

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

RESOLVES
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 33**H.P. 874 - L.D. 1188****Resolve, to Establish the Academy for Public Service Study Committee****Sec. 1. Committee established. Resolved:**

That the Academy for Public Service Study Committee is established; and be it further

Sec. 2. Committee membership. Resolved:

That the committee consists of the following 13 members: one member of the Senate appointed by the President of the Senate; 2 members of the House of Representatives appointed by the Speaker of the House of Representatives; the Commissioner of Administration or the commissioner's designee; 6 representatives of higher education, selected jointly by the Governor, the President of the Senate and the Speaker of the House of Representatives from applications submitted to the Governor, 3 of whom are representatives from the University of Maine System, one of whom is a representative of the Maine Technical College System, one of whom is a representative from the Maine Maritime Academy and one of whom is a representative of the private colleges in this State; the President of the Maine Development Foundation or the president's designee; the Executive Director of the Maine State Employees Association or the executive director's designee; and a member of the public appointed jointly 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 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 have been made. When the appointment of all members as been completed, the Chair of the Legislative Council shall call and convene the first meeting of the committee no later than October 15, 1993. The committee shall select a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the committee shall examine to what extent the existing resources of the University of Maine System and independent colleges meet the education and training needs of State Government and local government. The committee shall also study the feasibility of organizing and coordinating resources within higher educational systems and State Government to create an academy for public service for personnel in direct services, supervisory, administrative and elected positions.

In examining these issues, the committee may:

1. Meet at convenient times and locations within Augusta;

2. Hold informational sessions for discussions with knowledgeable persons;

3. Conduct, summarize and analyze the results of a literature search;

4. Conduct, tabulate and analyze the results of a survey of the public or affected persons and groups;

5. Procure and analyze relevant data;

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

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

Sec. 5. Staff assistance. Resolved: That staffing assistance for the committee must be provided by the University of Maine System and other institutions whose members serve on the committee; and be it further

Sec. 6. Reimbursement. Resolved: That the members of the committee are not entitled to reimbursement for expenses or legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2; and be it further

Sec. 7. Report. Resolved: That the committee shall submit its report, together with any necessary implementing legislation to the First Regular Session of the 117th Legislature no later than November 1, 1994. The University of Maine System shall absorb any miscellaneous costs associated with the committee's report, which may not exceed a total expenditure of \$500.

See title page for effective date.

CHAPTER 34**S.P. 523 - L.D. 1545**

Resolve, Authorizing the Ellsworth School Department to Transact a Land Exchange to Avoid Wetlands and Ledge Discovered During Project Development of the New Ellsworth High School

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

Whereas, unless this legislation is enacted as an emergency measure, the school construction project already underway for Ellsworth High School will be seriously jeopardized;

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,

Sec. 1. Exchange of land between the inhabitants of the City of Ellsworth and Richard and Glenda Whitney. Resolved: That, notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, chapter 202 and any other provisions of law, the Ellsworth School Department is authorized to modify the location of the physical education playing fields for the new Ellsworth High School construction project by exchanging a portion of the land acquired from Charles Siondecine, described below as Parcel A, for a parcel of land owned by Richard and Glenda Whitney, described below as Parcel B.

PARCEL A

A certain lot or parcel of land situated easterly of Route 1A in the City of Ellsworth, Hancock County, Maine, bounded and described as follows, to wit:

All that land which is situated northeasterly of the following described line: "Beginning at a bolt set in the ground on the southerly line of a lot of land conveyed to Richard W. and Glenda C. Whitney from Richard W. Whitney in a deed dated December 8, 1976 and recorded in the Hancock County Registry of Deeds, Book 1278, Page 215, being North 52 degrees 46 minutes 45 seconds East two hundred five and ninety-three hundredths (205.93) feet from a bolt found set in the ground at an angle point in said southerly line of land of Whitney; thence South 36 degrees 56 minutes 30 seconds East three hundred eighty-two and one hundredths (382.01) feet to a bolt set in the ground at the northerly corner of a lot of land to be conveyed to the City of Ellsworth School Department from said Richard W. and Glenda C. Whitney and on the northerly line of land conveyed to said Richard W. and Glenda C. Whitney from St. Regis Paper Company in a deed dated December 6, 1982 and recorded in said Registry, Book 1452, Page 182, being North 36 degrees 56 minutes 30 seconds West eight hundred and zero tenths (800.0) feet from a bolt set in the ground at the easterly corner of said lot to be conveyed to the City of Ellsworth School Department.

The above mentioned bearings are oriented to Magnetic North 1990.

Subject to easements.

PARCEL B

A certain lot or parcel of land situated easterly of Route 1A in the City of Ellsworth, Hancock County, Maine, bounded and described as follows, to wit:

Beginning at a pipe found set flush with the ground at the northeasterly corner of land conveyed to Samuel and Jill Banks from Bedford Warren Riggs in a deed dated May, 1986 and recorded in the Hancock County Registry of Deeds, Book 1580, Page 511, and on the southeasterly line of a lot of land conveyed to Charles Leo Siondecine from Delphin Siondecine in the first lot of a deed dated September 24, 1946 and recorded in said Registry, Book 708, Page 137, said pipe being North 53 degrees 03 minutes 30 seconds East five hundred seventy-eight and forty-six hundredths (578.46) feet from a bolt set in the easterly sideline of land of the State of Maine, formerly the Maine Central Railroad; thence North 53 degrees 03 minutes 30 seconds East by and along said southeasterly line of land of Siondecine nine hundred forty and five hundredths (940.05) feet to a bolt set in the ground; thence South 36 degrees 56 minutes 30 seconds East eight hundred and zero tenths (800.0) feet to a bolt set in the ground; thence South 53 degrees 03 minutes 30 seconds West eight hundred twelve and seventy-seven hundredths (812.77) feet to a railroad spike set in ledge; thence North 36 degrees 56 minutes 30 seconds West two hundred two and forty-seven hundredths (202.47) feet to a bolt found set in the ground at the easterly corner of a lot of land conveyed to the City of Ellsworth from Ellsworth Water Company in a deed dated December 5, 1985 and recorded in said Registry, Book 1561, Page 573; thence North 40 degrees 06 minutes 20 seconds West by and along the northeasterly line of said land of City of Ellsworth two hundred seventeen and eighty hundredths (217.80) feet to a bolt found set in the ground; thence South 50 degrees 17 minutes 30 seconds West by and along the northwesterly line of said land of the City of Ellsworth one hundred ninety-nine and eighty-eight hundredths (199.88) feet to a bolt set at the base of a wooden post found set in the ground; thence South 39 degrees 55 minutes 15 seconds East by and along the southwesterly line of said land of the City of Ellsworth forty-three and seventy-two hundredths (43.72) feet to a bolt found set in the ground; thence continuing same course South 39 degrees 55 minutes 15 seconds East by and along said southwesterly line of land of the City of Ellsworth one hundred seventy-five and seventy-three hundredths (175.73) feet to an iron pin found set at the base of a wooden post; thence North 72 degrees 25 minutes 15 seconds West three hundred four and sixty-four hundredths (304.64) feet to a bolt set at the base of a wooden post at the southeasterly corner of aforementioned land of Banks; thence North 2 degrees 14 minutes 45 seconds West by and along the easterly line of said land of Banks four hundred thirty-eight and eighty-two hundredths (438.82) feet to the point of beginning and containing 17.62 acres, more or less.

The above described being a portion of those premises conveyed to Richard W. and Glenda L. Whitney from St. Regis Paper Company in the first lot of a deed dated December 6, 1982 and recorded in the Hancock County Registry of Deeds, Book 1452, Page 182.

The above mentioned bearings are oriented to Magnetic North 1990.

; and be it further

Sec. 2. Construction of improvements. Resolved: That notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, chapter 609 and any other provisions of law, the Ellsworth School Department is authorized to construct and equip the physical education playing fields and related site improvements for the new Ellsworth High School on the site as modified by the land exchange authorized in section 1 of this resolve and to use the proceeds of bonds or notes issued for the new Ellsworth High School construction project for that purpose.

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

Effective June 16, 1993.

CHAPTER 35

H.P. 1145 - L.D. 1544

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1993

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, Somerset County has certain expenses and liabilities that must be met as they become due; and

Whereas, it is necessary that the taxes for the year 1993 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. Somerset County; taxes apportioned. Resolved: That the following sum is granted as a tax

on Somerset County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized in this resolve, and for other purposes of law, for the calendar year 1993:

1993 TAX

\$2,620,732

; 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 1993, in the specific total amounts of expenditures for personal services, contractual services, commodities and capital expenditures for each account in the county budget:

APPROPRIATION ACCOUNT NUMBER	APPROPRIATIONS
1000 - District Court	
Personal Services	\$11,800
1005 - Superior Court	
Personal Services	18,000
Contractual Services	20,045
1010 - Emergency Management Agency	
Personal Services	15,541
Contractual Services	4,410
Commodities	825
Capital Expenditures	300
1015 - District Attorney	
Personal Services	81,428
Contractual Services	35,420
Commodities	5,000
1020 - County Commissioners	
Personal Services	37,542
Contractual Services	37,180
Commodities	975
1025 - County Treasurer	
Personal Services	25,375
Contractual Services	4,355
Commodities	565
Capital Expenditures	300
1040 - County Buildings	
Personal Services	39,937
Contractual Services	127,215
Commodities	15,800
1050 - Jail - Support of Prisoners	
Personal Services	613,553
Contractual Services	161,067
Commodities	92,947
Capital Expenditures	14,531