

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

close relevant records that contain personally identifying information and are created in connection with the department's child protective activities or activities related to a child while in the care or custody of the department to members of the oversight committee established in section 2. Members of the oversight committee are subject to the provisions of Title 22, section 4008, subsection 4.

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

Effective April 9, 1992.

CHAPTER 73

S.P. 907 - L.D. 2327

Resolve, to Implement Total Quality Management Procedures in State Government

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

Whereas, total quality management procedures offer the State an opportunity to immediately improve the efficiency and productivity of State Government; 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. Legislative findings. Resolved: That the Legislature finds that the customers of State Government are the recipients or beneficiaries of state services; that internal purchasing, personnel, space, budgeting and accounting systems all serve those customers and must all be improved to respond more effectively and efficiently; and that State Government has not given adequate attention to the potential for using the talents, skills, experience and commitment of its employees in improving the organization, cost-efficiency, cost-effectiveness and quality of state services; and be it further

Sec. 2. Definition. Resolved: That as used in this resolve, "total quality management" means a management system that emphasizes total customer satisfaction and the importance of front-line, rank-and-file workers in the improvement of production or services within an organization; and be it further

Sec. 3. Total quality management in the executive branch. Resolved: That the Governor shall develop and implement a plan for application of total

quality management principles and methods in the executive branch. The plan for introduction of total quality management, including a description of its elements and a timetable for implementation, must be prepared and released by September 1, 1992. The plan must implement total quality management essentials of customer-driven work; results-oriented strategic planning; use of pertinent data; seeking continuous improvement; and emphasizing rank-and-file employee participation; and be it further

Sec. 4. Total quality management in the Legislature and Judiciary. Resolved: That the Legislature and the Judicial Department shall adopt plans by September 1, 1992 for the use of total quality management in their operations. Plans adopted by the Legislature and the Judiciary must address all total quality management issues specified under section 3; and be it further

Sec. 5. Implementation. Resolved: That all 3 branches of government shall implement the total quality management plans adopted under sections 3 and 4 no later than December 31, 1992; and be it further

Sec. 6. Employees. Resolved: That in developing plans under this resolve, each branch of government shall involve rank-and-file employees in devising total quality management programs that improve internal operations and making state operations less bureaucratic, more customer-oriented and more competitive with the private sector.

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

Effective April 9, 1992.

CHAPTER 74

S.P. 973 - L.D. 2459

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

Sec. 1. Transfer of state land authorized. Resolved: That the Director of the Bureau of General Services is directed to convey to the Maine Veterans' Home, a public body corporate under the laws of the State, the State's interest in a certain parcel of land in Bangor, Penobscot County, Maine, being 16 acres more or less, as more particularly described in Exhibit A of this resolve. The director may convey this parcel only in a deed containing the following conditions requiring reversion of the entire interest and title to the State if:

1. A veterans' home is not erected on this site no later than one year from the effective date of this resolve;

2. The Maine Veterans' Home conveys or transfers in any way any interest or title, except for utility easements, to the premises to another person; and

3. The premises are used for purposes other than those directly related to its use as a veterans' home.

EXHIBIT A

A PARCEL OF LAND ON THE WESTERLY SIDE OF HOGAN ROAD AND ON THE NORTHWESTERLY SIDE OF STATE STREET IN BANGOR, MAINE.

A parcel of land located on the westerly side of Hogan Road and on the northwesterly side of State Street in the City of Bangor, County of Penobscot, State of Maine and being more particularly bounded and described as follows:

Beginning at a Maine Department of Transportation (MDOT) Right of Way (ROW) monument located on the northwesterly ROW line of State Street. Said monument being the PT of a curve, Station 10+00, as shown on the MDOT ROW plans S.H.C. File Number 10-146;

Thence, along said State Street ROW line, being a curve to the right, 200.00 feet to a rebar, to be set. Said curve having a radius of 1463.09 feet, a delta of $07^{\circ} 49' 56''$ and a chord which bears $S 52^{\circ} 45' 02'' W 199.84$ feet;

Thence, northwesterly, 450 feet more or less, to a rebar, to be set. Said rebar being at the intersection of a point 100.00 feet easterly of the centerline of the existing paved driveway which exits on State Street for the Bangor State Hospital and the extension of the southerly ROW line of Garland Street;

Thence, northerly, on a line parallel and 100.00 feet distant from the centerline of said Hospital driveway, 310 feet more or less, to a rebar, to be set. Said rebar being at the intersection of a point 100.00 feet easterly of said centerline driveway and an extension of two points both being 75.00 feet southerly of the most southerly point of the foundation on each of two buildings known as Staff Halfway Houses;

Thence, easterly, through the last mentioned two points 200 feet, more or less, to a rebar, to be set at the intersection of the extension of a line perpendicular to this line and 50 feet easterly from the most easterly point of the foundation of the most easterly of the above mentioned two buildings;

Thence, northerly, crossing the right hand fork of the driveway 770 feet more or less, to a rebar to be set, said rebar being 50 feet westerly and on a line perpendicular to this line from the most westerly corner of the foundation of the storage and sanitarium building;

Thence, northerly, 190 feet more or less, to a rebar to be set, said rebar being the intersection of a point 75.00 feet westerly from the centerline of said right hand driveway and on a line perpendicular from Hogan Road having a bearing of approximately $S 77^{\circ} 36' W$, this line being 100 feet northerly from the most northerly foundation corner of the said storage and sanitarium building;

Thence, easterly along a line perpendicular to Hogan Road having a bearing of approximately $N 77^{\circ} 36' E$, this line being 100 feet northerly from the most northerly corner of the said storage and sanitarium building, 50 feet, more or less to a rebar to be set, said rebar being 25.00 feet westerly from the centerline of said right hand driveway;

Thence, northerly and northwesterly 25 feet from and parallel to the centerline of the above mentioned right hand fork in the driveway 550 feet more or less, to a rebar to be set, said rebar being perpendicular from the intersection of the above stated right hand driveway centerline and the centerline of the hospital driveway entering from Hogan Road;

Thence, $N 00^{\circ} 00' 00'' E$, 5 feet, more or less, to a rebar to be set, at the intersection of a line running parallel to and 20 feet southerly from the centerline of the hospital driveway entering from Hogan Road;

Thence, easterly, parallel to and 20 feet southerly from the centerline of the hospital driveway entering from Hogan Road, crossing the above mentioned right hand driveway, 200 feet more or less, to a rebar to be set, 140.00 feet westerly from the westerly ROW line of Hogan Road;

Thence, southerly, 75.00 feet to a rebar to be set, said rebar being 25.00 feet easterly of the centerline of the above mentioned right hand driveway, said rebar also being 50.00 feet northeasterly and easterly of the southwesterly and westerly boundary line previously described;

Thence, southeasterly and southerly, 25 feet from and parallel to the centerline of the said right hand driveway and being 50.00 feet, northeasterly and easterly of the southwesterly and westerly boundary line previously described, 440 feet more or less to a rebar to be set, said rebar being the intersection of a line perpendicular from Hogan Road having a bearing of approximately $S 77^{\circ} 36' W$, this line being 100 feet northerly from the most northerly corner of the said storage and sanitarium building, said rebar is also on line with two before mentioned rebars;

Thence, perpendicular to Hogan Road approximately $N 77^{\circ} 36' E$, 170 feet more or less, to a rebar to be set on the westerly ROW line of said Hogan Road;

Thence, $S 12^{\circ} 24' E$ along the westerly ROW line of Hogan Road, 720 feet more or less to a highway monument being PT Station 17+96.23;

Thence, along said ROW line, along a curve to the right, an arc length of 751.85 feet, to a highway monument being the PC of a curve, station 10+05.75, said curve having a delta of 44° 16', a radius of 973.14 feet, and a chord which bears S 34°32' W 733.29 feet. This curve begins on Hogan Road and ends on State Street;

Thence, S 56° 40' W along said ROW line, a distance of 5.75 feet to the POINT OF BEGINNING.

Containing 16 acres, more or less.

All rebar, to be set, are to be 5/8 inch with aluminum cap stamped "SMRT RLS 1314".

The basis of bearing is magnetic north as shown on the MDOT plan.

All courses are along the remaining lands of the Grantor except those along the ROW lines of Hogan Road and State Street.

This parcel is subject to a MDOT slope drainage easement, a water line easement and any other easements on record.

Meaning and intending to describe a parcel of land lying on the westerly side of Hogan Road and the northwesterly side of State Street, being a portion of the lands conveyed by deed to the State of Maine recorded in book 601, page 24, book 601, page 26 and book 601, page 27, and as shown on a plan to be recorded at the Penobscot County Registry of Deeds.

The Grantor reserves the right to an easement on that portion of the above stated parcel which lies northerly of a line perpendicular to Hogan Road having a bearing of approximately S 77° 36' W, this line being 100 feet northerly from the most northerly foundation corner of the said storage and sanitarium building.

Also conveyed to the Grantee is right to easements on the remaining lands of the Grantor. The final location of all easements will be shown and defined on the standard boundary survey \ as-built plan which is to be recorded after completion of major site improvements.

Both the above described easements are defined as: Ingress and egress for both pedestrian and vehicular use with the right to alter, move, repair or upgrade the existing driveways, the right to install and connect to existing and proposed public and private utilities and surface water drainage facilities.

See title page for effective date.

CHAPTER 75

H.P. 1770 - L.D. 2453

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District

Sec. 1. Authority to convey. Resolved: That the Director of the Bureau of Public Lands shall convey, at fair market value, to the Sinclair Sanitary District a portion of public lot T.17 R.4, not to exceed 200 acres, as necessary for the district's purposes, as that parcel is particularly described in Exhibit A attached hereto and incorporated herein; together with any right-of-way used or necessary to reach that parcel. The director may convey this parcel only if:

1. The deed conveying that property limits the use of it to the public uses of the Sinclair Sanitary District and requires reversion of the premises to the State if it is used for any other purpose or if the district attempts to convey or transfer any interest or title in the premises to another district; and

2. The Director of the Bureau of Public Lands shall deposit the proceeds from the sale of this parcel in a special account until 90 days after adjournment of the Second Regular Session of the 116th Legislature in 1994. In the interim, the proceeds from the sale of this parcel may be used for the purchase of public land within the Town of Sinclair. After the expiration of the 90 days, the proceeds may be used to purchase any public lands.

EXHIBIT A

LOCATION OF PUBLIC LOT T.17,R.4, W.E.L.S., N 1/2

Beginning at a post on the shore of Mud Lake, said post being marked "Public Lot" and more specifically located as follows: being approximately three (3) chains westerly of a camp now owned by Taylor, and the beginning of a line sixty chains east of the west town line and parallel thereto, thence north twenty degrees east (N 20° E) a distance of seventy four chains and seventy links (74.70 chains), more or less, to a post marked "Public Lot", thence north seventy degrees west (N 70° W) a distance of sixty chains (60 chains), more or less, to a post on the west town line of T.17, R.4, said post being marked "Public Lot T.17, R.4"; thence south and westerly along said town line a distance of eighty seven chains and fifty links (87.50 chains), more or less, to a post on the northerly limits of the right of way of Route 162, and post being marked "Public Lot T.17, R.4"; thence northerly and easterly along the limits of said right of way a distance of thirty six chains and thirty six links (36.36), more or less, to a post, said post being marked "Public Lot"; thence south twenty degrees west (S 20° W) a distance of four chains and twenty links (4.20 chains), more