

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

3. In section 9, on review of requests for clinical data, a new paragraph E must be added to provide a health care quality exception to allow release of data that identifies individual health care practitioners to the Maine Quality Forum for the purpose of undertaking health care quality analyses pursuant to the Maine Revised Statutes, Title 24-A, chapter 87, subchapter 2.

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

Effective June 7, 2005.

CHAPTER 96

H.P. 1167 - L.D. 1656

Resolve, To Retain Maine's Theater Arts and Dance Teachers

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

Whereas, rules adopted by the Department of Education relating to requirements for specific certificates and endorsements for teachers are scheduled to become effective August 1, 2005; and

Whereas, this legislation exempts from application of the new requirements certain theater arts and dance teachers who are employed in an accredited public or private school in the State as of October 1, 2005; 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. Rules; certification. Resolved: That the State Board of Education shall amend Chapter 115: Certification, Authorization and Approval of Educational Personnel, a rule of the Department of Education, to permit certification of persons who are teaching theater arts or dance in the State as of October 1, 2005 and who hold valid certification to teach in the State and have completed a minimum of 2 school years or the equivalent of 2 school years of teaching theater arts or dance in an accredited public or private school in the State.

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

Effective June 7, 2005.

CHAPTER 97

H.P. 1182 - L.D. 1674

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 with 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, but not directed, to convey certain real estate in Chesuncook Township, County of Piscataquis. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value and for private uses, and on such other terms and conditions as the director may direct, to David and Luisa Surprenant a certain lot of land in Chesuncook Township (T5 R13 WELS) located in Chesuncook Village, Maine, being approximately 2.2 acres in size and which is described in a lease currently held by said David and Luisa Surprenant, as lessees, said lease dated February 9, 2000, with the department as lessor; and be it further

Sec. 2. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Wyman Township, County of Franklin. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value, and on such other terms and conditions as the director may direct, to Gareth V. Warren a certain lot of land in Wyman Township, Maine, being approximately 0.36

of an acre in size for purposes of a septic system, said land being located on Routes 16 and 27 in Wyman Township (portion of Book 1153, Page 211, Franklin County Registry of Deeds). Such lot or parcel of land is more particularly described as follows: Beginning at an iron pipe found in the southwesterly sideline of Routes 16 and 27 and at the northeasterly corner of land now or formerly of Gareth V. Warren and at the northwesterly corner of land of the grantor herein, said pipe lying approximately two hundred and fifty feet (250'+/-) southeasterly of the intersection of said road sideline with "Stoney Brook"; thence south nineteen degrees fifty-one minutes west a distance of four hundred and fifty-four and six-tenths feet (S 19° 51' W 454.6') along said Warren land to an iron pipe found at the southeasterly corner of said Warren land; thence south seventy-nine degrees forty-seven minutes east a distance of eight and no tenths feet (S 79° 47' E 8.0') along land to be retained by the grantor herein to an iron pin set; thence north thirty-three degrees eleven minutes east a distance of one hundred and thirty-nine and three-tenths feet (N 33° 11' E 139.3') along said retained land to an iron pin set; thence north nineteen degrees fifty-one minutes east a distance of three hundred and three and eight-tenths feet (N19° 51' E 303.8') along said retained land to an iron pin set in the aforesaid road sideline; thence north fifty-one degrees two minutes west a distance of forty-two and three-tenths feet (N 51° 02' W 42.3') along said road sideline to the point and place of beginning, and containing thirty-six hundredths of an acre (0.36 ac). The courses recited herein are based on a survey performed by York Hill Surveying of Vienna, Maine and depicted on a plan entitled "Gareth V. Warren" by said York Hill dated April 28, 2004. Bearings are oriented to a magnetic reference meridian depicted on said plan. Iron pins set are #5 rebar. The 0.36 acre is a portion of those premises described in a deed from J. M. Huber Corporation to the State of Maine dated October 16, 1989, and recorded April 2, 1990 in the Franklin County Registry of Deeds in Book 1153, Page 211; and be it further

Sec. 3. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Town of Rockwood, County of Somerset. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for appraised fair market value, and on such other terms and conditions as the director may direct, to Welden King a certain lot of land in Rockwood Strip (T1 R1 NBKP), Maine, being approximately 300 acres, in exchange for approximately 225 acres in Sapling Township (T1 R7 BKPWKR); and be it further

Sec. 4. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Sandy Bay Township (T5 R3

NBKP), County of Somerset. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey, for appraised fair market value, and on such other terms and conditions as the director may direct, to the United States of America, acting by and through its General Services Administration, a certain lot or parcel of land, situated on the northerly side of Route 201, in Sandy Bay Township (T5 R3 NBKP), Maine, of approximately 0.3 of an acre in size, but no more than approximately 1.078 acres as shown on a plan entitled "Site Concept Plan B" dated January 20, 2004, by Gorrill-Palmer Consulting Engineers, Inc., (a copy of said plan is on file with the department) for purposes of national security at the Jackman border crossing. Said lot or parcel of land is situated on the northerly side of Route 201, in the Township of Sandy Bay (T5 R3 NBKP), County of Somerset, and State of Maine, and is adjacent to and southerly of the Jackman border crossing, and is a portion of the parcel conveyed by Louis O. Hilton to the State of Maine by deed dated December 12, 1985, and recorded in the Somerset County Registry of Deeds in Book 1233, Page 53. Said parcel subject to the rights of others to use the gravel road that runs through the subject parcel, said gravel road to be upgraded by the United States of America, acting by and through its General Services Administration, in cooperation with the State of Maine, Department of Conservation, to accommodate timber harvesting, travel by the public and snowmobiling. For reference see rights reserved in a deed from Louis O. Hilton to the State of Maine and recorded in the Somerset County Registry of Deeds in Book 1233, Page 53, and rights conveyed in common with Hilton and others recorded in said Registry of Deeds in Book 770, page 336; and be it further

Sec. 5. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Town of Jonesboro, County of Washington. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey, for \$1 and on such other terms and conditions as the director may direct, to the University of Maine System, a certain lot of land and buildings and improvements thereon commonly referred to as Blueberry Hill Farm, and also known as the Maine Agricultural Experiment Station, located in the Town of Jonesboro, Maine, being approximately 29 acres in size and all as described in a deed from Patrick J. Sullivan and Harry C. Sullivan to the State of Maine dated January 24, 1946 and recorded in the Washington County Registry of Deeds in Book 468, Page 232. The purpose of this section is to authorize the conveyance of the subject lot, which was inadvertently omitted in Resolve 1965, chapter 86. That resolve authorized the transfer of certain lots of land owned by

the State of Maine to the former University of Maine. The University of Maine and its successors, including the University of Maine System, has since operated, improved and maintained the parcel as the Maine Agricultural Experiment Station and Blueberry Hill Farm; and be it further

Sec. 6. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Town of Jay, County of Franklin. Resolved:

That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value, and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, to the inhabitants of the Town of Jay, a 50-foot wide trail-crossing easement at Station 2571+00 in the Town of Jay, Maine. Said railroad crossing easement is further described as: A certain parcel of land situated easterly of Route 4, in the Town of Jay, County of Franklin, State of Maine, bounded and described as follows, to wit: Beginning at a set rebar on the apparent easterly sideline of land formerly of the Maine Central Railroad Company, said rebar being southerly along the apparent curved sideline of said former railroad land, a curved distance of two hundred twenty and eighty-nine hundredths (220.89) feet, from another a set rebar being at the southwest corner of land now or formerly of Jose Diaz as recorded in Book 467, Page 102 at the Franklin County Registry of Deeds; thence southerly along the apparent curved sideline of said former railroad land and along land of the inhabitants of the Town of Jay, a curved distance of fifty and thirty-five hundredths (50.35) feet, to a set rebar; thence north 81 degrees 04 minutes 27 seconds west through former railroad land, a distance of sixty-six and eight-hundredths (66.08) feet, to a set rebar; thence northerly along the apparent curved sideline of said former railroad land and along land of the inhabitants of the Town of Jay, a curved distance of fifty and thirty-five hundredths (50.35) feet, to a set rebar; thence south 81 degrees 04 minutes 27 seconds east through former railroad land, a distance of sixty-six and fifteen-hundredths (66.15) feet, to the first mentioned set rebar, being the point of beginning. All bearings are magnetic 1994. All set rebar are topped with a plastic cap stamped "Kachnovich PLS 1134." The above parcel of land being over a portion of land of the State of Maine, Department of Conservation, Bureau of Parks and Lands as recorded in the Franklin County Registry of Deeds in Book 1889, Page 173. See survey plan entitled "(Boundary Survey - Land of the Inhabitants of the Town of Jay - total area = 34.38 acres)," revised February 2005 - compiled by Kachnovich Land Surveying; and be it further

Sec. 7. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Town of Jay, County of

Franklin. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey for fair market value, and on such other terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, to Richard S. and Jeanne M. Jackson, a new Jackson trail-crossing easement sixteen (16) feet wide by sixty-six (66) feet long, located at Station 2552+11 in the Town of Jay, Maine and in exchange for release of the existing sixteen (16) foot-wide by sixty-six (66) foot-long Jackson railroad crossing easement previously conveyed to Richard S. and Jeanne M. Jackson located at Station 2549+11; and be it further

Sec. 8. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain real estate in Town of Crystal, County of Aroostook and Town of Patten, or Town of Sherman, County of Penobscot. Resolved:

That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed without covenant convey on such terms and conditions as the director may direct, including maintenance and safety obligations and responsibilities, to J. M. Huber Corp., an easement located in the Town of Crystal, Maine and the Town of Patten or the Town of Sherman, Maine for purposes of forest production, management and harvesting.

See title page for effective date.

CHAPTER 98

H.P. 1188 - L.D. 1681

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years

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

Whereas, Resolve 1999, chapter 56, as amended, authorizes the conveyance of a portion of the Kennebec Arsenal property; and

Whereas, Resolve 1999, chapter 114 authorizes the conveyance of the former Maine State Prison property in Thomaston; and

Whereas, the authority granted by Resolve 1999, chapters 56 and 114 is scheduled to expire on June 9, 2005 and August 11, 2005, respectively; and