

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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revoked, provided 4 or more members of the board vote in favor of that reissuance. A new certificate of licensure as a physical therapist or physical therapist assistant to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board.

Effective September 14, 1979

CHAPTER 556

H. P. 1126 — L. D. 1396

AN ACT to Make Substantive Changes in the Forestry Statutes.

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

Sec. 1. 12 MRSA § 501, last ¶, as enacted by PL 1977, c. 360, § 3, is repealed and the following enacted in its place:

The director is authorized, with the consent of the commissioner, to sell, grant, lease, transfer or otherwise convey any real or personal property under the jurisdiction of the bureau. This authority shall not apply to the state nursery or lands acquired under the authority of section 512.

Sec. 2. 12 MRSA § 505, as last amended by PL 1973, c. 460, § 18, is repealed and the following enacted in its place:

§ 505. Establishment of nurseries

1. Establishment; purpose. The director may establish within the State one or more forest nurseries, the maintenance of which shall be paid for from the appropriation for that purpose. The object of these nurseries is to furnish at cost forest tree seedlings, transplants and shrub material for use in planting the present and potential forest lands within the State.

2. Surplus. The director is authorized to dispose of surplus materials from the nursery at or below cost to other state or governmental agencies for such uses as erosion control, windbreaks and wildlife habitat.

3. Resale. No person may resell at a profit seedlings, transplants or shrub material with their roots attached received from the nursery or their assigns. Any person who violates this prohibition shall be subject to a civil penalty not to exceed 200% of the value received at resale, payable to the State, to be recovered in a civil action.

Sec. 3. 12 MRSA § 519, as last amended by PL 1973, c. 759, is repealed.

Sec. 4. 12 MRSA § 1027, first sentence, as enacted by PL 1975, c. 764, § 3, is amended to read:

The Department of Conservation may make grants of up to \$100,000 a year, in the aggregate upon such terms and conditions as the commissioner deems reasonable out of funds available pursuant to section 1014, subsection 4, for the following purposes:

Sec. 5. 12 MRSA § 1402-A, first ¶, as amended by PL 1973, c. 460, § 18, is further amended to read:

No person shall place any trailer, camper, shelter or tent from May 1st to November 30th at any public campsite maintained or authorized by the bureau and keep such trailer, camper, shelter or tent so located, vacant or occupied, for more than ~~one week~~ 14 days in any 30-day period. Persons already having placed a trailer, camper, shelter or tent at such a campsite for more than ~~one week~~ 14 days shall remove any such item and leave at the request of the director or of any fish and game warden.

Sec. 6. 12 MRSA § 1653, as enacted by PL 1965, c. 365, § 3, is repealed and the following enacted in its place:

§ 1653. Partial payment of costs of suppressing forest fires

Any person who shall intentionally or negligently cause a fire which burns forest, brush, grass or other lands or shall intentionally fail to take reasonable action to control a fire on his own land shall be liable civilly up to a maximum of \$2,000 of the suppression costs to the State or municipality which aids in suppressing the fire.

Sec. 7. 25 MRSA § 2440, as repealed and replaced by PL 1975, c. 770, § 111, is amended to read:

§ 2440. Penalties; recovery and appropriation

Penalties provided in sections 2431 to ~~2436-A~~ 2436 and section 2439 may be recovered by complaint, indictment or civil action, ½ to the municipality where the offense is committed and ½ to the State.

Sec. 8. 38 MRSA § 599, sub-§ 2, as enacted by PL 1973, c. 438, § 8, is repealed and the following enacted in its place:

2. Exemptions. Open burning may be permitted for the following purposes:

A. With a permit obtained under subsection 3:

- (1) Open burning for the control or prevention of any disease, virus or similar hazard to public health;

(2) Open burning for agricultural purposes, such as land clearing, blueberry control or burning for similar prescribed cultural purposes;

(3) Open burning for the disposal of any material generated by the demolition of any building or the clearing of any land for the erection, modification, maintenance or construction of any highway, railroad, power or communication line or pipeline or commercial or industrial or recreational building or development; and

(4) Open burning for training and research; or

B. Without any permit under this chapter, provided the burning will comply with all applicable requirements of Title 12, chapter 215:

(1) Open burning for recreational purposes.

Effective September 14, 1979

CHAPTER 557

H. P. 851 — L. D. 1051

An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems.

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

Sec. 1. 36 MRSA § 5127, sub-§ 3 is enacted to read:

3. Income tax credit for installation of renewable energy systems.

A taxpayer who purchases and installs a renewable energy system in this State shall be allowed a credit against the tax otherwise due under this Part equal to 20% of the purchase price of the system, including sales tax, or \$100 whichever is less. The credit is allowable against taxes due only for the year in which installation is completed and only for the initial purchase of new equipment. No more than one taxpayer may claim the credit for any installation. In no case may this credit be claimed more than once by any taxpayer and in no case may this credit reduce the state income tax to less than zero. Credit shall not be claimed when the energy system qualifies for other state income tax credits.

A. As used in this subsection, "renewable energy system" means a system, including any of the systems defined in this paragraph, which are designed primarily to provide heating, to provide cooling, to produce electrical power, to