

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

3. Section 8, subsection F is amended to provide that owners of property on a beach that will be nourished must agree to enter a legally binding agreement, such as but not limited to an easement, concerning the property that allows for the management of significant wildlife habitat on the beach portion of their property; and be it further

Sec. 2. Beaches Advisory Group. Resolved: That the Executive Department, State Planning Office, Maine Coastal Program, with the Department of Environmental Protection and the Department of Conservation, Maine Geological Survey, shall convene an interagency advisory group, referred to as "the Beaches Advisory Group" in this section, to oversee Maine's integrated beach management program as detailed in a report dated February 2006 and titled "Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program."

1. Membership. The Beaches Advisory Group must include representatives of agencies and groups as determined by the Executive Department, State Planning Office, Maine Coastal Program in consultation with the Department of Environmental Protection and the Department of Conservation, Maine Geological Survey and also must include:

- A. The Commissioner of Environmental Protection or the commissioner's designee;
- B. The Commissioner of Conservation or the commissioner's designee;
- C. The Director of the Maine Geological Survey or the director's designee;
- D. The Director of the Maine Coastal Program or the director's designee;
- E. The Executive Director of the Southern Maine Regional Planning Commission or the executive director's designee;
- F. A representative of a large wildlife conservation organization in the State; and
- G. A representative of a coastal property owners association in the State.

2. Report; legislation authorized. Beginning January 1, 2007, the Beaches Advisory Group shall annually submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters. In the report, the Beaches Advisory Group shall summarize the discussions of the group and present any recommendations. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to

any session of the Legislature regarding Maine's beaches.

3. Repeal. This section is repealed June 30, 2011; and be it further

Sec. 3. Resolve 2003, c. 130, §6 amended. Resolved: That Resolve 2003, c. 130, §6 is amended to read:

Sec. 6. Repeal. Resolved: That the rules authorized pursuant to section 1 of this resolve are repealed ~~April 1, 2006~~ July 15, 2006.

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

Effective April 10, 2006.

CHAPTER 176

H.P. 1275 - L.D. 1835

Resolve, To Ensure That Consumers Are Informed of a Debit Card Hold at the Point of Sale

Sec. 1. Debit card hold notice requirements. Resolved: That persons, firms, partnerships, associations, corporations or limited liability companies may disclose the amount of a debit card hold in the form of a notice. A written notice may be provided directly to a customer or posted in clear view of a customer, so that the customer is able to see it prior to initiating a transaction. An oral or electronic notice may be provided instead of a posted notice, if it is given to the customer during the course of the transaction to permit the customer to cancel the transaction without incurring charges. If oral or written notice is provided, it must include, but is not limited to, a statement that indicates the preauthorization debit card hold policy of the merchant and alternatives to initiating a preauthorization debit card hold.

For the purpose of this resolve, "debit card hold" means a preauthorization hold for offline or online transactions for the future purchase of goods or services.

This section is repealed December 31, 2007; and be it further

Sec. 2. Consumer education regarding debit card holds. Resolved: That the Department of Professional and Financial Regulation, Bureau of Financial Institutions shall work with interested parties to develop a consumer awareness brochure that explains debit card holds. The bureau shall make the

brochure available, at cost, to financial institutions and merchants. The Office of the Attorney General shall report on the number of consumer complaints received regarding debit card hold practices to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2007.

See title page for effective date.

CHAPTER 177

H.P. 1304 - L.D. 1864

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located on State Highway 191 in East Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan; and Hospital Street 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 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 properties authorized to be sold or leased are the following:

1. A parcel of land in the Town of East Machias consisting of approximately 0.999 acres conveyed to the State of Maine in October 1984 and recorded in the Washington County Registry of Deeds, Book 1298, Page 201;

2. A parcel of land in the Town of Thomaston occupied by the State Police barracks in the Town of Thomaston consisting of approximately 15,400 square feet, conveyed to the State of Maine in December 1966 and recorded in the Knox County Registry of Deeds, Book 457, Page 322;

3. A parcel of land in the Town of Skowhegan consisting of approximately 1.4 acres conveyed to the State of Maine in September 1951 and recorded in the Somerset County Registry of Deeds, Book 533, Page 414; and

4. A parcel of land in the City of Augusta occupied by the "brick farmhouse" on Hospital Street in Augusta, shown on Tax Map 10, Lot 8B. This parcel is part of the State's East Campus as described in the Maine Revised Statutes, Title 1, section 814, subsection 2, paragraph A and must be conveyed with a suitable amount of land to meet municipal zoning ordinances to the extent they are applicable; 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 state 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 state property for sale or lease with private real estate