

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 840, Private Purchasing Alliances, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized; and be it further

Sec. 2. Allocation. Resolved: That the following funds are allocated from Other Special Revenue to carry out the purposes of this resolve.

1997-98

**PROFESSIONAL AND
FINANCIAL REGULATION,
DEPARTMENT OF**

Bureau of Insurance

All Other	\$100,000
-----------	-----------

Allocates funds to cover the costs of examining private purchasing alliances.

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

Effective April 18, 1997.

CHAPTER 15

H.P. 829 - L.D. 1134

**Resolve, Regarding Legislative
Review of Chapter 21 (21.03),
Amendments to License Agent
Reporting Requirements, a Major
Substantive Rule of the Department
of Inland Fisheries and Wildlife**

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 Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 21 (21.03), Amendments to License Agent Reporting Requirements, a provisionally adopted major substantive rule of the Department of Inland Fisheries and Wildlife, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective April 18, 1997.

CHAPTER 16

H.P. 162 - L.D. 204

**Resolve, to Authorize the
Electricians' Examining Board to
Study the Need for Continuing
Education Among Helper
Electricians**

Preamble. Whereas, testimony presented to the Joint Standing Committee on Business and Economic Development has raised the issue of continuing education for helper electricians; and

Whereas, currently both journeyman electricians and master electricians have continuing education requirements for license renewal; now, therefore, be it

Sec. 1. Electricians' Examining Board directed to study continuing education for helper electricians. Resolved: That the Electricians' Examining Board is directed to conduct a study to determine the need for continuing education among helper electricians. The continuing education courses considered by the board must include both correspondence and traditional classroom coursework. The coursework may include a number of hours of instruction in any of the courses required for the licensing of journeyman electricians or master electricians. The study must include information on injury rates among helpers, journeyman electricians and master electricians and information on education requirements for helper electricians in other states; and be it further

Sec. 2. Reporting date established. Resolved: That the Electricians' Examining Board shall report its findings, including any recommendations for proposed rule changes, to the Joint Standing Committee on Business and Economic Development by November 15, 1997.

See title page for effective date.

CHAPTER 17

S.P. 201 - L.D. 629

Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta

Preamble. Whereas, the City of Augusta, by City Council Order #625, dated October 21, 1996, discontinued the remaining portion of Jackson Street, located between the State Office Building parking lot and property now or formerly of the Maine State Employees Credit Union, referred to in this resolve as "MSECU," located at 127 and 131 Sewall Street; and

Whereas, certain improvements constructed by MSECU encroach on the abutting property owned by the State; and

Whereas, the State and MSECU desire to relocate the boundary between their respective properties in light of the Jackson Street discontinuance and to address the encroachment issue; and

Whereas, MSECU has caused to be made a certain plan entitled "Proposed Transfers" by Thayer Engineering, dated December 1996, referred to in this resolve as the "plan," indicating the proposed conveyances to be made to accomplish these goals; now, therefore, be it

Sec. 1. Commissioner of Administrative and Financial Services authorized to convey real estate. Resolved: That the Commissioner of Administrative and Financial Services is authorized to convey to MSECU, its successors and assigns, by quitclaim release deed, the interest of the State in the following property and property rights:

1. Parcels A, B and F as shown on the plan;
2. An easement for ingress, egress and utilities over parcels C and D as shown on the plan; and
3. An easement for maintenance and repair of the existing storm drainage system serving the property of MSECU; and be it further

Sec. 2. Conveyances by MSECU. Resolved: That in consideration for the above conveyances, MSECU shall convey to the State, its successors and assigns, by quitclaim release deed, the following property and property rights:

1. Parcels D and E as shown on the plan;
2. An easement for egress over the northernmost 6 feet of parcel A and the southernmost 11 feet of parcel B as shown on the plan, subject to the right of MSECU, its successors and assigns, to temporarily block the easement from time to time in the normal course of operation;
3. An easement for maintenance and repair of the existing storm drainage system over parcel F as shown on the plan; and
4. An easement for maintenance and repair of the existing waterline over parcels A and B as shown on the plan; and be it further

Sec. 3. Payment by MSECU to the State. Resolved: That MSECU shall pay to the State the excess, if any, of the fair market value of the property and property rights received by MSECU over the fair market value of the property and property rights conveyed to the State as determined by a certified appraiser selected by the State; and be it further

Sec. 4. Modification. Resolved: That the Commissioner of Administrative and Financial Services, to accomplish the goals of this resolve, may make such modifications as necessary to the final