscataquis counties. The Coordinated Response System consists of the Child Abuse Assessment System; services for initial intervention, treatment and support of children and families; training; an advisory committee; an operational planning committee; and an evaluation component; and be it further

Sec. 2. The Child Abuse Assessment System. Resolved: That the Child Abuse Assessment System consists of 3 coordinated teams: the initial assessment team, the diagnostic team and the dispositional team.

1. Within the limits of funds available for this purpose, the initial assessment team shall consist of case-workers and law enforcement personnel, working in partnership, to assess referrals of alleged crimes against children.

2. Within the limits of funds available for this purpose, the diagnostic team shall, as necessary, provide medical, psychological, social or developmental data to augment the initial assessment of the referral.

3. Within the limits of funds available for this purpose, the dispositional team, composed of experienced professionals from relevant disciplines, shall analyze the data presented to it by the initial assessment team or diagnostic team or both, work with the Department of Human Services and the District Attorney for Prosecutorial District Number 5 or the district attorney's designee to decide the most appropriate disposition of the case to protect the child from harm and support the family, and determine the need to pursue prosecution; and be it further

Sec. 3. Initial intervention, treatment and support services. Resolved: That within the limits of funds allocated by this resolve, the Coordinated Response System includes, but is not limited to, such initial intervention, treatment and support services as:

1. Crisis mental health services consisting of mental health assessments and crisis intervention for a family member in immediate need and victim trauma assessment;