

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

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Sec. 2. 37-B MRSA §189, as enacted by PL 1983, c. 594, §11, is repealed.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

harvested beyond the State's jurisdiction.

§8863. Sample forms

The director shall make available samples of all forms sufficient to satisfy the requirements of this article.

§8864. Repeal

This article is repealed 90 days after the end of the Second Regular Session of the 113th Legislature.

Effective September 29, 1987.

CHAPTER 287

H.P. 1231 — L.D. 1681

AN ACT to Clarify the Site Location Law.

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

Sec. 1. 38 MRSA §488, last ¶, as enacted by PL 1983, c. 819, Pt. A, §64, is amended to read:

Development which consists only of a subdivision or subdivisions located entirely within the area of the State subject to the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A, is exempt from the requirements of this Article article. New construction which is not a "development which may substantially affect the environment" at an existing manufacturing facility is exempt from review under this article provided that the additional disturbed area not to be revegetated does not exceed 30,000 square feet in any calendar year. When review under this article is required for development at an existing manufacturing facility, the applicant shall provide plans for the new development as well as for those activities which have been undertaken pursuant to this section.

Effective September 29, 1987.

CHAPTER 288

H.P. 1233 — L.D. 1683

AN ACT to Establish a School Bus Safety and Driver Training Program.

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

29 MRSA §2017-A is enacted to read:

§2017-A. School bus safety and driver training

The Department of Educational and Cultural Services

shall develop, certify and administer regional school bus driver training programs and shall assist school administrative units in school bus safety and driver training. This program shall be administered within available resources.

Effective September 29, 1987.

CHAPTER 289

H.P. 1242 — L.D. 1694

AN ACT Relating to Supplemental Assessments under the Taxation Laws.

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

36 MRSA §713-A is enacted to read:

§713-A. Certain supplemental assessments

Notwithstanding section 713, when a municipality has foreclosed on a parcel of real estate and the owner recovers the real estate because of errors in the lien and foreclosure process, supplemental assessments may be made for any year back to the year of the foreclosure which is determined to be erroneous.

Effective September 29, 1987.

CHAPTER 290

H.P. 1243 — L.D. 1695

AN ACT Relating to Penalties for Failure to Make Prompt Payment of Workers' Compensation Benefits.

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

39 MRSA §104-A, sub-§2, as amended by PL 1983, c. 479, §28, is repealed and the following enacted in its place:

2. Failure to pay within time limits. An employer or insurance carrier who fails to pay compensation, as provided in this section, shall be penalized as provided in this subsection.

A. Except as otherwise provided by section 51-B, subsection 9, if an employer or insurance carrier fails to pay compensation as provided in this section, the commission shall assess against the employer or insurance carrier a forfeiture of up to \$100 for each day of non-compliance. If the commission finds that the employer or insurance carrier was prevented from complying with this section because of circumstances beyond their control, no forfeiture may be assessed.