

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
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

date of this subsection, enter into cooperative agreements, in writing, describing how this subsection will be implemented.

§19508. Application to residents in children's homes

This chapter also applies to exceptional students in children's homes, emergency shelters, family foster homes, specialized children's homes and residential child care facilities, as defined in Title 22, section 8101, and to other residential educational facilities, including the Governor Baxter School for the Deaf and other similar facilities.

Sec. 2. 22 MRSA c. 961, as amended, is repealed.

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

Effective April 17, 1990.

CHAPTER 838

H.P. 1628 - L.D. 2255

An Act to Exempt Forestry Activities in Forested Wetlands from Regulation Under the Natural Resources Protection Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current exemption for forestry activities in the natural resources protection laws is confusing and difficult to implement; and

Whereas, this Act clarifies the intent of this exemption; and

Whereas, this change should be effective as soon as possible to allow the forest products industry to operate within the parameters of this exemption; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §436-A, sub-§5-A is enacted to read:

5-A. Forested wetland. "Forested wetland" means a freshwater wetland dominated by woody vegetation that is 6 meters tall or taller.

Sec. 2. 38 MRSA §439-A, sub-§5, as amended by PL 1989, c. 403, §8, is further amended to read:

5. Timber harvesting. Municipal ordinances shall must regulate timber harvesting within the shoreland area, except surrounding existing forested wetlands or harvested forested wetlands that are not zoned for resource protection. Notwithstanding any provision ~~in a provision~~ in a local ordinance to the contrary, standards for timber harvesting activities shall may not be ~~no~~ less restrictive than the following:

A. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level, in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains; and

B. Within a shoreland area zoned for resource protection abutting a great pond there shall may be no timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards.

The board may adopt more restrictive guidelines consistent with the purposes of this subchapter, which shall must then be incorporated into local ordinances.

Sec. 3. 38 MRSA §480-B, sub-§§2-B and 2-C are enacted to read:

2-B. Forest management activities. "Forest management activities" means timber stand improvement, timber harvesting, forest products harvesting and regeneration of forest stands.

2-C. Forested wetland. "Forested wetland" means a freshwater wetland dominated by woody vegetation that is 6 meters tall, or taller.

Sec. 4. 38 MRSA §480-C, sub-§3, as amended by PL 1989, c. 430, §4, is further amended to read:

3. Application. This section applies to all protected natural resources statewide without regard to whether they have been mapped pursuant to section 480-I, ~~except that significant~~ Significant wildlife habitat that is not within any other protected natural resource must be mapped before this section applies.

Sec. 5. 38 MRSA §480-Q, sub-§7, as amended by PL 1989, c. 430, §7, is repealed.

Sec. 6. 38 MRSA §480-Q, sub-§7-A is enacted to read:

7-A. Forestry. Forest management activities, including associated road construction or maintenance, in or adjacent to an existing forested wetland, or a harvested forested wetland, as long as:

A. The activity results in a forest stand that meets the minimum stocking requirements in rules adopted pursuant to Title 12, section 8869. This requirement takes effect when those rules are adopted;

B. The activity meets permit by rule standards in rules adopted pursuant to this article, for any road crossing of a river, stream or brook, or for any soil disturbance adjacent to a great pond, river, stream or brook and the commissioner is notified before the forest management activity commences;

C. The forested wetland is not mapped as a significant wildlife habitat under section 480-I; and

D. Any road construction is not used to access development but is used primarily for forest management activities, unless the road is removed and the site restored to its prior natural condition. Roads must be the minimum feasible width and total length consistent with forest management activities. This exemption does not apply to roads that provide access to development in a subdivision as defined in Title 30-A, section 4401, subsection 4, for the organized portions of the State, or Title 12, section 682, subsection 2, including divisions of land exempted by Title 12, section 682, subsection 2, paragraph A, for portions of the State under the jurisdiction of the Maine Land Use Regulation Commission.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 17, 1990, unless otherwise indicated.

CHAPTER 839

H.P. 1590 - L.D. 2202

An Act to Implement Certain Provisions of the Federal Family Support Act of 1988 and Improve Access to Services in the Additional Support for People in Retraining and Education Program

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain provisions of the federal Family Support Act of 1988, must be implemented by April 1, 1990; and

Whereas, state law must be amended to enable that implementation; and

Whereas, the federal Family Support Act of 1988 enables the State to receive federal financial contribution for services currently provided solely with state funds; and

Whereas, the federal Family Support Act of 1988 provides significant new assistance to persons receiving federal Aid to Families with Dependent Children who are seeking to become self-sufficient; and

Whereas, in view of funding shortfalls, Additional Support for People in Retraining and Education spending must be reorganized to maximize the amount of funds available for education, training and support services for program participants; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §§3741-C to 3741-H are enacted to read:

§3741-C. Education, training or employment participation requirements

Beginning October 1, 1990, all recipients of federal Aid to Families with Dependent Children are required to participate in an education, training or employment program in accordance with the mandatory participation provisions of the federal Family Support Act of 1988, Public Law 100-485, except that:

1. **General requirement.** A recipient of federal Aid to Families with Dependent Children is not required to participate in an education, training or employment activity as a condition of eligibility for federal Aid to Families with Dependent Children, if that person is the parent or other relative of a child under 3 years of age who is personally providing care for that child;

2. **Families eligible for federal Aid to Families with Dependent Children by reason of unemployment.** If a family is eligible for federal Aid to Families with Dependent Children by reason of the unemployment of the parent who is the principal wage earner:

A. One parent is eligible to be excused from mandatory participation based on the age of the child, in accordance with subsection 1; and

B. A parent who is under 25 years of age and has not completed high school or an equivalent course of education shall be given the choice of participating in educational activities directed at the attainment of a high school diploma, or its equivalent, in lieu of other required activities; and

3. **Custodial parents under 20 years of age.** When an appropriate program is available in the part of the State involved and resources permit, a custodial parent who has not attained 20 years of age and who has not successfully completed a high school education, or its equivalent, is required by the department to participate in an educational activity, except that:

A. A person personally providing care for a child under 6 years of age, is not required to participate for more than 20 hours a week;