

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

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

Sec. 1. Extension. Resolved: That, notwithstanding the provisions of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requiring the Department of Health and Human Services to finally adopt portions of Chapter 250: Rules Relating to Smoking in the Workplace within 60 days of the effective date of the resolve authorizing that adoption, the department shall finally adopt such portions of Chapter 250 as were authorized in Resolve 2007, chapter 4 within 60 days of the enactment of this resolve.

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

Effective February 20, 2008.

CHAPTER 150

H.P. 1375 - L.D. 1941

**Resolve, Authorizing the
Commissioner of
Administrative and Financial
Services To Sell the Interests of
the State in a Parcel of
Property in Frenchville**

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 property authorized to be sold or leased is part of Lot No. 97 in Frenchville, Aroostook County. The property begins at a point 83 feet north from the center of Star Barn Road, so-called, and 121 feet west from the west line of Arthur Bourgoin's land, and moves in a northerly direction 100 feet to a stake, then in a westerly direction 100 feet to a stake; then in a southerly direction 100 feet south to a stake; and then in an easterly direction 100 feet to the point of beginning. The property includes a right-of-way 20 feet wide leading from Star Barn Road to the southwest corner of the premises described in this section; 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 except as provided in section 3 and executed by the commissioner.

The commissioner may negotiate with the owner of the abutting land to exchange or otherwise acquire, in the name of the State, by lease, purchase, exchange or otherwise, another suitable section of land for the purpose of siting communications structures and equipment required by the Department of Administrative and Financial Services, Office of Information Technology pursuant to the Maine Revised Statutes, Title 5, section 1520; 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 prior to any sale. 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 may decline to seek any offers; and be it further

Sec. 7. Proceeds. Resolved: That any proceeds from sales pursuant to this resolve must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital