

# 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.**

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**Penmor Lithographers**

**Lewiston, Maine**

**2006**

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.

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## 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

brokers at the state property's appraised value and negotiate sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants. The commissioner may reject any offers; and be it further

**Sec. 7. Proceeds. Resolved:** That any proceeds generated pursuant to this resolve must be distributed as follows:

1. Any proceeds from the sale of state property pursuant to this resolve must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner; and

2. Any proceeds from the lease of state property pursuant to this resolve must be deposited in the General Fund; and be it further

**Sec. 8. Repeal. Resolved:** That this resolve is repealed 5 years from its effective date.

See title page for effective date.

**CHAPTER 178**

**H.P. 1401 - L.D. 1999**

**Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

See title page for effective date.

**CHAPTER 179**

**H.P. 1444 - L.D. 2050**

**Resolve, To Allow the Department of Inland Fisheries and Wildlife To Convey a Part of a Parcel of Land in the Town of Fairfield**

**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 Commissioner of Inland Fisheries and Wildlife may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 10109 and 12708; now, therefore, be it

**Sec. 1. Commissioner of Inland Fisheries and Wildlife authorized to convey certain real estate in Town of Fairfield, County of Somerset. Resolved:** That the Commissioner of Inland Fisheries and Wildlife may by quitclaim deed without covenant convey for the appraised fair market value and for the purposes of housing development a certain lot or parcel of land situated in the Town of Fairfield, County of Somerset being approximately 7.6 acres and that is described as Parcel C on a plan entitled "Boundary Survey for the Chinot Company Manufacturing and the State of Maine Department of Inland Fisheries and Wildlife, Town of Fairfield, Somerset County, State of Maine" dated October 30, 2001 and more particularly described as Parcel II in a deed from Chinot Company Manufacturing to the Department of Inland Fisheries and Wildlife and recorded in the Somerset County Registry of Deeds in Book 2873, Page 218.

See title page for effective date.

**CHAPTER 180**

**H.P. 1462 - L.D. 2067**

**Resolve, Regarding Legislative Review of Portions of Chapter 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a Major Substantive Rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions**

**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