

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

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

Effective January 24, 2008.

CHAPTER 146
H.P. 996 - L.D. 1413

**Resolve, To Review the Law
Governing Municipal Service
Charges for Tax-exempt
Property**

Sec. 1. Study group. Resolved: That the State Tax Assessor shall convene a group of interested parties to review the current laws and constitutional requirements related to municipal service charges for tax-exempt property. The group must include representatives of municipal assessors; municipal officers, including a municipal officer from a service center community as defined in the Maine Revised Statutes, Title 30-A, section 4301, subsection 14-A; private colleges and universities; hospitals; nonprofit medical institutions; an organization representing the interests of municipal governments; an organization representing a broad spectrum of nonprofit entities; and such persons as the assessor considers desirable; and be it further

Sec. 2. Duties. Resolved: That the group under section 1 shall review the Maine Revised Statutes, Title 36, section 652, subsection 1, paragraph L and evaluate and identify:

1. How the statute is designed to be implemented under current law;
2. Alternative methods of rationally calculating the direct cost of municipal services that are provided to institutions and organizations entitled to property tax exemptions pursuant to section 652;
3. Any institutions and organizations entitled to a property tax exemption pursuant to section 652 that should not be subject to service charges, either by category, size, assessed value or other circumstance;
4. Whether service charges should be applied through the enactment of local ordinances or uniformly across municipal jurisdictions as a matter of state law;
5. All issues regarding the administration of the statute that should be established as a matter of ordinance or statute, including without limitation the process of appeal, assessment and collection procedures, assessment limitations and the municipal use of service fee revenue; and

6. Any other considerations regarding the statute as may be considered appropriate by the group; and be it further

Sec. 3. Report. Resolved: That the group under section 1 shall review and develop recommendations regarding ways to structure the funding of municipal services directly provided to tax-exempt institutions and organizations that fairly allocate those costs to the users and beneficiaries of those institutions and organizations. The group shall submit its report along with any recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters no later than December 15, 2008. The joint standing committee may submit legislation related to the report to the First Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 147
H.P. 1487 - L.D. 2101

**Resolve, To Change the Name
of the South Bridge between
Lewiston and Auburn**

Sec. 1. South Bridge between Lewiston and Auburn name change. Resolved: That the South Bridge, state bridge number 3330, crossing the Androscoggin River between the cities of Lewiston and Auburn be renamed the Bernard Lown Peace Bridge, in honor of former resident Dr. Bernard Lown, a cardiologist who is recognized for advancing the science of heart defibrillation and the recipient of the Nobel Peace Prize in 1985 as a cofounding member of International Physicians for the Prevention of Nuclear War. Both city councils unanimously approved the renaming of the bridge in honor of Dr. Bernard Lown.

See title page for effective date.

CHAPTER 148
H.P. 1442 - L.D. 2058

**Resolve, Authorizing the
President of the Maine
Community College System To
Sell 2 Parcels of Real Property
in South Portland**

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Board" means the Board of Trustees of the Maine Community College System.

2. "President" means the President of the Maine Community College System.

3. "Property" means the real estate described in section 3 with any buildings and improvements, together with all appurtenant rights and easements and all personal property located on that property, if any; and be it further

Sec. 2. Authority to convey property. Resolved: That the president, pursuant to a duly authorized vote of the board, is authorized to:

1. Convey by sale the interests of the Maine Community College System in the property;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

3. Exercise the power of eminent domain to quiet for all time any possible challenges to ownership of the property;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the president's discretion, may contribute to the value of the proposed sale; and

5. Release any interests in the property that, in the president's discretion, do not contribute to the value of the remaining property; and be it further

Sec. 3. Property interests authorized to be conveyed. Resolved: That the property authorized to be sold is a certain lot or parcel of land with buildings thereon situated at the intersection of Broadway Street and Preble Street, more commonly known as 161 Preble Street, and identified on the South Portland Tax Assessor's Map C-13 as Lot 5, Block 171; and a certain lot or parcel of land with buildings thereon situated on Grand Street and Preble Street, more commonly known as 163 Preble Street and identified on the South Portland Tax Assessor's Map C-13 as Lot 5, Block 170; both being the same lands and premises conveyed by Hillside Health Center, Inc., formerly known as Gorham Health Center, Inc. doing business as Gorham Manor to the Maine Technical College System, now known as the Maine Community College System by warranty deed dated August 9, 1990 and recorded in the Cumberland County Registry of Deeds on August 9, 1990 in Book 9274, Page 0016; and be it further

Sec. 4. Property to be sold as is. Resolved: That the property must be sold as is with no representations or warranties and title must be transferred by quitclaim deed without covenant and executed by the president; and be it further

Sec. 5. Exemptions. Resolved: That a conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the 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 president shall have an independent appraiser determine the current market value of the property. The property may be listed for sale with a private real estate broker, auctioned or sold directly to a purchaser. The president may negotiate the terms of sale, including the purchase price. The president may reject any offers. If the president elects to solicit bids, notices of sale must be advertised; and be it further

Sec. 7. Proceeds. Resolved: That any proceeds from sales pursuant to this resolve must be deposited in an account and used to further the mission of Southern Maine Community College; and be it further

Sec. 8. Repeal. Resolved: That this resolve is repealed 3 years from its effective date.

See title page for effective date.

CHAPTER 149

H.P. 1398 - L.D. 2014

Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace

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 that an agency finally adopt a major substantive rule within 60 days of the effective date of the legislation approving the rule; and

Whereas, the Legislature enacted Resolve 2007, chapter 4 as an emergency measure to approve the Department of Health and Human Services' final adoption of portions of Chapter 250: Rules Relating to Smoking in the Workplace, and chapter 4 became effective March 22, 2007; and

Whereas, the department was unable to take steps to finally adopt this major substantive rule within the 60-day deadline and thus requires an extension of the deadline to ensure that this rule's provisions do not lapse; 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