

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

CHAPTER 137

S.P. 775 - L.D. 1942

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

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

Whereas, certain real estate authorized for conveyance by this resolve is 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 sell or exchange lands for the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain real estate to Town of Winterville. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey to the Town of Winterville a public roadway known as the Red River Road and also known as Fish Hatchery Road, located in Winterville Plantation, Aroostook County, being approximately 1-1/2 mile in length, in exchange for \$1 and all maintenance obligations and subject to the reservation by the bureau of an interest to continue to use the road in common with others and on such other terms and conditions as the director may direct.

Beginning at a point (68°62' longitude, 47°00' latitude) marked by a road post on the most easterly portion of the Winterville public lot access road; thence Southwest and Northwest approximately 1.5 miles to the most Westerly point (68° 64' longitude, 47°00' latitude) of said public road, also marked by a road post. The width of the road, to include the Maine Public Service utility corridor, varies from approximately 30 feet to 77 feet East to West; and be it further

Sec. 2. Director of Bureau of Parks and Lands authorized to convey certain real estate to First Roach Pond Leaseholders Coalition. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey without covenants, for appraised fair market value and for private uses, and on such terms and conditions as the director may

direct, to the First Roach Pond Leaseholders Coalition, or its individual members and assigns, certain lots or parcels of land situated in Township A, Range 13 WELS, Frenchtown, Piscataquis County, State of Maine, which land is part of the public lot in said township as first described in the petition for partition and report of partition commissioners dated December 11, 1948 and recorded in the Piscataquis County Registry of Deeds in Book 20, Page 1, said lots being located northerly of the South Inlet Road, also presently known as the Frenchtown Road, and between said road and the southerly shore of First Roach Pond, which parcels of land must be further identified and described by and through the performing of an instrument survey prior to said conveyance to be commissioned by the director. The conveyance excepts and reserves to the State the so-called South Inlet Campground, being the premises described in an annual camp site lease between the State, Scott Paper Company and C.J. Keahliher dated April 1, 1975.

In the event that the portion of the Frenchtown Road maintained by Piscataquis County is discontinued as a county road, the director shall take any reasonable action that resources allow to ensure continuing full public rights-of-way over the road; and be it further

Sec. 3. Director of Bureau of Parks and Lands authorized to convey certain real estate to Bosebuck Mountain Club, Inc. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey for appraised fair market value, and on such other terms and conditions as the director may direct, to the Bosebuck Mountain Club, Inc. a certain lot or parcel of land in Lynchtown Township (T5, R4) WBKP, in Oxford County, State of Maine, bounded and described as follows:

Beginning at an iron pin set at the intersection of the shore of Aziscohos Lake and the south line of the School Lot in said township, witnessed by an 11" spruce; thence north eighty-three degrees west (N 83° W) fifteen and zero tenths (15.0) chains to an iron pin, witnessed by an 8" sugar maple; thence north seven degrees east (N 7° E) twenty and zero tenths (20.0) chains to an iron pin, witnessed by a 7" sugar maple; thence south eighty-three degrees east (S 83° E) eleven and thirty-nine hundredths (11.39) chains to an iron pin set at the shore of the Little Magalloway River, witnessed by a 10" fir; thence by and along the shore in a southerly direction to the point of beginning, being twenty-five (25 acres) more or less. For reference see deed from Brown Company to the State of Maine recorded June 7, 1978, in Book 987, Page 27, of the Oxford County Registry of Deeds; and be it further

Sec. 4. Director of Bureau of Parks and Lands authorized to convey certain real estate to Town of Greenville. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey for appraised fair market value, and on such other terms and conditions as the director may direct, to the Town of Greenville a certain lot or parcel of land up to 45 acres located in Little Moose Township, T3R5BKP EKK, said conveyance to be for the limited purpose of expansion of the Greenville Industrial Park and subject to approval by the voters of the Town of Greenville; and be it further

Sec. 5. Director of Bureau of Parks and Lands authorized to convey certain real estate to Town of Corinna. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey for One Dollar, \$1.00, and on such other terms and conditions as the director may direct, to the Town of Corinna a certain lot or parcel of land located at the intersection of Spring Street, Exeter Street and Center Street in the Town of Corinna, Penobscot County, State of Maine, being those same premises described in a deed from the Finance Authority of Maine to Ralph A. Berg, dated July 31, 1997 and recorded in the Penobscot County Registry of Deeds August 21, 1997 in Book 6469, Page 11. Title to the parcel passed to the State in 2000 pursuant to the Maine Revised Statutes, Title 18-A, section 2-105 at the death of Ralph A. Berg, who died testate and whose heirs disclaimed all interest.

See title page for effective date.

CHAPTER 138

H.P. 1443 - L.D. 1943

Resolve, Regarding Legislative Review of Portions of Chapter 299: Highway Driveway and Entrance Rules, a Major Substantive Rule of the Department of Transportation

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 299: Highway Driveway and Entrance Rules, a provisionally adopted major substantive rule of the Department of Transportation that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 22, 2004.

CHAPTER 139

H.P. 1455 - L.D. 1955

Resolve, Directing the Commissioner of Marine Resources To Review the Licensing Requirements for the Harvest of Certain Marine Resources

Preamble. Whereas, the Legislature finds that state laws pertaining to marine resources, including but not limited to the commercial utilization of lobster, scallop, sea urchins, finfish, marine worms and shellfish, were duly enacted and are constitutionally valid; and

Whereas, it is essential for the long-term viability and health of Maine's marine resources that all of Maine's marine resources-related laws continue to be vigorously enforced; and

Whereas, state laws pertaining to marine resources must function in accordance with numerous federal laws and within the framework established by the United States Constitution and the Constitution of Maine to provide legal stability for the long-term management of these resources; and

Whereas, the periodic review of Maine's marine resources-related laws is necessary to improve the operation and effectiveness of those laws; and

Whereas, the Department of Marine Resources is uniquely situated to identify opportunities that will