

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

Sec. 4. Plan that identifies ongoing mechanism to ensure provision of flexible funding for youth services from multiple agencies. Resolved: That, by January 15, 2011, the Department of Corrections, the Department of Health and Human Services and the Department of Education shall together develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and non-profit sectors; and be it further

Sec. 5. Report; legislation. Resolved: That, by January 15, 2011, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over juvenile justice issues progress on the implementation of this resolve.

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

Effective April 7, 2010.

CHAPTER 205

H.P. 1311 - L.D. 1825

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 187-189 State Street, Augusta, Known as the Smith-Merrill House, and at 159 Hogan Road, Bangor, known as the Elizabeth Levinson Center

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, pursuant to the Augusta State Facilities Master Plan:

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 and buildings on State Street in Augusta, known as the Smith-Merrill House, occupied by the State Planning Office, and any associated land as may be necessary in the determination of the Commissioner of Administrative and Financial Services; and

2. A parcel of land and building on Hogan Road in Bangor, known as the Elizabeth Levinson Center, occupied by United Cerebral Palsy of Maine, and any associated land as may be necessary in the determination of the Commissioner of Administrative and Financial Services; 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, but the state property described in section 2 must be sold "as is," with no representations or warranties.

The 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 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 the state property described in section 2 pursuant to this resolve must, as designated by the Commissioner of Administrative and Financial Services, be deposited as undedicated revenue to the General Fund, including any proceeds

the commissioner may identify as the result of any legislation enacted in the Second Regular Session of the 124th Legislature, or into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements; and be it further

Sec. 7. Resolve 1999, c. 114, §7, amended. Resolved: That Resolve 1999, c. 114, §7, as amended by Resolve 2005, c. 98, §2, is further amended to read:

Sec. 7. Repealed. Resolved: That this resolve is repealed August 11, ~~2010~~ 2015.

; and be it further

Sec. 8. Repeal. Resolved: That this resolve is repealed 5 years from its effective date, except that the section of the resolve that amends Resolve 1999, chapter 114 is repealed August 11, 2015.

See title page for effective date.

CHAPTER 206 S.P. 341 - L.D. 891

Resolve, To Develop Practices for Developments of State and Regional Significance in Order To Reduce Dependency on Fossil Fuels and Meet the State's Greenhouse Gas Emissions Reduction Goals

Sec. 1. Energy-efficient and carbon-efficient building practices. Resolved: That the Department of Environmental Protection, referred to in this resolve as "the department," in consultation with the Efficiency Maine Trust Board and technical experts in the field of energy efficiency and other interested parties, shall identify alternative approaches from existing sources and provide recommendations regarding ways to ensure that the design and operation of developments, but excluding industrial and manufacturing processes and equipment contained within these developments, further the state climate action plan by minimizing overall energy use and dependence on fossil fuels, avoid or minimize emissions of greenhouse gases while considering mitigation and maximize energy efficiency. These practices must be evaluated for developments subject to the jurisdiction of the site location of development laws set forth in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6. By January 1, 2011, the department shall submit a report on the recommended practices to the joint standing committee of the Legislature having jurisdiction over natural resources matters; and be it further

Sec. 2. Creation of best management practices for the siting and construction of developments of state and regional significance that may substantially affect the environment. Resolved:

That the department, in consultation with the Executive Department, State Planning Office, the Department of Transportation, technical experts in architecture, transportation and site development and other interested parties, shall develop a series of best management practices for the design and site layout of developments subject to the jurisdiction of the site location of development laws in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6 that will contribute to minimizing or avoiding the emission of greenhouse gases and maximizing energy efficiency and reducing dependence on fossil fuels. By January 1, 2011, the department shall report on the development of the best management practices to the joint standing committee of the Legislature having jurisdiction over natural resources matters; and be it further

Sec. 3. Evaluation of current energy-efficient and carbon-efficient building practices. Resolved:

That the department, in consultation with the Efficiency Maine Trust Board, the Technical Building Codes and Standards Board within the Department of Public Safety and technical experts, shall evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other commonly used benchmarking systems, such as the United States Green Building Council's "LEED" system, Green Building Initiative's "Green Globes" and Energy Star and the Home Energy Rating System established by the United States Department of Energy and the United States Environmental Protection Agency. The department shall evaluate and make recommendations as to whether developments subject to the jurisdiction of the site location of development laws in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6 that are designed and operated to those benchmarking systems will further the state climate action plan, minimize overall energy use and dependence on fossil fuels, reduce or avoid emissions of greenhouse gases and maximize energy efficiency. The department's report must consider how any recommended practices relate to existing requirements in the Maine Uniform Building and Energy Code. Nothing in the department's recommendations may require changes to the Maine Uniform Building and Energy Code.

See title page for effective date.