

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

CHAPTER 65
H.P. 1059 - L.D. 1556

**Resolve, Regarding Legislative
Review of Portions of Chapter
40: Rule for Medication
Administration in Maine
Schools, 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 40: Rule for Medication Administration in Maine Schools, 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 March 22, 2016.

CHAPTER 66
H.P. 854 - L.D. 1254

**Resolve, To Further Study the
Implementation and Funding
of an Integrated Beach
Management 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, this legislation must take effect before the expiration of the 90-day period in order to provide the working group created through this legislation sufficient time prior to the reporting deadline of January 31, 2017 to compile data on and develop recommendations for the implementation and funding of an integrated beach management program; 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. Beach working group. Resolved: That the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry shall convene a working group to review the report titled "Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program," dated February 2006, prepared by the Beach Stakeholder's Group and submitted to the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature, update the data and findings contained in that report and develop recommendations regarding the implementation and funding of an integrated beach management program and comprehensive beach nourishment policy that establishes priority areas and evaluates public and private funding sources, implementation time frames and public access easements. Consideration of priority status for beach areas under any beach management program recommended by the working group must, at a minimum, involve a review of both the environmental and economic significance of each beach area. If applicable, the working group shall identify specific funding sources to support the implementation of its recommendations; and be it further

Sec. 2. Report to Legislature. Resolved: That, by January 31, 2017, the Commissioner of Environmental Protection shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report detailing the findings and recommendations of the working group established pursuant to section 1, including any suggested legislation, relating to the implementation and funding of an integrated beach management program. After reviewing the report, the committee may report out a bill relating to the report to the First Regular Session of the 128th Legislature.

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

Effective March 27, 2016.

CHAPTER 67

S.P. 558 - L.D. 1456

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Approximately 0.75 Acre of Land in Madrid Township to the Madrid Historical Society

Sec. 1. Definitions. Resolved: That, as used in this resolve, 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 any buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property; and be it further

Sec. 2. Authority to convey property. Resolved: That, notwithstanding any other provision of law, the State, by and through the commissioner, is authorized to convey the interest of the State in state property to the Madrid Historical Society, a duly organized nonprofit corporation; and be it further

Sec. 3. Property interests that may be conveyed. Resolved: That the state property subject to transfer is described as follows:

A certain parcel of land of 0.75 acre, more or less, depicted as "Land to Be Acquired by the Madrid Historical Society" on a "Survey Plan for Madrid Historical Society" dated May 19, 2015 by Acme Land Surveying, LLC, Farmington, Maine, situated on the westerly side of Reeds Mill Road, bounded on the north by land now or formerly of Louie and Donna Barker, bounded on the west by the thread of Pease Stream and further depicted on the May 19, 2015 survey plan, the parcel having been acquired by the Town of Madrid in a deed of March 23, 1936 recorded in Franklin County Registry of Deeds in Book 257, Page 227 and abutting the parcel that was conveyed to the Madrid Historical Society by deed of June 21, 2000 recorded in Franklin County Registry of Deeds in Book 1937, Page 239. The title of the state property subject to transfer was acquired by the State upon the deorganization of the Town of Madrid, as authorized

by Private and Special Law 1999, chapter 31; and be it further

Sec. 4. Property to be sold as is. Resolved: That the commissioner may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate, but 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 must be executed by the commissioner; and be it further

Sec. 5. Exemptions. Resolved: That any conveyance pursuant to this resolve 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 or be offered through competitive bidding; and be it further

Sec. 6. Proceeds. Resolved: That any proceeds from a sale pursuant to this resolve must be deposited in the Unorganized Territory Education and Services Fund created in the Maine Revised Statutes, Title 36, section 1605, subsection 1; and be it further

Sec. 7. Repeal. Resolved: That this resolve is repealed 5 years after its effective date.

See title page for effective date.

CHAPTER 68

H.P. 1074 - L.D. 1582

Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge

Sec. 1. Bridge on U.S. Route 302 in Town of Naples named. Resolved: That the Department of Transportation shall designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

See title page for effective date.

CHAPTER 69

H.P. 1080 - L.D. 1589

Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge

Sec. 1. Essex Street overpass bridge named. Resolved: That the Department of Transportation shall designate the Essex Street overpass