

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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**Sec. 4. Adjustments to allocations.** Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature, and those reclassifications and range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

**Sec. 5. Exclusion.** Exclusive of the provisions of sections 1 and 2, up to \$750,000 for Capital Expenditures may be expended in each fiscal year of the biennium, exclusive of capital items obtained through lease-purchases or other similar agreements consistent with the Maine Revised Statutes, Title 5, section 1587, and other applicable laws. It is the intent of the Legislature that no capital items purchased through the Intergovernmental Telecommunications Fund may be given, transferred, sold or otherwise conveyed to any other department, agency or account, unless the transaction has received specific prior legislative authorization through the budgetary process.

**Sec. 6. Encumbered balance at year end.** At the end of each fiscal year, all encumbered balances shall not be carried more than once.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 12, 1987.

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## CHAPTER 283

H.P. 1128 — L.D. 1538

### AN ACT Allowing Restricted Disclosure of HTLV III Test Results within a Federally-mandated Military Testing Program.

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

5 MRSA §17003, as enacted by PL 1985, c. 711, §2, is amended by adding at the end a new paragraph to read:

This section does not prohibit limited administrative disclosure in conjunction with a mandatory testing program of a military organization subject to Title 37-B.

Effective September 29, 1987.

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## CHAPTER 284

H.P. 1130 — L.D. 1540

### AN ACT Amending the Assumed Payroll of Partnerships and Sole Proprietors in a Self-insured Group.

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

39 MRSA §23, sub-§4, ¶G, as amended by PL 1977, c. 696, §402, is further amended to read:

G. If an employer is a partnership, or a sole proprietorship, and is a member of a self-insurance group associated pursuant to this section, such employer may elect to include as an "employee" any member of such partnership, or owner of such sole proprietorship, for purposes of obtaining workers' compensation coverage under this Act. In the event of such election, the electing employer shall serve upon the group self-insurance association written notice naming the partner or sole proprietor to be covered, and no election shall be deemed to have been made within this Act until such notice has been given. By making such an election, the partnership member or sole proprietor shall be deemed to have stipulated that for premium payment purposes the weekly annual salary or wage of such electing partnership member or sole proprietor is \$200 per week the average weekly wage in the State as computed by the Bureau of Employment Security multiplied by 52 and rounded to the nearest \$100. The assumed average annual wage shall be adjusted as of July 1st using the average weekly wage from the prior calendar year.

Effective September 29, 1987.

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## CHAPTER 285

H.P. 1136 — L.D. 1546

### AN ACT to Make Consistent the Federal Veterans' Reemployment Law.

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

**Sec. 1.** 26 MRSA §811 is repealed and the following enacted in its place:

#### §811. Preservation of status

1. Intent. The intent of this Act is to ensure that members of the state military forces, including the Maine Army and Air National Guards, and the Reserves of the United States Armed Forces will not suffer harm as the result of their military obligations and that an employee returning from military leave from his civilian job shall be treated no differently than any other employee with an approved leave of absence.

2. Military leave of absence. Any member of the military forces, including the Maine Army and Maine Air National Guards and the Reserves of the United States Armed Forces, who, in response to federal or state orders, takes a military leave of absence from a position other than a temporary position in the employ of any

civilian employer, shall:

A. Give notice to his civilian employer of his absence for military duty; and

B. If the employer so requests, obtain a confirmation from the Adjutant General, Camp Keyes, Augusta, or applicable reserve component headquarters, of satisfactory completion of his military duties upon return to civilian employment or immediately thereafter.

3. Reinstatement. Any employee who is in compliance with subsection 2 and is still qualified to perform the duties of such position, must be reinstated without loss of pay, seniority, benefits, status, and any other incidences of advantages of employment as if he had remained continuously employed. The period of absence shall be construed as an absence with leave, and within the discretion of the employer, the leave may be with or without pay.

Sec. 2. 37-B MRSA §189, as enacted by PL 1983, c. 594, §11, is repealed.

Effective September 29, 1987.

## CHAPTER 286

H.P. 1230 — L.D. 1680

### AN ACT to Ensure Sound Forest Management of Biomass Fuel Wood Harvesting Operations.

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

12 MRSA c. 805, sub-c. III, art 3 is enacted to read:

#### ARTICLE 3

#### FORESTRY SUPERVISION OF BIOMASS

#### FUEL WOOD HARVESTING

##### §8860. Purpose

The purpose of this article is to ensure that all biomass fuel harvesting operations are conducted in accordance with accepted principles of professional forestry.

##### §8861. Definitions

As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

1. Biomass fuel wood. "Biomass fuel wood" means all woody fiber harvested and processed in whole-tree form into wood chips for the primary purpose of supplying fuel to wood-fired combustion devices.

2. Harvest and regeneration plan. "Harvest and regeneration plan" means a written document that is prepared in accordance with accepted principles of professional forestry.

##### §8862. Certification of harvest required

The following requirements shall apply to the harvesting of all biomass fuel wood on areas of 25 or more contiguous acres.

1. Certification. A biomass fuel wood harvest operation must be conducted in accordance with a harvest and regeneration plan which has been reviewed and certified by a registered professional forester prior to harvesting or must be conducted under the direct supervision of a registered professional forester. The certificate is a written document containing the name of the landowner, the harvest operator and the certifying forester, the location of the harvest site and the date of the proposed harvest. The certificate shall be valid for a period of one year after the certificate is signed by the forester.

2. Annual report. Primary processors of biomass fuel wood shall provide evidence of certification of all biomass fuel wood harvest operations conducted in the previous year in the report filed with the Maine Forest Service pursuant to section 8603. The director shall specify the form and content of the elements of the report to meet this provision.

3. Biomass fuel wood contracts. The purchaser of biomass fuel wood shall require evidence of certification required pursuant to this article as a condition of any biomass fuel wood procurement contract executed after the effective date of this article.

4. Exemptions. The following activities are exempt from this article.

A. Biomass fuel wood harvest operations conducted entirely on a tree farm are exempt when the landowner certifies that the harvested site is certified by the Maine Tree Farm Committee as a part of the American tree farm system.

B. Biomass fuel wood harvest operations are exempt when the landowner certifies in writing to the biomass fuel wood harvester that the land will no longer be used primarily for growth of trees to be harvested for commercial use. This certification shall serve the same purpose as that required under subsection 1.

C. Biomass fuel wood harvest operations are exempt when the person supplying the biomass fuel wood to the purchaser certifies that the harvested site was less than 25 contiguous acres in size.

5. Out-of-state operations. A person supplying biomass fuel wood harvested beyond the State's jurisdiction to a purchaser within the State's jurisdiction shall certify to the purchaser that the biomass fuel wood was