

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

Committee on Health and Human Services by January 14, 2006.

See title page for effective date.

CHAPTER 56

H.P. 1008 - L.D. 1444

Resolve, Regarding Teacher Certification Requirements

Sec. 1. Application of teacher certification rules. Resolved: That, prior to January 1, 2006, a person who has completed a postsecondary teacher preparation program in the State and meets all requirements for an initial certificate to become a new teacher under chapter 115 of the Department of Education's rules adopted pursuant to the Maine Revised Statutes, Title 20-A, section 13011 in effect on July 31, 2005 may be certified under those rules in effect on July 31, 2005.

See title page for effective date.

CHAPTER 57

H.P. 1137 - L.D. 1610

Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission

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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission 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 26, 2005.

CHAPTER 58

H.P. 1142 - L.D. 1619

Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, 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 - Lighting Standards and Noise and Visual Impact Standards, 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.

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

Effective May 26, 2005.

CHAPTER 59

H.P. 1185 - L.D. 1676

Resolve, Authorizing the President of the Maine Community College System To Sell 1.37 Acres of Real Property Owned by Southern Maine Community College in South Portland

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Board of trustees" means the Board of Trustees of the Maine Community College System.
2. "President" means the President of the Maine Community College System.
3. "Property" means the real estate described in section 3 of this resolve with any buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, if any; and be it further

Sec. 2. Authority to convey property. Resolved: That the president, pursuant to a duly authorized vote of the board of trustees, is authorized to:

1. Convey by sale the interests of the Maine Community College System in the property;
2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;
3. Exercise the power of eminent domain to quiet for all time any possible challenges to ownership of the property;
4. Negotiate, draft, execute and deliver any easements or other rights that, in the president's discretion, may contribute to the value of the proposed sale; and
5. Release any interests in the property that, in the president's discretion, do not contribute to the value of the remaining property; and be it further

Sec. 3. Property interests authorized to be conveyed. Resolved: That the property authorized to be sold or leased is the following:

An unimproved parcel of land consisting of 1.37 acres, more or less, near, but not adjacent to, remaining property of Southern Maine Community College, in South Portland, Maine. Title to said parcel, designated Lots 124 and 125 on the City of South Portland Assessor's Map 005, was formerly held by the State of Maine but was transferred to the Maine Community College System in 2002; and be it further

Sec. 4. Property to be sold as is. Resolved: That the property must be sold "as is," with no representations or warranties.

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

Sec. 5. Exemptions. Resolved: That a 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 president shall have the current market value of the property determined by an independent appraiser. The property may be listed for sale with a private real estate broker at its appraised value or auctioned or sold directly to a purchaser. The president may negotiate the terms of sale including the purchase price. The president may reject any offers.

If the president elects to solicit bids, notices of sale must be advertised; and be it further

Sec. 7. Proceeds. Resolved: That any proceeds from sales pursuant to this resolve must be deposited in an account to be designated by the president and used to purchase all or a portion of a parcel abutting Southern Maine Community College, said property to be used for parking or other uses in support of Southern Maine Community College's mission; and be it further

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

See title page for effective date.
