

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

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
1991

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Whereas, appeals may need to be filed before the expiration of the 90-day period; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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 Investigate Census Data Irregularities is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 9 members: two members appointed by the President of the Senate, 2 members appointed by the Speaker of the House of Representatives, 2 members appointed by the minority leader of the Senate, 2 members appointed by the minority leader of the House of Representatives and one member appointed by the other 8 members, who shall serve as chair of the commission; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections of the 8 appointed members have been made. When the appointments of these members have been completed, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 1, 1991; and be it further

Sec. 4. Duties. Resolved: That the commission shall study the census data for the State compiled in the Federal Decennial Census of 1990 to identify any irregularities and to recommend appropriate corrective action, if any.

1. In conducting the study the commission shall examine the following questions:

- A. Whether census data for the State appear to have been compiled accurately and correctly;
- B. Whether data maintained by the State or its subdivisions conflict with the census data; and
- C. Whether corrective action can be taken to remedy any discovered irregularities.

2. In examining these questions, the commission may:

A. Obtain all information it determines necessary from any agency or subdivision of the State;

B. Meet at such times and places as the commission determines necessary and hold informational sessions for discussions with knowledgeable persons;

C. Procure and analyze relevant data;

D. Conduct legal research and prepare opinions on legal questions within the scope of the study; and

E. Determine and summarize the legislative actions undertaken in other jurisdictions related to issues within the scope of the study; and be it further

Sec. 5. Staff assistance. Resolved: That the commission shall request staffing assistance from the Legislative Council; and be it further

Sec. 6. Reimbursement. Resolved: That members of the commission are not entitled to reimbursement for expenses; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 115th Legislature no later than April 1, 1992.

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

Effective June 21, 1991.

CHAPTER 37

S.P. 675 - L.D. 1789

Resolve, to Extend the Reporting Deadline of the Commission on Maine Lakes

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 1989, chapter 100, created the Commission on Maine Lakes to study current and future threats to the quality of Maine lakes, which was to submit a report to the Joint Standing Committee on Energy and Natural Resources by January 31, 1991; and

Whereas, an extension is needed by the commission to adequately report its findings to the Joint Standing Committee on Energy and Natural Resources; 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. Resolve 1989, c. 100, §8, amended. Resolved: That Resolve 1989, c. 100, §8, is amended to read:

Sec. 8. Report. Resolved: That the Commission on Maine Lakes shall report its findings, together with any legislative recommendations, to the Joint Standing Committee on Energy and Natural Resources by ~~January 31~~ November 1, 1991; and be it further

; and be it further

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to January 31, 1991.

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

Effective June 24, 1991.

CHAPTER 38

S.P. 747 - L.D. 1943

Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash

Transfer authorized. Resolved: That the Director of the Bureau of Public Lands is authorized to convey by quit claim deed to the Town of Allagash, for fair market value, fee simple title to Lots 1, 2, 3, 4, 12, 13 and 14 as shown on the plan of land titled "Portion of Allagash Public Lot 1" dated June 1991, attached as Exhibit A, which is incorporated by reference in this resolve. The specified lots are a portion of Public Lot 1 in the Town of Allagash. The deeds must provide that the lots may be used only for the purpose of erecting one residential structure on each lot, except that one lot may be used to locate a community water supply system.

See title page for effective date.

CHAPTER 39

S.P. 691 - L.D. 1837

Resolve, to Allow the Department of Marine Resources to Convey Land

Sec. 1. Department of Marine Resources; property transferred. Resolved: That the Depart-

ment of Marine Resources on behalf of the State, may convey to the Bigelow Laboratory for Ocean Sciences a reasonable subdivision of land and buildings, including the main research building and associated maintenance building with no more than 2 acres of land. The transfer must be on equitable terms to benefit the people of the State as provided in section 2. The transfer must also provide for public access and use and restrictions on development on a parcel of land in the Town of Southport owned by the Bigelow Laboratory for Ocean Sciences and must permit joint development of that land by the Bigelow Laboratory for Ocean Sciences and the department including use of joint research, teaching and conference facilities; and be it further

Sec. 2. Reversion to State. Resolved: That property conveyed by the State pursuant to this resolve must be accepted, maintained and used for the purposes of marine research by the Bigelow Laboratory for Ocean Sciences. The conveyance is subject to all limitations and conditions that apply to the State's present ownership. The property may not be reconveyed, leased or rented to another party. The Bigelow Laboratory for Ocean Sciences shall be responsible for all costs of operating and maintaining the property. If the Commissioner of Marine Resources, or the commissioner's successor, determines that the conditions of this resolve are not being met, title and ownership of the property must revert to the State.

See title page for effective date.

CHAPTER 40

S.P. 710 - L.D. 1893

Resolve, to Adjust the Amounts of Money Allocated to Certain Projects for Site Acquisition, Construction, Repair and Renovation of Public Safety Facilities

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 people of the State have ratified the issuance of bonds for improved public safety facilities; and

Whereas, the proceeds from the sale of these bonds are to be allocated by the Legislature; and

Whereas, the present Department of Public Safety building at Thomaston should be replaced rather than repaired; and

Whereas, it is necessary to adjust available balances between projects to ensure completion of all improvements; and