

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

nance, careless operation, poor design or any other reasonably preventable condition or preventable equipment breakdown. The burden of proof is on the licensee seeking the exemption under this subsection. In the event of an unavoidable malfunction, the licensee shall notify the commissioner ~~in writing~~ within 48 hours and submit a written report, together with any exemption requests, to the department on a quarterly basis. The commissioner shall annually report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters with regard to the exercise of this authority.

Sec. 2. 38 MRSA §605, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §174, is further amended to read:

§605. Malfunctions

Any person owning or operating any emission source that suffers a malfunction or breakdown in any component part and that malfunction or breakdown causes a violation of any emission standards shall notify the commissioner ~~in writing~~ within 48 hours and submit a written report to the department on a quarterly basis.

See title page for effective date.

CHAPTER 236

S.P. 64 - L.D. 93

An Act to Amend the Maine Tree Growth Tax Law

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

Sec. 1. 36 MRSA §573, sub-§2-A is enacted to read:

2-A. Commercial harvesting or harvesting for commercial use. "Commercial harvesting" or "harvesting for commercial use" means the harvesting of forest products that have commercial value, as defined in subsection 3-B.

Sec. 2. 36 MRSA §573, sub-§3-A, as amended by PL 1991, c. 428, §2, is further amended to read:

3-A. Forest management and harvest plan. "Forest management and harvest plan" means a written document that outlines activities to regenerate, improve and harvest a standing crop of timber. The plan must include the location of water bodies and wildlife habitat identified by the Department of Inland Fisheries and Wildlife. A plan may include, but is not

limited to, schedules and recommendations for timber stand improvement, harvesting plans and recommendations for regeneration activities. The plan must be prepared by a licensed professional forester or a landowner and be reviewed and certified by a licensed professional forester as consistent with this subsection and with sound silvicultural practices.

Sec. 3. 36 MRSA §573, sub-§3-B is enacted to read:

3-B. Forest products that have commercial value. "Forest products that have commercial value" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material or cones or other seed products.

Sec. 4. 36 MRSA §574-B, sub-§1, ¶A, as amended by PL 1993, c. 576, §1, is further amended to read:

A. By April 1, ~~1996~~ 1999, file a sworn statement that a revised management plan has been prepared for the parcel of forest land;

Sec. 5. 36 MRSA §574-B, sub-§1, ¶C, as amended by PL 1995, c. 8, §1, is further amended to read:

C. Notwithstanding section 581, withdraw from tree growth classification pursuant to this paragraph for the 1996 tax year.

For withdrawal from tree growth classification under this paragraph, the entire parcel subject to that classification in 1993 must be withdrawn from classification for the 1996 tax year. Persons electing to withdraw under this paragraph shall notify the assessor before April 1, 1996 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 that withdrawal had the 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. Persons electing to withdraw under this paragraph may pay the penalty owed in 5 equal annual installments with interest at the legal rate to begin 60 days after the date of assessment. Notwithstanding section 943, the period during which the tax lien mortgage, including interest and costs, must be paid to avoid foreclosure and expiration of the right of redemption is 48 months instead of 18 months. The procedure for withdrawal provided in this

paragraph is intended to be an alternative to the procedure in section 581;

See title page for effective date.

CHAPTER 237

H.P. 787 - L.D. 1104

An Act to Amend the Structure of the Electricians' Examining Board

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

Sec. 1. 32 MRSA §1151, first and 2nd ¶¶, as amended by PL 1991, c. 438, §1, are further amended to read:

The Electricians' Examining Board, as established by Title 5, section 12004-A, subsection 13, and in this chapter called the "board," consists of 7 members appointed by the Governor, called the "appointive members," and the Commissioner of Professional and Financial Regulation or a representative appointed by the commissioner.

The 7 appointive members shall consist of: one master electrician experienced in low-energy electronics; one electrician who is a bona fide member from organized labor classified as an inside electrician; one electrical inspector; one master electrician from the education field; and one person experienced in the electrical field, all of whom shall must have at least 10 years of experience in the electrical field; provided that the latter 3 need not be active electricians at the time of their appointment; and 2 representatives of the public. At the time of each appointment, the State Electrical Associates may nominate 3 persons for that appointment. To the extent the State Electrical Associates so nominates persons otherwise qualified for appointment to the board, the appointive members, other than the representatives of the public, may be selected from the persons so nominated.

See title page for effective date.

CHAPTER 238

S.P. 314 - L.D. 895

An Act to Require Additional Disclosure of Terms in Credit Life and Credit Health Insurance Policies

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

Sec. 1. 24-A MRSA §2857, sub-§2, as enacted by PL 1969, c. 132, §1, is amended to read:

2. Content of policy or certificate. Each individual policy or group certificate of credit life insurance or credit health insurance shall must, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor, or, in the case of a certificate under a group policy, the identity by name or otherwise of the debtor; the premium or amount of payment, if a separate identifiable charge is paid by the debtor separately for credit life insurance and credit health insurance; a description of the coverage, including the amount and term thereof of the coverage, and any exceptions, limitations and restrictions, including conditions under which the policy may be terminated, which must be highlighted in bold print; and shall must state that the benefit shall be is paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be is payable to a beneficiary, other than the creditor, named by the debtor or to his the debtor's estate. During the 30 days immediately following the commencement date, the debtor may cancel the insurance and request in writing a full refund of premium for any reason.

See title page for effective date.

CHAPTER 239

S.P. 128 - L.D. 320

An Act to Clarify Immunity from Civil Suit for Volunteer Activities

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

Whereas, there are a number of successful free medical clinics in this State that must rely on the ability of health care practitioners to volunteer their professional assistance; and

Whereas, unless the health care practitioners are in private practice, they must obtain separate malpractice insurance to cover their volunteer services; and

Whereas, immediate enactment of this legislation is necessary to prevent the loss of valuable services at these clinics; 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 preserva-