

MAINE STATE LEGISLATURE

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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.