

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

Initiative: Appropriates funds for the administrative costs of issuing an increased number of wild turkey hunting permits.

GENERAL FUND	2004-05	2005-06	2006-07
All Other	\$8,756	\$0	\$0
GENERAL FUND TOTAL	\$8,756	\$0	\$0

SAVINGS FUND PROGRAM 0822

Initiative: Appropriates funds to be used only to avoid future fee increases.

GENERAL FUND	2004-05	2005-06	2006-07
All Other	\$25,371	\$0	\$0
GENERAL FUND TOTAL	\$25,371	\$0	\$0

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS	2004-05	2005-06	2006-07
GENERAL FUND	\$34,127	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$34,127	\$0	\$0

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

Effective April 15, 2005.

CHAPTER 9

S.P. 82 - L.D. 229

Resolve, Directing the Department of Health and Human Services To Report on Certain MaineCare Practices

Sec. 1. Report on certain MaineCare practices. Resolved: That by January 15, 2006 the Department of Health and Human Services shall provide a report to the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Health and Human Services regarding the Private Health Insurance Premium Program, referred to in this resolve as "the program," under the Maine Revised Statutes, Title 22, section 18; and be it further

Sec. 2. Required information. Resolved: That the report required by section 1 must include the following information:

1. Information regarding the purchase of insurance under the program for persons enrolled in MaineCare, including the total number of persons enrolled in the program and the type of insurance purchased, whether individual or group;

2. The total payments made for health care services under the program;

3. The total premiums paid under the program and to which health insurance carriers those premiums were paid; and

4. The total savings achieved by the program.

Health insurance carriers providing coverage under the program shall cooperate with the Department of Health and Human Services in the collection of data necessary for the report required by this resolve; and be it further

Sec. 3. Authorization to report out legislation. Resolved: That the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Health and Human Services may report out legislation related to the report required by this resolve to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 10

S.P. 148 - L.D. 450

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

Sec. 1. State Tax Assessor authorized to convey real estate. Resolved: That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the unorganized territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks, in a newspaper in the county where the real estate lies except in those cases in which the sale is to be made to a specific individual or individuals as authorized in this resolve, in which case notice need not be published.

2. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice, the State Tax Assessor may sell the property for not less than the minimum amount without again asking for bids if the property is sold on or before April 1, 2006.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from acquiring from the State any of the real property subject to this resolve.

Upon receipt of payment as specified in this resolve, the State Tax Assessor shall record the deed in the appropriate registry at no additional charge to the purchaser before sending the deed to the purchaser.

Abbreviations and plan and lot references are identified in the 2002 State Valuation. Parcel descriptions are as follows.

2002 MATURED TAX LIENS

T3 R4 WELS Township, Aroostook County
 Map AR14, Plan 01, Lot 1 038190001-1
 Cox, Harold and Sandra 9.5 Acres

TAX LIABILITY

2002	\$43.50
2003	42.56
2004	42.45
2005 (estimated)	<u>42.45</u>
Estimated Total Taxes	\$170.96
Interest	6.71
Costs	16.00
Deed	<u>8.00</u>
Total	\$201.67

Recommendation: Sell to Cox, Harold and Sandra, for \$201.67. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$225.00.

E Township, Aroostook County
 Map AR108, Plan 02, Lot 24 031600048-1
 Moore, Richard 3.4 Acres and Building

TAX LIABILITY

2002	\$99.60
2003	95.56
2004	92.67
2005 (estimated)	<u>92.67</u>
Estimated Total Taxes	\$380.50
Interest	15.30

Costs	16.00
Deed	<u>8.00</u>
Total	\$419.80

Recommendation: Sell to Moore, Richard for \$419.80. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$425.00.

T8 SD Township, Hancock County

Map HA004, Plan 02, Lot 86 098040031-1
 Dudik, John et al. 0.23 Acre and Building

TAX LIABILITY

2002	\$26.92
2003	26.57
2004	14.26
2005 (estimated)	<u>14.26</u>
Estimated Total Taxes	\$82.01
Interest	4.16
Costs	16.00
Deed	<u>8.00</u>
Total	\$110.17

Recommendation: Sell to Dudik, John et al. for \$110.17. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$125.00.

Prentiss Township, Penobscot County

Map PE038, Plan 09, Lot 10 195400159-2
 Field, Jason 42 Acres

TAX LIABILITY

2002	\$37.39
2003	32.25
2004	33.21
2005 (estimated)	<u>33.21</u>
Estimated Total Taxes	\$136.06
Interest	5.62
Costs	16.00
Deed	<u>8.00</u>
Total	\$165.68

Recommendation: Sell to Field, Jason for \$165.68. If he does not pay this amount within 60 days after the effective date of this resolve,

sell to the highest bidder for not less than \$175.00.

Map WA008, Plan 01, Lot 1 298230005-2
Lambson, Jeremy Building on Leased Lot

Greenfield Township, Penobscot County
Map PE039, Plan 01, Lot 25 192700033-1
Montague, Steve 0.25 Acre and Building

TAX LIABILITY

2002	\$10.33
2003	9.53
2004	9.83
2005 (estimated)	<u>9.83</u>
Estimated Total Taxes	\$39.52
Interest	1.57
Costs	16.00
Deed	<u>8.00</u>
Total	\$65.09

TAX LIABILITY

2002	\$33.31
2003	39.88
2004	42.33
2005 (estimated)	<u>42.33</u>
Estimated Total Taxes	\$157.85
Interest	6.64
Costs	16.00
Deed	<u>8.00</u>
Total	\$188.49

Recommendation: Sell to Lambson, Jeremy for \$65.09. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$75.00.

Recommendation: Sell to Montague, Steve for \$188.49. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$200.00.

Forest City Township, Washington County
Map WA027, Plan 01, Lot 26 298060023-2
Drinkwater, Doris H. 0.11 Acre

Upper Enchanted Township, Somerset County
Map SO015, Plan 07, Lot 71 258580191-1
Blair, Paul M. 46.5 Acres

TAX LIABILITY

2002	\$7.23
2003	8.31
2004	8.58
2005 (estimated)	<u>8.58</u>
Estimated Total Taxes	\$32.70
Interest	1.16
Costs	16.00
Deed	<u>8.00</u>
Total	\$57.86

TAX LIABILITY

2002	\$74.04
2003	86.25
2004	85.27
2005 (estimated)	<u>85.27</u>
Estimated Total Taxes	\$330.83
Interest	11.91
Costs	16.00
Deed	<u>8.00</u>
Total	\$366.74

Recommendation: Sell to Drinkwater, Doris H. for \$57.86. If she does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$75.00.

Recommendation: Sell to Blair, Paul M. for \$366.74. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$375.00.

Brookton Township, Washington County
Map WA028, Plan 03, Lot 9 298010018-1
Clough, Ethel heirs 31 Acres and Building

T25 MD Township, Washington County

TAX LIABILITY

2002	\$166.86
2003	181.85

2004	187.83
2005 (estimated)	<u>187.83</u>
Estimated Total Taxes	\$724.37
Interest	26.40
Costs	16.00
Deed	<u>8.00</u>
Total	\$774.77

Recommendation: Sell to Clough, Ethel heirs for \$774.77. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$800.00.

See title page for effective date.

CHAPTER 11

H.P. 16 - L.D. 11

Resolve, Regarding Legislative Review of Chapter 40: Medication Administration in Maine Schools, a Major Substantive Rule of 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 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 Chapter 40: Medication Administration in Maine Schools, a provisionally adopted 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 May 5, 2005.

CHAPTER 12

H.P. 12 - L.D. 7

Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

Sec. 1. Adoption. Resolved: That final adoption of Chapter 15: Rules Relating to Severance Pay, a provisionally adopted major substantive rule of the Department of Labor, Bureau of Labor Standards 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 as follows:

Section II, subsection C is modified to add language providing that, if the director's determination of a covered establishment's date of termination or relocation is based primarily on the fact that the covered establishment has on that date reduced its number of employees, number of work hours or production to less than 50% of that of the same time period one year earlier, as described in factors 3, 4 and 5 of subsection A, the director's determination is a presumption that may be overcome by evidence that the covered establishment's operations did not substantially cease on that date.

See title page for effective date.

CHAPTER 13

H.P. 41 - L.D. 45

Resolve, To Rename Chick Road in Lebanon and Sanford after the Late State Representative Howard Chick

Sec. 1. Representative Howard A. Chick Road. Resolved: That Chick Road, which lies in the Town of Sanford and the Town of Lebanon in York County, be renamed Representative Howard A. Chick Road.

See title page for effective date.