

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

donations and make arrangements for the plaque and a flag or flags to be displayed in the State House Hall of Flags; and be it further

Sec. 4. Staffing. Resolved: That, upon approval from the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 5. Funding. Resolved: That the chairs of the commission may seek and accept outside sources of funding. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council and an accounting that includes amount, date received, from whom received, purpose and limitation on use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

Sec. 6. Consultation; reports. Resolved: That the commission shall consult with the State House and Capitol Park Commission to ensure the appropriateness of the design and location of the new plaque and the selection and placement of the new flag or flags within the State House Hall of Flags. When the commission has agreed upon an appropriate location and design, but not later than October 4, 2000, the commission shall submit its initial report to the Executive Director of the Legislative Council. A final report must be submitted to the Executive Director of the Legislative Council by November 1, 2000. Upon submission of its required reports, the commission terminates; and be it further

Sec. 7. Future process; recommendations; authorization to report out legislation. Resolved: That the Maine Historic Preservation Commission shall develop and recommend a more formal and permanent process through which future requests for adding new plaques, flags or other commemorative items to the State House Hall of Flags will be considered. If ultimately adopted by the Legislature, this process would replace the current process of creating a special commission to develop the design and location for each new plaque, flag or other commemorative item to be placed within the State House Hall of Flags. The Maine Historic Preservation Commission shall make its recommendations in writing by November 15, 2000 to the Executive Director of the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over state and local government matters. After receipt of the report, the committee may report out legislation, based on the commission's recommendations, to the First Regular Session of the 120th Legislature; and be it further

Sec. 8. Allocation. Resolved: That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

2000-01

LEGISLATURE

Commission to Arrange for a Plaque and a Flag or Flags to be Displayed in the Hall of Flags in the State House

All Other \$500

Provides for the allocation of funds for costs associated with a plaque and a flag or flags honoring veterans of the Vietnam War from Maine in the Hall of Flags in the State House.

See title page for effective date.

CHAPTER 114

H.P. 1650 - L.D. 2319

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine State Prison in Thomaston

Sec. 1. Definitions. Resolved: That as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real and personal property described in section 3 of this resolve; and be it further

Sec. 2. Authority to convey property. Resolved: That the State, by and through the commissioner, may:

1. Lease or sell the interests of the State in the state property;
2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;
3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, the power of eminent domain

to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale or lease of the State's interests; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. 3. Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is the following:

1. The Maine State Prison, located in Thomaston and comprised of land located on the northerly and southerly sides of U.S. Route 1, including but not limited to the following deeds recorded at the Knox County Registry of Deeds: Book 16, Pg. 517; Book 22, Pg. 213; Book 23, Pg. 498; Book 27, Pg. 157; Book 31, Pg. 187; Book 172, Pg. 561; Book 358, Pg. 44; Book 399, Pg. 181; Book 457, Pg. 322; Book 18, Pg. 122; Book 28, Pg. 266; Book 250, Pg. 212; Book 442, Pg. 198; Book 445, Pg. 593; Book 475, Pg. 179; Book 6, Pg. 179; and Book 237, Pg. 429, together with all rights, privileges and easements appurtenant thereto and together with all of the State's interest in and to the buildings, improvements and personal property located thereon, including all vehicles, machinery, equipment and supplies; and be it further

Sec. 4. Property to be sold "as is." Resolved: That the commissioner may negotiate and execute leases and purchase and sale agreements upon those terms the commissioner considers appropriate; however, the state property must be sold "as is," without any representations or warranties.

Title must be transferred by quitclaim deed without covenant and executed by the commissioner; and be it further

Sec. 5. Exemptions. Resolved: That any lease or conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. 6. Purchase price. Resolved: That the commissioner shall have the current market value of the state property determined by an independent appraiser. The commissioner may list the property for sale or lease with private real estate brokers at its appraised value and negotiate sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants. The commissioner may reject any offers.

The commissioner shall establish the rent or purchase price and the terms of lease or sale.

If the commissioner elects to solicit bids, the commissioner shall publish notices of sale sufficient to advertise the property. The commissioner may reject any bids; and be it further

Sec. 7. Repealed. Resolved: That this resolve is repealed 5 years from its effective date.

See title page for effective date.

CHAPTER 115

H.P. 1532 - L.D. 2185

Resolve, Relating to Protection from Bloodborne Pathogens for Maine Workers

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

Whereas, this resolve proposes to improve protection from bloodborne diseases for workers; and

Whereas, Maine workers suffer a significant number of needle-stick injuries each year, putting them at risk of contracting numerous diseases, many of which, like AIDS or Hepatitis C, are life-threatening; and

Whereas, the federal Occupational Safety and Health Administration, or "OSHA," has adopted a regulation requiring private-sector employers to develop plans to control exposure to bloodborne pathogens, including a requirement that employers use engineering and work practice controls to prevent needle-stick injuries; and

Whereas, that federal regulation has been adopted as a rule by the State's Board of Occupational Safety and Health, which establishes requirements for public-sector workplaces; and

Whereas, a federal directive interpreting the bloodborne pathogen regulation sets forth more explicit instructions to employers in implementing the regulation, including a requirement that employers provide engineering controls such as needless systems and safer needle devices; and

Whereas, adoption of the directive as a rule would provide greater assurance of continued protection for public-sector employees; and

Whereas, the Legislature intends for public-sector and private-sector employees to have rigorous