

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

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

protection against exposure to bloodborne pathogens; and

Whereas, the Legislature intends that public-sector and private-sector employers learn and heed the requirements of the OSHA directive to use the most effective engineering controls, including needleless systems and safer needle devices and that such employers act as quickly as possible to implement such systems; and

Whereas, the Legislature understands that the requirements of the OSHA directive are relatively recent so that employers may not have fully implemented the requirement, but wishes to expedite the process; and

Whereas, a survey of practices and progress in implementing the directive will help policymakers assess the need for additional educational efforts or additional regulation; 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. Rules for occupational safety and health of public employees. Resolved: That, except as provided in this section, the Board of Occupational Safety and Health, as defined in the Maine Revised Statutes, Title 26, section 564, shall adopt rules that are at least as protective of employee health and safety as Directive Number CPL 2-2.44D issued by the United States Department of Labor, Occupational Safety and Health Administration, or "OSHA," to interpret the OSHA bloodborne pathogen regulation and effective November 5, 1999. The rules must exempt any hypodermic apparatus exchange program certified by the Department of Human Services, Bureau of Health pursuant to Title 22, section 1341 from the requirements of that directive. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A; and be it further

Sec. 2. Survey of health care providers. Resolved: That the Department of Labor and the Department of Human Services shall conduct a survey of public and private health care providers and field providers, including, but not limited to, emergency medical technicians, to collect information about:

1. The use of needleless systems and other safe needle devices by employees; and
2. The process used or to be used by the providers to comply with federal regulations or state rules

regarding engineering controls to protect employees against exposure to bloodborne pathogens.

The departments shall report the results of the survey to the joint standing committee of the Legislature having jurisdiction over labor matters of the 120th Legislature by February 1, 2001. That committee may report out legislation to the 120th Legislature in response to the survey.

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

Effective April 14, 2000.

CHAPTER 116

H.P. 1868 - L.D. 2604

Resolve, to Require the Board of Environmental Protection and the Maine Land Use Regulation Commission to Adopt Consistent Rules Regarding Cutting and Removal of Vegetation

Sec. 1. Rules to regulate cutting and removal of vegetation in areas adjacent to rivers, streams, brooks, ponds, wetlands and tidal waters. Resolved: That notwithstanding the Maine Revised Statutes, Title 38, chapter 3, subchapter I, articles 2-B and 5-A and in accordance with the purposes of Title 12, chapter 206-A and Title 38, chapter 3, including the control of nonpoint source pollution, no later than January 2, 2002, the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission shall each provisionally adopt rules in accordance with Title 5, chapter 375 to regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to rivers, streams, brooks, ponds, wetlands and tidal waters.

The Board of Environmental Protection and the Maine Land Use Regulation Commission shall coordinate their rulemaking to adopt rules that resolve inconsistencies, where appropriate, among standards established pursuant to the Maine Revised Statutes, Title 12, chapter 206-A and Title 38, chapter 3, subchapter I, articles 2-B and 5-A and retain standards established pursuant to those statutes when those standards are consistent. Upon final adoption, rules adopted by the board apply in the organized areas of the State and rules adopted by the commission apply in the unorganized and deorganized areas of the State.

Rules adopted pursuant to this section do not apply to timber harvesting activities, but the Board of Environmental Protection and the Maine Land Use