

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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scribed by Title 12, section 4807-A; or by the zoning ordinances or zoning map pertaining to the area in which the land is located, whichever is larger. For the purposes of this section, if any of the buildings or improvements are located within shoreland areas as defined in Title 38, chapter 3, subchapter I, article 2-B, the excluded parcel must include the minimum shoreland frontage required by the applicable minimum lot standards under the minimum guidelines established pursuant to Title 38, chapter 3, subchapter I, article 2-B or by the zoning ordinance for the area in which the land is located, whichever is larger. The shoreland frontage requirement is waived to the extent that the affected frontage is part of a contiguous shore path or a beach for which there is or will be, once classified, regular and substantial use by the public. The shoreland frontage requirement may be waived at the discretion of the legislative body of the municipality if it determines that a public benefit will be served by preventing future development near the shore or by securing access for the public on the particular shoreland area that would otherwise be excluded from classification.

**Sec. 12. 36 MRSA §1112, last ¶**, as enacted by PL 1989, c. 555, §19, is amended to read:

For land classified as open space under this subchapter, the penalty ~~shall be~~ is the same as that imposed ~~on tree growth for withdrawal from tree growth classification in section 581 and may be assessed and collected as a supplemental assessment in accordance with section 713-B.~~

**Sec. 13. 36 MRSA §1112**, as amended by PL 1989, c. 748, §6, is further amended by adding at the end a new paragraph to read:

Notwithstanding other provisions of this section, an owner of open space land that is classified under this subchapter and withdrawn from classification for the 1994 tax year may elect to withdraw subject to the conditions specified in this paragraph. For withdrawal under this paragraph, the entire parcel subject to open space classification in 1993 must be withdrawn from classification for the 1994 tax year. Persons electing to withdraw land from classification under this paragraph shall notify the assessor before April 1, 1994 and pay a penalty equal to the taxes that would have been assessed on the first day of April for the 5 tax years, or any lesser number of tax years starting with the year in which the property was first classified, preceding the withdrawal had that real estate been assessed in each of those years at its fair market value on the date of withdrawal less all taxes paid on that real estate over the preceding 5 years and interest at the legal rate from the date or dates on which those amounts would have been payable. If there is a change in use of the property before April 1, 1999, an additional penalty must be assessed equal to the difference between the back taxes paid under this paragraph and the amount that would have been assessed if the

land had been withdrawn on April 1, 1994 under this section plus interest at the legal rate from April 1, 1994. The procedure for withdrawal provided in this paragraph is intended to be an alternative to the procedure in other provisions of this section. Assessors shall send an information packet prepared by the State Tax Assessor to all owners of land subject to open space classification as of April 1, 1993.

**Sec. 14. 36 MRSA §1118**, as amended by PL 1985, c. 764, §20, is further amended to read:

#### **§1118. Appeals and abatements**

The denial of an application or an assessment made under this subchapter is subject to the abatement procedures provided by section 841. Appeal from a decision rendered under section 841 or a recommended current use value established under section ~~1106~~ 1106-A must be to the State Board of Property Tax Review.

**Sec. 15. 36 MRSA §2724, sub-§2**, as amended by PL 1987, c. 497, §43, is further amended to read:

**2. Commercial forest land.** "Commercial forest land" means land ~~which that~~ is classified or ~~which that~~ is eligible for classification as forest land pursuant to the Maine Tree Growth Tax Law, chapter 105, subchapter II-A, except that "commercial forest land" does not include land described in section 573, subsection 3, paragraph B; or C ~~or D~~ when all commercial harvesting of forest products is prohibited. In determining whether land not classified under the Maine Tree Growth Tax Law is eligible for classification under that law, all facts and circumstances ~~shall~~ must be considered, including whether the landowner is engaged in the forest products business and the land is being used in that business or there is a forest management plan for commercial use of the land or a particular parcel of land has been harvested for commercial purposes within the preceding 5 years.

See title page for effective date.

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## **CHAPTER 453**

### **H.P. 823 - L.D. 1109**

#### **An Act to Amend the Sexual Assault Laws**

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

**Sec. 1. 17-A MRSA §255, sub-§1, ¶F**, as amended by PL 1989, c. 401, Pt. A, §6, is further amended to read:

F. The other person, not the actor's spouse, has not in fact attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or

institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student; ~~or~~

**Sec. 2. 17-A MRSA §255, sub-§1, ¶G**, as enacted by PL 1989, c. 401, Pt. A, §6, is amended to read:

G. The other person has not in fact attained the age of 18 years and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person: ; ~~or~~

**Sec. 3. 17-A MRSA §255, sub-§1, ¶H** is enacted to read:

H. The other person submits as a result of compulsion.

**Sec. 4. 17-A MRSA §255, sub-§2**, as enacted by PL 1975, c. 499, §1, is amended to read:

2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph C or H is a Class C crime.

**Sec. 5. 19 MRSA §214, sub-§5, ¶K-1**, as enacted by PL 1991, c. 164, §2, is amended to read:

K-1. The existence of a history of domestic abuse between the parents; ~~and~~

**Sec. 6. 19 MRSA §214, sub-§5, ¶K-2** is enacted to read:

K-2. The existence of any history of child abuse by a parent; and

**Sec. 7. 19 MRSA §581, sub-§5, ¶K-1**, as enacted by PL 1991, c. 164, §4, is amended to read:

K-1. The existence of a history of domestic abuse between the parents; ~~and~~

**Sec. 8. 19 MRSA §581, sub-§5, ¶K-2** is enacted to read:

K-2. The existence of any history of child abuse by a parent; and

**Sec. 9. 19 MRSA §752, sub-§5, ¶K-1**, as enacted by PL 1991, c. 164, §6, is amended to read:

K-1. The existence of a history of domestic abuse between the parents; ~~and~~

**Sec. 10. 19 MRSA §752, sub-§5, ¶K-2** is enacted to read:

K-2. The existence of any history of child abuse by a parent; and

See title page for effective date.

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## CHAPTER 454

### H.P. 983 - L.D. 1314

#### An Act Related to Medical Treatment Decisions for Psychotic Disorders

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

**Sec. 1. 34-B MRSA c. 11** is enacted to read:

#### CHAPTER 11

#### MEDICAL TREATMENT OF PSYCHOTIC DISORDERS

##### §11001. Medical treatment of psychotic disorders

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Attending physician" means the physician who has primary responsibility for the treatment and care of the patient.

B. "Declarant" means a person suffering from a psychotic condition who has executed a declaration while in a state of remission in accordance with the requirements of subsection 2.

C. "Declaration" means a written document voluntarily executed by the declarant in accordance with the requirements of subsection 2 regardless of form.

D. "Health care facility" includes any program, institution, place, building or agency or portion thereof, private or public, whether organized for profit or not, used, operated or designed to provide medical diagnosis, treatment or rehabilitative or preventive care to any person. "Health care facility" includes, but is not limited to, facilities that are commonly referred to as hospitals, outpatient clinics, organized ambulatory health care facilities, emergency care facilities and centers, health maintenance organizations and other facilities providing similarly organized services regardless of nomenclature.

E. "Health care provider" means a person who is licensed, certified or otherwise authorized or permitted by law to administer health care in the or-