

# 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-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

---

---

**Augusta, Maine**  
**2009**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a provisionally adopted major substantive rule of the Department of Health and Human Services, Division of Licensing and Regulatory 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.

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

Effective April 16, 2009.

---

---

**CHAPTER 9**

**H.P. 392 - L.D. 554**

**Resolve, To Allow the  
Department of Transportation  
To Transfer Certain Land to  
the Greater Grand Isle  
Historical Society**

**Sec. 1. Governor to convey certain real estate. Resolved:** That the Governor, upon recommendation of the Commissioner of Transportation, shall transfer the State's fee interest in a parcel of land located in the Town of Grand Isle to the Greater Grand Isle Historical Society. The parcel of land is known as the Grand Isle Picnic and Rest Area.

See title page for effective date.

---

---

**CHAPTER 10**

**H.P. 337 - L.D. 449**

**Resolve, Authorizing the  
Commissioner of  
Administrative and Financial  
Services To Sell or Lease the  
Interests of the State in Certain  
Real Property Located at 17  
School Street in Benedicta,  
Aroostook County**

**Sec. 1. Authority to convey state property. Resolved:** That, notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, may:

1. Enter into a lease or leases or convey by sale the interests of the State in the state property described in section 2 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;

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, subchapter 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. 2. Property interests that may be conveyed. Resolved:** That the state property authorized to be sold or leased is:

1. A parcel of land in Benedicta Township occupied by the Benedicta Elementary School consisting of approximately 8.34 acres conveyed to the Town of Benedicta School District in May 1975 and recorded in the Aroostook County Southern Registry of Deeds, Volume 1180, Page 171; and be it further

**Sec. 3. Property to be sold as is. Resolved:** That the Commissioner of Administrative and Financial Services may negotiate and execute leases and purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property described in section 2 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. 4. Exemptions. Resolved:** That any lease or conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property described in section 2 first be offered to the Maine State Housing Authority or another state or local agency; and be it further

**Sec. 5. Appraisal. Resolved:** That the Commissioner of Administrative and Financial Services shall have the current market value of the state property described in section 2 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 any 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. 6. Proceeds. Resolved:** That any proceeds from the sale or lease of unorganized territory property pursuant to this resolve must be deposited into the Unorganized Territory Education and Services

Fund, as designated by the Commissioner of Administrative and Financial Services; and be it further

**Sec. 7. Repeal. Resolved:** That this resolve is repealed 5 years from its effective date.

See title page for effective date.

---

---

**CHAPTER 11**

**H.P. 171 - L.D. 206**

**Resolve, To Fund the Nursing Education Loan Repayment Program**

**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 average age of the 20,597 nurses in the State this year who renewed their nursing licenses is 50.5 years of age, older than the average age of nurses nationally; and

**Whereas,** nurse faculty members generally are older workers with an average age of 54.5 years and nearly 1/3 of faculty in the State's nursing education programs do not plan to be working in 5 years; and

**Whereas,** the State's schools of nursing continue to turn away qualified applicants due to a lack of faculty needed to expand the nursing programs to accommodate more students; and

**Whereas,** the State created the nursing education loan repayment program under the Finance Authority of Maine to address the critical need for qualified faculty in the State's schools of nursing; and

**Whereas,** the nursing education loan repayment program has never received funding; 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. Nursing education loan repayment program. Resolved:** That the Department of Health and Human Services, the Department of Labor and the Department of Education are directed to research federal funding sources to fund the nursing education loan repayment program established in the Maine Revised Statutes, Title 10, section 1019 and report to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor by January 1, 2010 with sug-

gested plans to obtain federal funding from the sources identified.

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

Effective April 17, 2009.

---

---

**CHAPTER 12**

**H.P. 211 - L.D. 268**

**Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education**

**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 115: Certification, Authorization and Approval of Education Personnel, Part I and Part II, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 17, 2009.

---

---