

# 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**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

**CHAPTER 144**

**H.P. 1466 - L.D. 1962**

**Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, a Major Substantive Rule of the Department of Conservation**

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 23: Standards for Timber Harvesting to Substantially Eliminate Liquidation Harvesting, a provisionally adopted major substantive rule of the Department of Conservation 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 rule is modified to include all changes in the revised rule prepared by the Maine Forest Service, dated April 27, 2004 and submitted to the Joint Standing Committee on Agriculture, Conservation and Forestry on April 26, 2004 and in addition is modified as follows:

1. The definitions section of the finally adopted rule must define "rare natural community" instead of "rare and exemplary natural community," and the definition of "threatened and endangered species" must clarify that plant species are listed by the Maine Natural Areas Program.

2. The exemptions section of the rule, Sec. 5, must be amended in paragraphs E and G for the purpose of allowing these exemptions to apply to landowners with less than 100 acres of forest land statewide and on parcels containing less than 20 acres of forest land, respectively.

The Commissioner of Conservation is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve. At the time of final adoption, the commissioner shall make available to the public a document that allows comparison of the rule provisionally adopted on April 14, 2004 and the rule authorized and finally adopted in accordance with this resolve.

See title page for effective date.

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**CHAPTER 145**

**S.P. 350 - L.D. 1021**

**Resolve, To Renew the Veterans' Emergency Assistance Program**

**Sec. 1. Director of Bureau of Maine Veterans' Services to administer veterans' emer-**

**gency assistance program for fiscal year 2003-04. Resolved:** That the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall administer the veterans' emergency assistance program for fiscal year 2003-04 in accordance with the Maine Revised Statutes, Title 37-B, section 505, subsection 1-A, paragraph B; and be it further

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**Bureau of Maine Veterans' Services**

Initiative: Appropriates funds from the General Fund to administer the emergency assistance program.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$50,000
General Fund Total	\$0	\$50,000

See title page for effective date.

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**CHAPTER 146**

**H.P. 1307 - L.D. 1785**

**Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"**

**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 estate described in section 3 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies; and be it further

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

1. Enter into a lease or leases or convey by sale 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. A parcel of land depicted on the City of Presque Isle, Tax Map 45, Lot 123-021, 1.4 acres, more or less, and described in a deed from the Aroostook Association for Retarded Children to the State of Maine, recorded in Book 1073, Page 76, Aroostook County Registry of Deeds; 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 terms the commissioner considers appropriate; however, the state property must be sold "as is," with no representations or warranties.

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

**Sec. 5. First refusal. Resolved:** That the state property must first be offered to the Central Aroostook Association for Retarded Citizens, Inc., referred to in this section as "CAARC," successor to the Aroostook Association for Retarded Children, for its appraised land value only. The CAARC has 60 days from notification of sale to enter into a purchase and sale agreement with the commissioner.

If the CAARC elects to purchase the state property, the state property must be used for nonprofit purposes by the CAARC. If the CAARC does not purchase the state property, the state property may be offered for sale to another social service agency and must be used for nonprofit purposes; and be it further

**Sec. 6. 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. 7. Appraisal. Resolved:** That the commissioner must 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 their 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 state property. The commissioner may reject any bids; and be it further

**Sec. 8. Repeal. Resolved:** That this resolve is repealed 5 years from its effective date.

See title page for effective date.

**CHAPTER 147**

**H.P. 55 - L.D. 47**

**Resolve, to Fund Scholarships to the Seeds of Peace Camp**

**Sec. 1. State Contingent Account; use of funds. Resolved:** That notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 1507, subsection 4 or any other provision of law, up to \$25,000 in the State Contingent Account specified to be used for emergencies may be used to support scholarships for the Seeds of Peace International Camp in the Town of Otisfield in fiscal year 2004-05 only.

See title page for effective date.