

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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

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J.S. McCarthy Company  
Augusta, Maine  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**Sec. 9. 18-A MRSA §5-707, sub-§(b), ¶¶1-A, 1-B and 1-C** are enacted to read:

(1-A) An attorney-in-fact appointed by the individual under a durable health care power of attorney unless the health care power of attorney expressly provides that treatment be continued or that the attorney-in-fact does not have this authority or unless the authority or the power of attorney has been terminated by the court;

(1-B) A judicially appointed guardian of the individual's person;

(1-C) The spouse of the individual;

**Sec. 10. 18-A MRSA §5-711, sub-§(d)**, as enacted by PL 1989, c. 830, §1, is amended to read:

(d) This Part creates no presumption concerning the intention of an individual who has revoked or has not executed a declaration with respect to the use, withholding, or withdrawal of life-sustaining treatment in the event of a terminal condition, or a persistent vegetative state.

See title page for effective date.

## CHAPTER 720

H.P. 1469 - L.D. 2081

### An Act Concerning Passamaquoddy Indian Territory

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

**Sec. 1. 30 MRSA §6205, sub-§1, ¶B**, as amended by PL 1987, c. 153, §§1 and 3, is further amended to read:

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by January 31, 1991, as held for the benefit of the Passamaquoddy Tribe:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in

Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991.

**Sec. 2. Effective date.** This Act is not effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written notification by the Joint Tribal Council of the Passamaquoddy Tribe that the Tribe has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which must be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives; and in no event may this Act become effective until 90 days after the adjournment of the Legislature.

See title page for effective date, unless otherwise indicated.

## CHAPTER 721

H.P. 1472 - L.D. 2084

### An Act Concerning Penobscot Nation Trust Land Designation

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

**Sec. 1. 30 MRSA §6205, sub-§2, ¶B**, as amended by PL 1987, c. 153, §§2 and 3, is further amended to read:

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Penobscot Nation from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, ~~1991~~ 2001, are not held in common

with any other person or entity and are certified by the secretary by January 31, ~~1991~~ 2001, as held for the Penobscot Nation:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyll; any land acquired in Williamsburg T.6, R.8, N.W.P.; and any 300 acres in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation Tribal Government, provided that the mutual agreement must be finalized prior to August 31, 1991; and any lands in Lakeville acquired by the Penobscot Nation before January 1, 1991.

**Sec. 2. Effective date.** This Act does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 115th Legislature, the Secretary of State receives written notification by the Tribal Council of the Penobscot Nation that the Tribe has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which must be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 722

S.P. 836 - L.D. 2140

### An Act Regarding Growth Management

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

**Whereas,** Public Law 1991, chapter 622, Part F abolished the Office of Comprehensive Land Use Planning in the Department of Economic and Community Development and removed the State from participation in local growth management planning; and

**Whereas,** the repeal of numerous statutory references to the former Office of Comprehensive Land Use Planning were inadvertently omitted from Public Law 1991, chapter 622, Part F; and

**Whereas,** enactment of Public Law 1991, chapter 622, Part F inadvertently voided rules governing the training and certification of municipal code enforcement officers that were adopted by the former Office of Comprehensive Land Use Planning; and

**Whereas,** enactment of Public Law 1991, chapter 622, Part F created statutory ambiguities pertaining to the status of local growth management plans and certain zoning ordinances adopted prior to the effective date of that Public Law; and

**Whereas,** enactment of Public Law 1991, chapter 622, Part F created statutory ambiguities pertaining to municipal authority to adopt impact fee ordinances; and

**Whereas,** Public Law 1991, chapter 622 was effective on December 23, 1991 and this Act must take effect immediately and be retroactive to December 23, 1991; 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. 12 MRSA §8003, sub-§3, ¶P,** as enacted by PL 1989, c. 555, §6, is amended to read:

P. The director shall act as a liaison with the Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Inland Fisheries and Wildlife, ~~the Office of Comprehensive Land Use Planning~~ and the Cooperative Extension Service on forestry issues.

**Sec. 2. 12 MRSA §8867, sub-§1, ¶A,** as amended by PL 1991, c. 591, Pt. G, §8, is further amended to read:

A. Seek advice from ad hoc advisory boards formed pursuant to Title 5, section 12008, and technical working groups on forest management issues that vary from region to region, including regeneration and clear-cutting rules; and