

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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

repair and improvement account for capital improvements or other account to benefit the statewide radio and network system under the Maine Revised Statutes, Title 5, section 1520 as designated by the commissioner; and be it further

Sec. 8. Report. Resolved: That the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2011 with any actions taken pursuant to this resolve; and be it further

Sec. 9. Repeal. Resolved: That this resolve is repealed 3 years from its effective date.

See title page for effective date.

CHAPTER 151

H.P. 1308 - L.D. 1876

Resolve, Regarding the Maine State Cultural Building in Augusta

Sec. 1. Director of the Bureau of General Services to report on the status of the Maine State Cultural Building in Augusta. Resolved: That the Director of the Bureau of General Services within the Department of Administrative and Financial Services, referred to in this resolve as "the director," shall provide a report on the status and future of the Maine State Cultural Building in Augusta, taking into account the prior work on this topic, including the work of the task force authorized by Resolve 2005, chapter 168. In preparing this report, the director shall consult with the Secretary of State, who represents the task force established by Resolve 2005, chapter 168, and other individuals or organizations determined by the director; and be it further

Sec. 2. Application authorized. Resolved: That the director is authorized to apply for grant money for funding, including from the New Century Community Program, and to expend in compliance with other applicable law any such funds received for architectural or other professional services in connection with the report required in section 1; and be it further

Sec. 3. Report. Resolved: That the director shall submit the report on the status and future of the Maine State Cultural Building pursuant to section 1 to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than February 1, 2009; and be it further

Sec. 4. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation

concerning the Maine State Cultural Building to the First Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 152

H.P. 1519 - L.D. 2139

Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State

Sec. 1. Bureau of Financial Institutions directed to study the effect of security breaches in Maine. Resolved: That the Department of Professional and Financial Regulation, Bureau of Financial Institutions, in consultation with the Maine Credit Union League, the Maine Association of Community Banks, the Maine Bankers Association and the New England Financial Services Association, shall conduct a study of the impact of data security breaches since January 1, 2007 that have or should have been reported to state regulators under the Maine Revised Statutes, Title 10, chapter 210-B on Maine banks and credit unions, including the response of financial institutions to such breaches and the actual costs and expenses incurred as a result of such breaches, to the extent information is available; and be it further

Sec. 2. Reporting date. Resolved: That the Department of Professional and Financial Regulation, Bureau of Financial Institutions shall submit its findings under section 1 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters by December 1, 2008.

See title page for effective date.

CHAPTER 153

H.P. 1564 - L.D. 2194

Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and