

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 3**H.P. 13 - L.D. 8**

**Resolve, Regarding Legislative
Review of the Repeal of Chapter 130:
Rules for Equivalent Instruction
Programs, a Major Substantive Rule
That Has Been Provisionally
Repealed by the Department of
Education**

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requires legislative authorization before major substantive agency rules may be finally adopted, amended, suspended or repealed by the agency; and

Whereas, the repeal of 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 the repeal 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. Repeal. Resolved: That final repeal of Chapter 130: Rules for Equivalent Instruction Programs, a provisionally repealed major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5,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 March 18, 2005.

CHAPTER 4**H.P. 364 - L.D. 489**

**Resolve, Authorizing the
Commissioner of Administrative and
Financial Services To Place under
Option or Right of First Refusal
Certain Property along State Street,
Augusta, Maine**

Sec. 1. Authority to option. Resolved: That the Commissioner of Administrative and Financial Services may place under option or right of first refusal certain property designated Tax Map Parcel 33-115, located along State Street, City of Augusta, in the County of Kennebec, and State of Maine; and be it further

Sec. 2. Purpose. Resolved: That the authority is conferred under section 1 for the purposes of implementing the Augusta State Facilities Master Plan and creating a suitable gateway into the State's capital facilities; and be it further

Sec. 3. Appraisal. Resolved: That the Commissioner of Administrative and Financial Services may negotiate the terms of the option or right of first refusal. If the property is placed on the market for sale, the commissioner shall request authority and funding from the Legislature to accomplish the purchase and may make the purchase only if the Legislature authorizes and funds the purchase; and be it further

Sec. 4. Repeal. Resolved: That this resolve is repealed 5 years from its effective date.

See title page for effective date.

CHAPTER 5**H.P. 379 - L.D. 504**

**Resolve, Authorizing the
Commissioner of Administrative and
Financial Services To Sell or Lease
the Interests of the State in Certain
Real Estate Located along the New
Belgrade Road in Augusta**

Sec. 1. Definitions. Resolved: That, as used in this resolve, 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 of this resolve 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 state 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:

A rectangular parcel of land 50 feet by 113.4 feet, more or less, bounded on the north by land conveyed to Luke Bolduc by the State of Maine, Book 5667, Page 32 and extending 50 feet southerly from the southeast and southwest corners of said land of Luke Bolduc to Lot 9 as shown on Plat of Revisions to the Gabourie Subdivision in Augusta, Maine, recorded in the Kennebec County Registry of Deeds, Book 30, Page 30; 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 or release deed 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. Appraisal. 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 the property's 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.

Prior to transfer, the buyer shall provide the State at the buyer's own cost and expense an updated survey showing the property described herein together with adjacent property described in Book 5667, Page 32; Book 4952, Page 283; and Book 5691, Page 307. The buyer shall also provide a certificate of title or title insurance policy demonstrating ownership of former Lot 10, acquired in 2 separate transactions: Book 4952, Page 283 and Book 5667, Page 32. The buyer shall demonstrate to the satisfaction of the commissioner that the transfer herein does not create an illegal subdivision on a substandard lot or violate any local or state law, ordinance or regulation.

If the commissioner elects to solicit bids, the commissioner shall publish notices of sale sufficient to advertise the properties. The commissioner may reject any bids; and be it further

Sec. 7. Proceeds. Resolved: That any proceeds from sales pursuant to this resolve must be deposited in the Special Revenue Account for Maine Veterans Memorial Cemetery at Civic Center Drive, Account No. 014 15A 2101 402; and be it further

Sec. 8. Repeal. Resolved: That this resolve is repealed 3 years from its effective date.

See title page for effective date.

CHAPTER 6

S.P. 158 - L.D. 532

Resolve, To Recognize April 6, 2005 as the National Day of Hope

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and