

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

purchase and sales agreement upon terms the commissioner considers appropriate; however, the state property must be sold as is, without any presentations or warranties. Title must be transferred by quitclaim deed without covenant and executed by the commissioner; and be it further

Sec. 3. Property description. Resolved:

That the land subject to transfer is described as follows:

A certain lot or parcel of land situate northerly of Pleasant Street Place, so called, in the City of Hallowell, Kennebec County, State of Maine, and being bounded and described as follows:

Beginning at a 3/4-inch iron rod set capped "Thayer Engineering Company" at the westerly corner of land of Baron C. Wormser and Janet G. Wormser, reference deed recorded in Kennebec County Registry of Deeds in Book 5568, Page 327, formerly of Viti, reference deed recorded in said Registry of Deeds in Book 3242, Page 350, as shown on a plan entitled "Plan of Standard Boundary Survey of a Portion of Property of State of Maine, Winthrop Street & Pleasant Street, Hallowell, Maine," dated March 1988 by Thayer Engineering Company, Inc., Farmingdale, Maine;

Thence N 31° 00' 14" E along the northwesterly line of said land of Wormser a distance of 172.13 feet to a 3/4-inch iron rod set capped "Thayer Engineering Company" and the northerly corner of said land of Wormser;

Thence S 56° 55' 55" E along the northeasterly line of said land of Wormser a distance of 68.00 feet to a 3/4-inch iron rod set capped "Thayer Engineering Company" and the easterly corner of said land of Wormser and a northerly corner of land now or formerly of Slack, reference deeds recorded in said Registry of Deeds in Book 2016, Page 84, Book 1246, Page 336 and Book 283, Page 449;

Thence continuing S 56° 55' 55" E along a northeasterly line of said land of Slack a distance of 6.80 feet to a 3/4-inch iron rod set capped "Thayer Engineering Company";

Thence N 31° 00' 00" E along a northwesterly line of said land of Slack a distance of 20.00 feet to a 3/4-inch iron rod set capped "Thayer Engineering Company" and a northerly corner of said land of Slack;

Thence N 56° 55' 55" W along a southwesterly line of land being retained by State of Maine, reference deed recorded in said Registry of Deeds in Book 288, Page 308, a distance of 88.80 feet;

Thence S 31° 00' 14" W along a southeasterly line of said land being retained by State of Maine a distance of 192.19 feet;

Thence S 57° 09' 43" E along a northeasterly line of said land being retained by State of Maine a distance of 14.00 feet to the point of beginning, containing 4,184 square feet, more or less.

Bearings are based upon a 1985 magnetic north observation.

Being a portion of premises described in a deed of Almira C. Dummer to the Maine Industrial School for Girls, dated March 25, 1874, recorded in Kennebec County Registry of Deeds in Book 288, Page 308.

The above description is based on said plan entitled "Plan of Standard Boundary Survey of a Portion of Property of State of Maine, Winthrop Street & Pleasant Street, Hallowell, Maine," dated March 1988 by Thayer Engineering Company, Inc., Farmingdale, Maine, and is without the benefit of a current Boundary Survey; and be it further

Sec. 4. Exemptions. Resolved: That any 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. 5. Appraisal. Resolved: That the Commissioner of Administrative and Financial Services shall have the current market value of the property described in section 3 of this resolve determined by an independent appraiser at the expense of Baron C. Wormser and Janet G. Wormser and may use the appraised value and offer the land for sale to those parties.

See title page for effective date.

CHAPTER 17

H.P. 104 - L.D. 95

Resolve, Directing the Department of Behavioral and Developmental Services To Conduct a Study Regarding a Registry of Direct Care Workers Working with Persons with Mental Retardation

Sec. 1. Study regarding registry for direct care workers working with persons with mental retardation. Resolved: That the Department of Behavioral and Developmental Services shall conduct an internal study regarding the creation of a registry for direct care workers working with persons

with mental retardation. The department shall report the results of its study to the Joint Standing Committee on Health and Human Services no later than December 1, 2003.

See title page for effective date.

CHAPTER 18

H.P. 787 - L.D. 1069

Resolve, Directing the Maine State Cultural Affairs Council To Examine Available Funding for Local Historical Societies

Sec. 1. Study; review; funding sources. Resolved: That the Maine State Cultural Affairs Council shall study and review all available funding sources to fund projects for the local historical societies throughout the State to pursue for development of documentation and preservation of the local history of the areas the historical societies represent. The council shall examine various creative, alternative sources of funding, such as local history grants, matching federal grants and the use of local schools and students; and be it further

Sec. 2. Report. Resolved: That, no later than December 15, 2003, the Maine State Cultural Affairs Council shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on State and Local Government for introduction in the Second Regular Session of the 121st Legislature.

See title page for effective date.

CHAPTER 19

S.P. 431 - L.D. 1329

Resolve, To Rename the Paddy Hill Road in Medford the Clyde Hichborn Road

Sec. 1. Clyde Hichborn Road. Resolved: That the Paddy Hill Road in Medford be renamed the Clyde Hichborn Road.

See title page for effective date.

CHAPTER 20

H.P. 1023 - L.D. 1396

Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources

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 Revised Statutes, Title 5, chapter 375, subchapter 2-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 portions of Chapter 2: Aquaculture Lease Regulations, a provisionally adopted major substantive rule of the Department of Marine Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rules are amended as follows:

1. The rules must be amended in section 2.27, Department Site Review, subsection 2, Documented Information, in the last paragraph, to strike the phrase "ecologically significant flora and fauna,".

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

Effective May 15, 2003.