

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

the election if the total number of votes cast for and against the acceptance of this resolve equals or exceeds 30% of the total votes for all candidates for Governor cast in the most recent gubernatorial election in the county. If at the first election the total number of votes for and against acceptance of this resolve is less than 30% of the total votes for all candidates for Governor cast in the most recent gubernatorial election, the county commissioners may submit the question to voters not more than one other time within the time prescribed in this section; and be it further

Sec. 3. Emergency clause referenda; effective date. Resolved: That in view of the emergency cited in the preamble, this resolve takes effect when approved only for the purpose of permitting its submission to the legal voters of Knox County.

Effective pending referendum.

CHAPTER 40

H.P. 1315 - L.D. 1898

Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House

Sec. 1. Portraits of outstanding Indians in the State House. Resolved: That, notwithstanding Private and Special Law 1997, chapter 76, the Director of the Maine State Museum shall include portraits of outstanding Indians for public display in the State House. The Director of the Maine State Museum shall consult with the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseets and the Aroostook Band of Micmacs in carrying out the purposes of this resolve; and be it further

Sec. 2. Plan. Resolved: That the Director of the Maine State Museum, in consultation with the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseets and the Aroostook Band of Micmacs, shall present to the State House and Capitol Park Commission by December 31, 1999 a plan for including portraits of outstanding Indians for display in the State House. The plan must include funding proposals for commissioning or acquiring the portraits. The Director of the Maine State Museum will forward a copy of the plan to the members of the Joint Standing Committee of the Legislature on State and Local Government.

See title page for effective date.

CHAPTER 41

S.P. 699 - L.D. 1974

Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett Valley

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Sec. 1. Director of Bureau of Parks and Lands authorized to negotiate and consummate sale. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may negotiate and consummate the sale of certain public reserved lands to the Town of Carrabassett Valley. The State may not convey any land or interest in land that comprises a public road or a great pond. All money received from the sale of these public reserved lands must be used exclusively for the purchase of additional real estate in the same county as the transferred land for the same purposes; and be it further

Sec. 2. Land to be conveyed. Resolved: That the land to be conveyed consists of 1,203 acres, more or less, of public reserved land, being a portion of the land as was reserved by the State for public purposes in a deed to William Bingham dated January 28, 1793, and recorded at the State Archives in Volume 6, pages 37 to 41 (Massachusetts deed); and be it further

Sec. 3. Consideration. Resolved: That consideration for the sale must be the fair market value of the land as determined by an independent appraisal commissioned by the Director of the Bureau of Parks and Lands; and be it further

Sec. 4. Deed and restrictions. Resolved: That the property must be conveyed by quit claim deed without covenants, subject to the following deed restrictions: The Town of Carrabassett Valley shall in perpetuity retain title to the property and may not sell or otherwise transfer any interest, in whole or in part, in the property except that the Town of Carrabassett Valley may lease portions of the property as long as the uses are consistent with the uses specified in this resolve. The property must remain open and available for use and enjoyment by the public at large. Use of the property must be dedicated for purposes of public outdoor recreation, including, but not limited to: natural history study; hiking; camping, other than in motor vehicles; cross-country skiing; hunting; fishing; fisheries and wildlife management; skating; timber management and harvesting under a management plan

prepared by a licensed professional forester; and attendant roads and parking. The property must be maintained in an essentially natural and undeveloped condition, except that up to 25 contiguous acres in the aggregate, including any development in existence on the effective date of this resolve, may be developed for any public outdoor recreation facility used for the purposes provided in this section that is sponsored by the municipality. The following uses are expressly prohibited: residential development of any type; development for overnight accommodations, except camping; development for any type of commercial service center, shops, restaurants or other commercial development; or development for any purpose that will change the natural character of the area, except that those uses presently made of the Outdoor and Touring Center located on the property may continue. If the Town of Carrabassett Valley fails to comply with any of the conditions or restrictions, in whole or in part, contained in this resolve, the State may give written notice to the Town of Carrabassett Valley, and if the Town of Carrabassett Valley fails to comply within 30 days, then the title to the property reverts to the State; such a reversion may not be effective until the State records a notice of the reversion in the Franklin County Registry of Deeds.

Sec. 5. Management operations. Resolved: That any management operations, including but not limited to, timber harvesting operations, that the State may have scheduled before the signing of an agreement between the Director of the Bureau of Parks and Lands on behalf of the State and the Town of Carrabassett Valley must be allowed to proceed and all revenue derived from these operations accrues to the State until the delivery of the deed.

See title page for effective date.

CHAPTER 42

H.P. 569 - L.D. 790

Resolve, Regarding Legislative Review of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission

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 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a provisionally adopted major substantive rule of the Public Utilities Commission, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is not authorized.

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

Effective May 20, 1999.

CHAPTER 43

H.P. 1536 - L.D. 2189

Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services

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