

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
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J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

the committee or any grants or gifts which may become available, accepted and received by the committee; and make an annual report which shall be submitted directly to the director, commissioner, Governor and Legislature not later than September 1st of each year concerning its work, recommendations and interests of the previous fiscal year and future plans; ~~and.~~ The committee shall make such interim reports as it deems advisable or as requested by the Governor or Legislature. In addition, the long-term care ombudsman program shall submit reports on its activities as required by the bureau.

See title page for effective date.

CHAPTER 680

H.P. 1503 - L.D. 2083

An Act to Exempt Residential Developments and Construction Noise from Noise Control Provisions

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

38 MRSA §482-A, as enacted by PL 1987, c. 346, §2, is amended to read:

§482-A. Noise effect

~~The~~ Except as provided in subsection 4, the effect of noise from a commercial or industrial development may be regulated pursuant to section 484, subsection 3.

1. ~~Amended rules; adoption. On or before December 31, 1987, the Department of Environmental Protection~~ The board shall adopt amended rules for the control of noise generated by commercial or industrial developments. These rules shall must:

A. Reflect consideration of local zoning with regard to both the zone in which the development is located and the proximity of the development to residential areas;

B. Employ a consistent methodology to assess background and intrusive noise effects of developments of a similar nature;

C. Provide that the board may limit the hours of operation of the development to minimize the impact on surrounding uses; and

D. Contain an appropriate list of activities ~~which that~~, although connected with a development, are wholly or partially exempt from review by the ~~board~~ department.

2. **Consideration of local ordinance.** In determining whether a developer has made adequate provision for the control of noise generated by a commercial or industrial development, the board shall consider ~~its own~~

~~regulations~~ rules adopted under this section and the quantifiable noise standards of the municipality in which the development is located and of any municipality ~~which~~ that may be affected by the noise.

3. **Prohibition.** Nothing in this section may be construed to prohibit any municipality from adopting noise regulations stricter than those adopted by the ~~Department of Environmental Protection~~ board.

4. **Construction noise; residential developments.** Between 7 a.m. and 7 p.m. or during daylight hours, whichever is longer, noise generated by construction of developments approved under this article is exempt from regulation under this section. Noise from residential developments approved under this article is exempt from regulation under this section.

See title page for effective date.

CHAPTER 681

H.P. 1391 - L.D. 1921

An Act to Prevent Overutilization of Forest Resources

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

Sec. 1. 12 MRSA §685-B, sub-§2, as amended by PL 1989, c. 596, Pt. G, §1, is further amended to read:

2. **Application for approval.** The application forms for approval, as provided by the commission, ~~shall must~~ be completed and signed by the applicant and ~~shall must~~ be accompanied by the following:

A. A plan of the proposed structure, subdivision or development showing the intended use of the real estate, the proposed change, the details of the project and such other information as may be required by the commission to determine conformance with applicable land use standards; ~~and~~

B. The fee prescribed by the commission rules, ~~such that~~ fee to be a minimum of \$25 but no greater than 2/10 of 1% of the total construction costs. Zoning petitions submitted by other than a state or federal agency ~~will~~ range from \$50 to \$500 depending on size and complexity. The fees ~~shall~~ apply to all amendments except for minor changes to building permits; ~~and~~

D. Evidence of sufficient right, title or interest in all of the property ~~which that~~ is proposed for development or use. For purposes of this subsection, the written permission of the record owner or owners of flowed land ~~shall be~~ is deemed sufficient right, title or interest to confer standing for submission of a permit application, provided that the letter of permission specifically identifies the activities being

performed and the area that may be used for that purpose. The commission may not refuse to accept, under this paragraph, a permit application for any prohibited activity if the owner or lessee of land adjoining a great pond has made a diligent effort to locate the record owner or owners of the flowed land in question and has been unable to do so; and

E. For a new or expanded development requiring an annual supply of wood or wood-derived materials in excess of 150,000 tons green weight, a wood supply plan for informational purposes to the Maine Forest Service at the time of application. The wood supply plan must include, but is not limited to, the following information:

- (1) The expected operational life of the development;
- (2) The projected annual wood consumption of wood mill residue, wood fiber and recycled materials from forest products during the entire operational life of the development;
- (3) The expected market area for wood supply necessary to supply the development; and
- (4) Other relevant wood supply information.

Sec. 2. 38 MRSA §485-A, sub-§1-A is enacted to read:

1-A. Wood supply. For a new or expanded development requiring an annual supply of wood or wood-derived materials in excess of 150,000 tons green weight, the applicant shall submit a wood supply plan for informational purposes to the Maine Forest Service concurrent with the application required in subsection 1. The wood supply plan must include, but is not limited to, the following information:

- A. The expected operational life of the development;
- B. The projected annual wood consumption of wood mill residue, wood fiber and recycled materials from forest products during the entire operational life of the development;
- C. The expected market area for wood supply necessary to supply the development; and
- D. Other relevant wood supply information.

See title page for effective date.

CHAPTER 682

H.P. 1412 - L.D. 1964

An Act to Amend the Educational Qualifications for Licensure as a Social Worker

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

32 MRSA §7053, sub-§3, as amended by PL 1985, c. 736, §11, is repealed and the following enacted in its place:

3. Licensed social worker. To be qualified to be licensed as a social worker an applicant must meet one of the following requirements.

A. The applicant must have received a bachelor's degree in social work or social welfare from an accredited educational institution; demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession; and successfully completed the examination prescribed by the board.

B. The applicant must have received a bachelor's degree in a related field from an institution that, at the time the degree was received, did not have a program accredited by the Council on Social Work Education but subsequently offered such a program; demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession; and successfully completed the examination prescribed by the board.

The board shall issue rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, by which an individual who has a bachelor's degree that does not qualify under paragraph A or B may be eligible for a license.

See title page for effective date.

CHAPTER 683

H.P. 1385 - L.D. 1915

An Act to Repeal the Prohibition on Phantom House Lot Valuation

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

36 MRSA c. 105, sub-c. V-A, as enacted by PL 1989, c. 411, §§1 and 2, is repealed.

See title page for effective date.

CHAPTER 684

S.P. 717 - L.D. 1892

An Act to Amend the Definition of Dealer Under the Used Car Information Laws

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