

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-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

CHAPTER 95
H.P. 1271 - L.D. 1773

**Resolve, Regarding Legislative
Review of Portions of Chapter
106: Low Sulfur Fuel, a
Late-filed Major Substantive
Rule of the Department of
Environmental Protection**

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 outside the legislative rule acceptance period; 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 106: Low Sulfur Fuel, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective March 22, 2014.

CHAPTER 96
H.P. 1268 - L.D. 1770

**Resolve, Regarding Legislative
Review of Portions of Chapter
33: Agricultural Development
Grant Program, a Late-filed
Major Substantive Rule of the
Department of Agriculture,
Conservation and Forestry**

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 outside the legislative rule acceptance period; 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 33: Agricultural Development Grant Program, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective March 22, 2014.

CHAPTER 97
H.P. 1160 - L.D. 1589

**Resolve, To Ensure
Notification to the Public of the
Location in Maine of Persons
Convicted in Foreign Countries
of Certain Crimes**

Sec. 1. Convene task force. Resolved: That the Commissioner of Public Safety shall convene a task force to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime that, if committed in this State, would subject a person to inclusion on this State's sex offender registry. The task force must be composed of 3 members of the Maine Sheriffs' Association or their designees, 3 members of the Maine Chiefs of Police Association or their designees, the Attorney General or

a designee and the commissioner or a designee. The commissioner shall submit a report of the task force's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 3, 2014.

See title page for effective date.

CHAPTER 98

H.P. 1178 - L.D. 1606

Resolve, To Assist Veterans by Authorizing the Bureau of General Services To Sell Certain Property To Be Used for Transitional Housing for Veterans

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. Convey by sale any or a portion of 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, except that the properties at 6 and 10 Arsenal Heights Drive described in section 2 may be sold only if the Commissioner of Health and Human Services has certified to the Commissioner of Administrative and Financial Services that the Department of Health and Human Services has no continued use for the properties for forensic psychiatric patients;
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 described in section 2;
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 of the State's interests; and
5. Release any interests in the state property described in section 2 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 pursuant to section 1 is:

A parcel or parcels of land and buildings, or any portion of the parcel or parcels of land and buildings, in the City of Augusta, formerly known as "the doctors' houses," located at 6 and 10 Arsenal Heights Drive and 11 and 17 Independence Drive on the east campus of the land comprising the site of what is now or was formerly known as the Augusta Mental Health Institute, and any associated land and parking areas determined to be necessary to be included in the conveyance by the Commissioner of Administrative and Financial Services, including, but not limited to, all or a portion of the properties described in deeds recorded in the Kennebec County Registry of Deeds as follows: Book 61, Page 172; Book 98, Page 345; Book 98, Page 346; Book 151, Page 380; Book 462, Page 361; and Book 2380, Page 189; and be it further

Sec. 3. Property to be sold "as is" to a nonprofit organization; master plan. Resolved: That the Commissioner of Administrative and Financial Services may negotiate and execute 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, to a nonprofit organization that provides services and shelter to homeless veterans and has done so for at least the past 2 years and agrees to use the property exclusively for transitional housing for veterans. Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner. This resolve constitutes a change to the 2001 Capitol Planning Commission master plan; and be it further

Sec. 4. Exemptions. Resolved: That any 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 or offered through competitive bidding; and be it further

Sec. 5. Use as transitional housing for veterans once conveyed. Resolved: That the buyer of the state property described in section 2, if it fails to use the property as transitional housing for veterans as required by section 3, must convey ownership of the property to the State; and be it further

Sec. 6. Proceeds. Resolved: That any proceeds from the sale of the state property described in section 2 pursuant to this resolve must be deposited 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. Repeal. Resolved: That this resolve is repealed 5 years from its effective date.

See title page for effective date.