

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

CHAPTER 51**S.P. 350 - L.D. 1164****Resolve, Directing Responsible State Agencies to Secure Public Access to Class 2 Waters**

Sec. 1. Department shall coordinate efforts. Resolved: That the Department of Conservation shall work, as opportunities arise, with all responsible state agencies, including, but not limited to, the Maine Land Use Regulation Commission, the Bureau of Parks and Lands, the State Planning Office within the Executive Department and the Department of Inland Fisheries and Wildlife to secure public access to all Class 2 lakes in the State using conservation easements, fee purchases and other means.

Nothing in this resolve may be construed to suggest that a boat launching site of any type should or should not be constructed on any land or interest in land acquired for the purpose of public access under this resolve.

This resolve is not intended to change the land acquisition priorities established by the Land Acquisition Priorities Advisory Committee pursuant to Executive Order 4 FY 95/96.

See title page for effective date.

CHAPTER 52**S.P. 612 - L.D. 1792****Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands**

Preamble. Whereas, 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; and

Whereas, the real estate authorized for conveyance by this resolve is under the designation described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1837 and section 1851; and

Whereas, in a previous land exchange, the State of Maine and Allagash Timberlands LP, as successor to Irving Pulp and Paper, Limited, agreed that the

State would convey an additional 575 acres; now, therefore, be it

Sec. 1. Director of the Bureau of Parks and Lands authorized to convey certain real estate in exchange for other properties.

Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following properties on such terms and conditions as the director may direct to Allagash Timberlands LP in exchange for conveyance of properties now owned by Allagash Timberlands LP.

1. The properties to be conveyed by the Bureau of Parks and Lands to Allagash Timberlands LP are:

A. The State's common and undivided interest in T16 R9, which is approximately 110 acres;

B. All of the State's fee interest in T17 R4, which is approximately 305 acres; and

C. The State's interest in the southern portion of the Public Lot located in the Town of Ashland, which is approximately 300 acres.

2. The properties to be conveyed by Allagash Timberlands LP to the State by and through the Department of Conservation, Bureau of Parks and Lands are:

A. All of the common and undivided interest of Allagash Timberlands LP in T13 R12, which is approximately 135 acres; and

B. All of the common and undivided interest of Allagash Timberlands LP in T10 R4 SE4, which is approximately 19 acres.

See title page for effective date.

CHAPTER 53**H.P. 1337 - L.D. 1791****Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands**

Preamble. Whereas, 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; and

Whereas, the nonreserved public lands authorized for conveyance by this resolve are under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may execute deeds on behalf of the State for nonreserved public lands to convey lands that have been authorized for conveyance by the Legislature or sold by lawful authority subject to the provisions of the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, pursuant to Resolve 1999, chapter 112, the Director of the Bureau of Parks and Lands was granted the authority to convey, and did convey, certain nonreserved public lands in the Town of New Gloucester, the Town of North Yarmouth and the Town of Gray to October Corporation subject to certain restrictions and reservations agreed upon by the director; and

Whereas, the Director of the Bureau of Parks and Lands, within such discretion so granted, has determined it is appropriate to release and terminate certain deed restrictions that were imposed on a certain portion of the land; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain nonreserved public lands in State. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation, by quitclaim deed and subject to certain restrictions and reservations to be agreed upon by the director, may convey the following property for not less than fair market value to October Corporation, a Maine nonprofit corporation with a mailing address of One Canal Plaza, P. O. Box 426, Portland, Maine 04112-0426:

The State's right, title and interest in and to approximately 44 acres of nonreserved public lands located in the Town of New Gloucester and the Town of Pownal and generally described as approximately 44 acres of vacant land northeast of the intersection of Allen Road and Route 231 in the Town of New Gloucester and designated as Lot 3-1 on New Gloucester Tax Map 4 and Lot 29 on Pownal Tax Map 9, with the exact delineation, acreage and description of such nonreserved public lands to be sold to be determined by a survey to be conducted by or on behalf of October Corporation; and be it further

Sec. 2. Director of Bureau of Parks and Lands authorized to release certain deed restrictions on land previously conveyed. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may release and terminate those deed restrictions imposed on the land referred to in Resolve 1999, chapter 112 as the director determines appropriate; and be it further

Sec. 3. Use of proceeds from sale of property. Resolved: That the proceeds from the sale of

the property described in section 1 must be used to purchase land in Cumberland County, subject to the provisions of the Maine Revised Statutes, Title 12, section 598-B; and be it further

Sec. 4. Property exempt from certain laws and requirements. Resolved: That, notwithstanding any other provision of law or regulatory requirement, the property transferred pursuant to this resolve may not first be offered to the Maine State Housing Authority or any other state or local agency; and be it further

Sec. 5. Sale not subject to conditions. Resolved: That, notwithstanding Resolve 1975, chapter 6, the transfer of property authorized by this resolve is not subject to the terms, conditions and restrictions set forth in Resolve 1975, chapter 6, section 4 and the terms, conditions and restrictions are released and repealed as they relate to the property to be transferred pursuant to this resolve.

See title page for effective date.

CHAPTER 54

H.P. 161 - L.D. 172

Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments

Sec. 1. Rule amendment regarding medical eligibility assessments under Medicaid program for long-term care. Resolved: That for all contracts for preadmission screening negotiated, entered into or renewed on or after January 1, 2002, the Department of Human Services shall amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs to ensure that the assessments are comprehensive and accurate. The rules must provide that in the process of completing an assessment a nurse assessor is required to use professional nursing judgment. An assessor shall, as appropriate within the exercise of professional judgment, consider documentation, perform observations and conduct interviews with the long-term care consumer, family members, direct care staff, the consumer's physician and other individuals. The rules must require the nurse assessor to document in the record of the assessment all information considered relevant in the professional judgment of the assessor. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See title page for effective date.
