

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

that period of time so that the policies are fully implemented by the end of the 2013-2014 school year.

The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2014 on the status of the implementation of the policies.

**Sec. 6. Sharing information.** The Commissioner of Education, school administrative units and private schools enrolling more than 60% of their students at public expense in this State may share with statewide and local organizations that sponsor sports and athletics the model policy, information, training, protocols and forms developed under section 4 regarding the management of concussive and other head injuries in school activities and athletics.

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

Effective May 21, 2012.

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## CHAPTER 689

### S.P. 678 - L.D. 1904

#### An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority and To Provide for the Transfer of Certain Land

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 5 MRS A §1516-B** is enacted to read:

**§1516-B. Leased Space Reserve Fund**

**1. Leased Space Reserve Fund.** There is created the Leased Space Reserve Fund, referred to in this section as "the fund," which may be used for costs related to relocation from leased space to state-owned facilities or relocation from a leased space to a lower-priced leased space and capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

**2. Nonlapsing fund.** Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

**3. Funding of fund.** The Department of Administrative and Financial Services, Bureau of General Services shall notify the State Controller and the State Budget Officer of a relocation of a state agency from leased space to a state-owned facility or a relocation of a state agency from leased space to a lower-priced

leased space. Any balance, net of the value of the state cost allocation program as determined by the State Controller, remaining in General Fund or Other Special Revenue Funds money appropriated or allocated for leased space and all facility-related expenses for that agency during the biennium of the relocation as a result of savings resulting from the relocation must be transferred as provided in this subsection.

A. The State Budget Officer shall transfer 50% of any General Fund or Other Special Revenue Funds money through financial order to the fund. This transfer is considered to be an adjustment to the appropriation or allocation.

B. The remaining balance must be transferred to the General Fund as unappropriated surplus.

**Sec. 2. PL 2007, c. 240, Pt. Q, §1**, as amended by PL 2009, c. 213, Pt. XXXX, §1, is further amended to read:

**Sec. Q-1. Maine Governmental Facilities Authority; issuance of securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$11,000,000 in fiscal year 2007-08 and \$6,000,000 in fiscal year 2008-09 or 2009-10 for the purpose of paying the cost, including preliminary planning costs, including but not limited to needs assessments and space planning, master planning, capital asset assessments, concept design, design development and final design including construction drawings, associated with capital repairs and improvements to state-owned facilities throughout the State and for the purchase or acquisition of facilities throughout the State as designated by the Commissioner of Administrative and Financial Services. The authority may also issue additional securities in its own name in an amount up to \$750,000 in fiscal year 2007-08 for preconstruction costs and capital improvements for a Department of Corrections project at the Bangor campus and for other capital improvements at the correctional facilities within the Department of Corrections any part or all of which may be advanced by the Department of Administrative and Financial Services, Bureau of General Services with reimbursement upon issuance of the additional securities.

**Sec. 3. Resolve 2011, c. 70, Pt. A, §2, sub-§2** is amended to read:

2. A parcel of land in Sinclair occupied by the Patrick Theriault School ~~consisting of approximately 73 acres conveyed to the Town of Sinclair School District and State by deed recorded in the Northern Aroostook County Registry of Deeds, Book 939 246, Page 228 386;~~ and be it further

**Sec. 4. Authority to purchase real property; funding; repeal.** Notwithstanding any other provision of law, the State, by and through the Com-

missioner of Administrative and Financial Services, may negotiate and effect the purchase of certain real property located at 127 Sewall Street, 108 Sewall Street and 96 Sewall Street in the City of Augusta from the Maine Public Employees Retirement System on terms and conditions that are in the best interest of the State. Notwithstanding any other provision of law, the Commissioner of Administrative and Financial Services may use any available resources for the purchase of the property. Any purchase made pursuant to this section must take place no later than June 30, 2013.

**Sec. 5. Authority to convey state property.** Notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, referred to in this section as "the commissioner," may:

**1. Conveyance of land.** Convey by sale to Bangor Hydro Electric Company, a Maine corporation with its principal place of business in Bangor, Maine, and its successors and assigns, a parcel of land no more than 2 acres in size, in the general location of the southwest corner of state-owned land, that is currently part of the Dorothea Dix Psychiatric Center, depicted on the City of Bangor Tax Map R-63, Lot 8 and recorded in the Penobscot County Registry of Deeds. The amount of land and the boundary of the property sold pursuant to this section must be determined by the commissioner, in the commissioner's sole discretion, to be in the best interests of the State;

**2. Easements and other rights.** 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 of the State's interests, including access rights allowing for the construction of a road to allow ingress and egress for workers and equipment of the transferee to the parcel of land to be conveyed under subsection 1 and an increase in the scope or width of a transmission line easement running along the westerly boundary of the property by virtue of an easement granted by the State in Book 1423, Page 12 in the Penobscot County Registry of Deeds; and

**3. Sale agreement; conditions.** Negotiate and execute a purchase and sale agreement upon such terms and conditions the commissioner considers appropriate and draft, execute and deliver any documents necessary to effect the sale of the property. The property must be conveyed "as is" with no representations or warranties. Title to the property must be transferred by quitclaim deed without covenants and executed by the commissioner.

Any sale pursuant to this section is exempt from any statutory or regulatory requirement that the property described in subsection 1 first be offered to the Maine State Housing Authority or another state or local agency.

Any proceeds from a sale pursuant to this section must be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements as designated by the commissioner.

**Sec. 6. Repeal.** Section 5 is repealed one year from its effective date unless a sale agreement under section 5, subsection 3 has been entered into prior to that date.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Leased Space Reserve Fund Program N139**

Initiative: Provides funding to establish a baseline allocation for costs related to relocation and capital projects that construct, renovate or improve state facilities.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

**Sec. 8. Retroactivity.** That section of this Act that amends Resolve 2011, chapter 70, Part A, section 2, subsection 2 applies retroactively to September 28, 2011.

See title page for effective date.

**CHAPTER 690**

**H.P. 1409 - L.D. 1905**

**An Act To Revise the Target Prices for the Dairy Stabilization 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,** milk producers are receiving milk payments that are below their short-run break-even costs; and

**Whereas,** all sectors of the dairy industry and rural economies are in jeopardy; and

**Whereas,** it is in the State's economic interest to maintain a viable dairy industry and in the public interest to have a secure food supply; and