

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapters 126 and 261: Immunization Requirements for School Children, provisionally adopted joint major substantive rules of the Department of Education and the Department of Health and Human Services that have 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 7, 2018.

CHAPTER 33

H.P. 1245 - L.D. 1800

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services

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 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally

adopted major substantive rule of the Department of Health and Human Services 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 7, 2018.

CHAPTER 34

S.P. 673 - L.D. 1804

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bucksport, Limestone, Brookton Township and Rockwood Strip Township

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 regarding the state property described in section 2;

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 or lease of the State's interests in the state property described in section 2; and

5. Release any interests in the state property described in section 2 that, in the commissioner's discre-

tion, do not contribute to the value of the remaining state property described in section 2; 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 at 108 Sewall Street in Augusta consisting of approximately 0.22 acre, conveyed to the City of Augusta, identified on Tax Assessor's Map 26 as Lot 118 and recorded in the Kennebec County Registry of Deeds, Book 11176, Page 203;

2. A parcel of land in Augusta at 187-189 State Street known as Smith-Merrill House consisting of approximately 0.81 acre, conveyed to the City of Augusta, identified on Tax Assessor's Map 33 as Lot 59 and recorded in the Kennebec County Registry of Deeds, Book 2632, Page 232;

3. A parcel of land and associated buildings in Augusta known as 221 State Street, a former Department of Health and Human Services state building, consisting of approximately 2.78 acres, conveyed to the City of Augusta, identified on Tax Assessor's Map 32 as Lots 25, 26 and 27 and recorded in the Kennebec County Registry of Deeds, Book 1342, Page 206 and Book 1332, Page 310;

4. A parcel of land and an associated building in Augusta known as 242 State Street, consisting of approximately 1.51 acres, identified on Tax Assessor's Map 32 as Lot 20 and recorded in the Kennebec County Registry of Deeds, Book 1070, Page 499;

5. A parcel of land in Limestone at 6 Church Street known as Old Limestone Manor consisting of approximately 0.45 acre, conveyed to the Town of Limestone, identified on Tax Assessor's Map 04 as Lot 32 and recorded in the Southern Aroostook County Registry of Deeds, Book 5315, Page 345; and

6. A parcel of land at 418 Millvale Road in Bucksport formerly owned by Joan Virginia Hasey, who bequeathed the property to the State, consisting of approximately 1.82 acres, conveyed to the Town of Bucksport, identified on Tax Assessor's Map 09 as Lot 29 and recorded in the Hancock County Registry of Deeds, Book 1181, Page 352; 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 broker opinion of value and current comparative market analysis. 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:

1. Any proceeds from the sale or lease of the state property described in section 2 as 108 Sewall Street, Augusta pursuant to this Part must, as designated by the commissioner, be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements;

2. Any proceeds from the sale or lease of the state property described in section 2 as 187-189 State Street, Augusta pursuant to this Part must, as designated by the commissioner, be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements;

3. Any proceeds from the sale or lease of the state property described in section 2 as 221 State Street, Augusta pursuant to this Part must, as designated by the commissioner, be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements;

4. Any proceeds from the sale or lease of the state property described in section 2 as 242 State Street, Augusta pursuant to this Part must, as designated by the commissioner, be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements;

5. Any proceeds from the sale or lease of the state property described in section 2 as 6 Church Street, Limestone pursuant to this Part must, as designated by the commissioner, be used to reimburse the department's administrative expenses and be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements, and remaining proceeds must be provided to the Maine School of Science and Mathematics; and

6. Any proceeds from the sale or lease of the state property described in section 2 as 418 Millvale Road, Bucksport pursuant to this Part must, as designated by

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

PART B

Sec. B-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 regarding the state property described in section 2;

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 or lease of the State's interests in the state property described in section 2; 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 described in section 2; and be it further

Sec. B-2. Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased or with respect to which an easement is to be delivered is:

1. A parcel of land in Brookton Township formerly occupied by the Brookton Elementary School consisting of approximately 4.5 acres, conveyed to the Town of Brookton, identified by Maine Revenue Services, Map WA028, Plan 2, as Lot 1 and recorded in the Washington County Registry of Deeds, Book 555, Page 324; and

2. A parcel of land in Rockwood Strip, T1 R1 NBKP, formerly occupied by the Rockwood Elementary School consisting of approximately 0.36 acre, to be conveyed to the State from Somerset County, and an additional parcel of land in Rockwood Strip, T1 R1 NBKP, of approximately 6.35 acres conveyed to the

State, for a total of 6.71 acres, identified and recorded in the Somerset County Registry of Deeds, Book 1516, Page 154; and be it further

Sec. B-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. B-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. B-5. Appraisal. Resolved: That the commissioner shall have the current market value of the state property described in section 2 determined by broker opinion of value and current comparative market analysis. 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. B-6. Proceeds. Resolved: That:

1. Any proceeds from the sale or lease of the state property described in section 2 as being in Brookton Township pursuant to this Part must, as designated by the commissioner, be deposited into the Unorganized Territory Education and Services Fund; and

2. Any proceeds from the sale or lease of the state property described in section 2 as being in Rockwood Strip pursuant to this Part must, as designated by the commissioner, be used to reimburse the department's administrative expenses and be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements, and remaining proceeds must be equally divided and deposited into the Unorganized Territory Education and Services Fund and provided to Somerset County; and be it further

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

See title page for effective date.