

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

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

Whereas, this legislation delays the expiration of those resolves by 5 years; 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. Resolve 1999, c. 56, §8, amended. Resolved: That Resolve 1999, c. 56, §8, as amended by Resolve 2001, c. 76, §1, is amended to read:

Sec. 8. Sunset provision. Resolved: That this resolve is repealed 3 years from its effective date, except that, with respect to the portion of the Kennebec Arsenal referenced in section 3, subsection 2 of this resolve, this resolve is repealed on June 9, ~~2005~~ 2010.

; and be it further

Sec. 2. Resolve 1999, c. 114, §7, amended. Resolved: That Resolve 1999, c. 114, §7 is amended to read:

Sec. 7. Repealed. Resolved: That this resolve is repealed ~~5 years from its effective date~~ August 11, 2010.

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

Effective June 7, 2005.

CHAPTER 99

H.P. 452 - L.D. 619

Resolve, Directing the Department of Health and Human Services, Bureau of Health To Review Youth Camp Counselor Hiring Practices

Sec. 1. Department of Health and Human Services, Bureau of Health to evaluate youth camp counselor hiring practices and rules. Resolved: That the Department of Health and Human Services, Bureau of Health, in cooperation with the Maine Coalition Against Sexual Assault, the Maine State Police, the Maine Youth Camping Association and the YMCA Alliance of Maine, shall evaluate the effectiveness of the bureau's rules concerning youth camp counselor hiring practices set forth in Chapter 208 of the bureau's rules to protect children attending youth camps from sexual abuse. The bureau and interested parties shall review the effectiveness of camp counselor hiring practices,

including: written employment applications requesting information concerning criminal convictions, previous work history and references; reference checks; applicant interviews; and orientation and supervision of camp counselors; and be it further

Sec. 2. Report. Resolved: That, by January 15, 2006, based on its review under section 1, the Department of Health and Human Services, Bureau of Health shall report its findings and any proposed recommendations regarding camp counselor hiring practices to protect children attending youth camps from sexual abuse to the Joint Standing Committee on Criminal Justice and Public Safety. Upon receiving the bureau's recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may report out implementing legislation if necessary.

See title page for effective date.

CHAPTER 100

H.P. 98 - L.D. 122

Resolve, Regarding Uninsured Motorist Coverage in Automobile Insurance Policies

Sec. 1. Uninsured motorist coverage study; report. Resolved: That the Department of Professional and Financial Regulation, Bureau of Insurance, shall, in consultation with interested persons, study legal and policy issues regarding uninsured vehicle coverage under motor vehicle insurance policies. The study must include, but is not limited to, current law regarding uninsured vehicle coverage in motor vehicle insurance policies, the Law Court decision in Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004, and related activity in the legal system and the motor vehicle insurance market since that decision. By December 5, 2005, the Superintendent of Insurance shall submit a report, including recommendations and any suggested legislation, to the Joint Standing Committee on Insurance and Financial Services. Following receipt and review of the report, the Joint Standing Committee on Insurance and Financial Services may report out a bill regarding uninsured motorist coverage to the Second Regular Session of the 122nd Legislature.

See title page for effective date.