

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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Augusta, Maine
2011

**CHAPTER 70
H.P. 1139 - L.D. 1552**

**Resolve, Authorizing the
Commissioner of
Administrative and Financial
Services To Sell or Lease the
Interests of the State in Certain
Real Property Located in
Rockwood and Sinclair in the
Unorganized Territory and To
Extend the Dates To Sell Real
Property in Bangor, Augusta,
Skowhegan, Frenchville
and Hallowell**

PART A

Sec. A-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, referred to in this Part as "the commissioner," 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. A-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 Rockwood formerly occupied by the Rockwood Elementary School consisting of approximately 6.35 acres conveyed to the Town of Rockwood School District and recorded in the Somerset County Registry of Deeds, Book 1516, Page 154; and
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 recorded in the Aroostook County Registry of Deeds, Book 939, Page 228; and be it further

Sec. A-3. 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 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. A-4. Exemptions. Resolved: That any lease or conveyance pursuant to this Part 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. A-5. Appraisal. Resolved: That the commissioner 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. A-6. Proceeds. Resolved: That any proceeds from the sale or lease of unorganized territory property pursuant to this Part must be deposited into the Unorganized Territory Education and Services Fund, as designated by the commissioner; and be it further

Sec. A-7. Repeal. Resolved: That this Part is repealed 5 years from its effective date.

PART B

Sec. B-1. Definitions. Resolved: That, as used in this Part, unless the context otherwise indicates, 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 of this Part 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. B-2. Authority to convey 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 304, 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, at 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, at the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. B-3. Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is: Town of Hallowell Tax Map 6, Lot 27 consisting of 63.5 acres, more or less; and be it further

Sec. B-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 and executed by the commissioner; and be it further

Sec. B-5. Exemptions. Resolved: That any lease or conveyance pursuant to this Part is exempt from any statutory or regulatory requirement that the property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

Sec. B-6. Appraisal. Resolved: That the commissioner must have the current market value of the state property determined by an independent appraiser. The commissioner may list the property for sale or lease with private real estate brokers at their appraised value of the state property and negotiate sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants. The commissioner may reject any offers.

The commissioner shall establish the rent or purchase price and the terms of lease or sale.

If the commissioner elects to solicit bids, the commissioner shall publish notices of sale sufficient to advertise the state property. The commissioner may reject any bids; and be it further

Sec. B-7. Proceeds. Resolved: That any proceeds from sales pursuant to this Part must be deposited in the Maine State Housing Authority's Housing Opportunities for Maine Fund, established in the

Maine Revised Statutes, Title 30-A, section 4853; and be it further

Sec. B-8. Repeal. Resolved: That this Part is repealed September 13, 2016.

PART C

Sec. C-1. Definitions. Resolved: That, as used in this Part, 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. C-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. C-3. Property interests that may be conveyed. Resolved: That the state properties authorized to be sold or leased are the following:

1. A parcel of land in the Town of East Machias consisting of approximately 0.999 acres conveyed to the State of Maine in October 1984 and recorded in the Washington County Registry of Deeds, Book 1298, Page 201;

2. A parcel of land in the Town of Thomaston occupied by the State Police barracks in the Town of Thomaston consisting of approximately 15,400 square feet, conveyed to the State of Maine in December 1966 and recorded in the Knox County Registry of Deeds, Book 457, Page 322;

3. A parcel of land in the Town of Skowhegan consisting of approximately 1.4 acres conveyed to the

State of Maine in September 1951 and recorded in the Somerset County Registry of Deeds, Book 533, Page 414; and

4. A parcel of land in the City of Augusta occupied by the "brick farmhouse" on Hospital Street in Augusta, shown on Tax Map 10, Lot 8B. This parcel is part of the State's East Campus as described in the Maine Revised Statutes, Title 1, section 814, subsection 2, paragraph A and must be conveyed with a suitable amount of land to meet municipal zoning ordinances to the extent they are applicable; and be it further

Sec. C-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 and executed by the commissioner; and be it further

Sec. C-5. Exemptions. Resolved: That any lease or conveyance pursuant to this Part 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. C-6. Appraisal. Resolved: That the commissioner shall have the current market value of the state property 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 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. C-7. Proceeds. Resolved: That any proceeds generated pursuant to this Part must be distributed as follows:

1. Any proceeds from the sale of state property pursuant to this Part 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; and

2. Any proceeds from the lease of state property pursuant to this Part must be deposited in the General Fund; and be it further

Sec. C-8. Repeal. Resolved: That this Part is repealed June 11, 2016.

PART D

Sec. D-1. Definitions. Resolved: That, as used in this Part, 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. D-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. D-3. Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is Hedin Hall located at the Dorothea Dix Psychiatric Center, formerly known as the Bangor Mental Health Institute, together with a suitable amount of land to support its use as veterans' housing and to meet any applicable municipal zoning ordinances. The amount of land and the boundary of the state property leased or sold pursuant to this Part must be determined by the commissioner, in the commissioner's sole discretion, to be in the best interests of the State.

The state property must be conveyed with the restriction that it be used for veterans' housing. If the state property ceases to be used for veterans' housing, it must revert to the State. If the state property reverts to the State, the commissioner, after consultation with the Superintendent of the Dorothea Dix Psychiatric Center, may seek qualified developers and proposals for sale or lease of the state property so long as the proposals are compatible with other uses on the Dorothea Dix Psychiatric Center campus; and be it further

Sec. D-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; how-

ever, 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; and be it further

Sec. D-5. Exemptions. Resolved: That any lease or conveyance pursuant to this Part 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. D-6. Appraisal. Resolved: That the commissioner shall have the current market value of the state property 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 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. D-7. Proceeds. Resolved: That any proceeds generated pursuant to this Part must be distributed as follows:

1. Any proceeds from the sale of the state property 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; and

2. Any proceeds from the lease of state property pursuant to this Part must be deposited in the General Fund; and be it further

Sec. D-8. Repeal. Resolved: That this Part is repealed May 8, 2016.

PART E

Sec. E-1. Definitions. Resolved: That, as used in this Part, 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. E-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. E-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. E-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. E-5. Exemptions. Resolved: That any lease or conveyance pursuant to this Part 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. E-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. E-7. Proceeds. Resolved: That any proceeds from sales pursuant to this Part 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. E-8. Repeal. Resolved: That this Part is repealed June 30, 2016.

See title page for effective date.

CHAPTER 71

S.P. 452 - L.D. 1461

Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care

Preamble. Whereas, as a result of legislation in the 124th Legislature, the Department of Health and Human Services engaged over 30 interested parties in a so-called "lean thinking" process that examined Maine's system of long-term services and supports; and

Whereas, this process resulted in a report to the Legislature that included recommendations and a specific Lean Implementation Plan; and

Whereas, the Lean Implementation Plan contains important changes and modifications that improve the efficiency, cost-effectiveness and quality of services delivered to consumers of long-term services; and

Whereas, it is the intent of the 125th Legislature to promote equity and optimize consumer use by streamlining the long-term care system into one structure that meets all long-term care needs within existing resources; now, therefore, be it

Sec. 1. Plan adoption. Resolved: That the Commissioner of Health and Human Services, within the limits of existing resources, shall adopt the Lean Implementation Plan effective July 1, 2012 and make

its action items a work priority. For the purposes of this resolve, "Lean Implementation Plan" means the plan developed as part of the report prepared for the 124th Legislature by the Department of Health and Human Services entitled "Services for Elders and Other Adults Who Need Long-Term Home- and Community-Based Care," dated January 20, 2010; and be it further

Sec. 2. Elements. Resolved: That the specific action items under section 1 include, but are not limited to:

1. Consolidating the 2 existing waivers for adult and elderly community-based services, currently codified under MaineCare rule as Chapter II, Section 19 and Section 22 and taking any appropriate action with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to achieve the consolidation;

2. Consolidating the 2 personal care assistant programs currently codified under MaineCare rule as Chapter II, Section 12 and Section 96, exploring the feasibility of providing homemaker services under the consolidated programs and taking any appropriate action with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to achieve the consolidation;

3. Consolidating the 2 state-funded in-home care and community support services programs for elderly and other adults, currently codified under Chapter 65, Section 63 of the Office of Elder Services manual and Chapter 11 of the Office of Cognitive and Physical Disabilities Services manual;

4. Developing a long-term care services statewide plan that ensures access to care in the least restrictive environment;

5. Maximizing federal opportunities available through the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services;

6. Consolidating the 3 existing consumer-directed service models into a single uniform self-directed model;

7. Maximizing individualization and flexibility of plan of care to ensure that appropriate and timely services are provided, including, but not limited to, allowing a care coordinator to make adjustments within a plan of care without requiring a new assessment as long as the net adjustment remains below the maximum value under the consumer's level of care;

8. Improving value and respect for direct care workers through initiatives that include, but are not limited to, creating strategy and standards for ensuring workforce training for all persons accountable to the long-term care system and exploring the feasibility of