

# 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**

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 Resolved:** That this resolve is repealed 5 years from its effective date.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

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 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a provisionally adopted major substantive rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. With regard to the payment required for publication, the language must be changed so that cash is not included as a method of acceptable payment. Language must be changed to require that comments are due by 5:00 p.m. on the day prescribed in the provisionally adopted rule.

2. With regard to the rejection of comments submitted to be included in the Citizen's Guide, the language must be changed to provide a timeline by which the Secretary of State reviews the comments and then notifies the person that submitted the comments so that the submitter may correct the comments and resubmit them. This timeline must be similar to the one provided in Chapter 520, section 3.

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

Effective April 11, 2006.

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## CHAPTER 181

S.P. 246 - L.D. 748

### Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers

**Sec. 1. Commission established. Resolved:** That the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 9 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate;

2. Three members of the House of Representatives, appointed by the Speaker of the House;

3. One member representing corrections officers, appointed by the President of the Senate;

4. One member representing employers of mental health workers, appointed by the President of the Senate;

5. One member representing employers of corrections officers, appointed by the Speaker of the House; and

6. One member representing mental health workers, appointed by the Speaker of the House; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 15 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than September 1, 2006; and be it further

**Sec. 5. Duties. Resolved:** That the commission may hold up to 4 meetings and shall study the following issues:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;

2. Whether corrections officers and mental health workers, regardless of their age, should be eligible to retire after 25 years of service without a reduction in benefits;