

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

1. Turnpike revenue bonds. ~~The~~ In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$116,000,000 \$170,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

2. Bonds for construction and reconstruction of interchanges. ~~In addition to bonds outstanding pursuant to subsection 1 any other provision of this chapter,~~ the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$40,000,000 in principal amount at any one time outstanding exclusive of refundings, to pay the cost, or a portion of the cost, of constructing or reconstructing interchanges. Construction or reconstruction costs of interchanges paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of traffic on the turnpike in accordance with section 1974, subsection 3. New interchanges paid for with bonds in accordance with this subsection must be located in the Portland-Westbrook segment, the Lewiston-Auburn-Sabattus segment, or the Gray-New Gloucester segment of the turnpike.

Sec. 2. 23 MRSA §1968, sub-§2-A, as enacted by PL 1995, c. 504, Pt. C, §5, is amended to read:

2-A. Bonds for Department of Transportation projects. ~~In addition to bonds outstanding pursuant to subsections 1 and 2 any other provision of this chapter,~~ the authority may provide by resolution from time to time but no later than June 30, 1997 for the issuance of special obligation bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$40,000,000 in aggregate principal amount exclusive of refundings, to pay to the Department of Transportation the costs, or a portion of the costs, of Department of Transportation projects. Department of Transportation projects paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have sufficient relationship to the public's use of the turnpike in accordance with section 1974, subsection 6.

Sec. 3. 23 MRSA §1968, sub-§2-B is enacted to read:

2-B. Bonds for turnpike widening. In addition to bonds outstanding pursuant to any other applicable provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$41,000,000 in principal amount at any one time outstanding exclusive of refundings to pay the cost or a portion of the cost of constructing all or a portion of a 3rd travel lane for each direction of travel on the turnpike pursuant to section 1965, subsection 1, paragraph D and for the construction or reconstruction of overpasses, bridges, interchanges, tunnels, underpasses, toll facilities and related improvements and construction in connection with the addition of any lane or lanes.

See title page for effective date.

CHAPTER 647

H.P. 955 - L.D. 1318

An Act to Clarify the Application of Law in Workers' Compensation Cases

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

Sec. 1. 39-A MRSA §201, sub-§6 is enacted to read:

6. Prior work-related injuries. If an employee suffers a work-related injury that aggravates, accelerates or combines with the effects of a work-related injury that occurred prior to January 1, 1993 for which compensation is still payable under the law in effect on the date of that prior injury, the employee's rights and benefits for the portion of the resulting disability that is attributable to the prior injury must be determined by the law in effect at the time of the prior injury.

See title page for effective date.

CHAPTER 648

H.P. 1013 - L.D. 1405

An Act to Strengthen Laws Regarding Timber Theft and Timber Harvesting

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

Sec. 1. 10 MRSA §2361-A, sub-§§5-A and 10-A are enacted to read:

5-A. Hauler. "Hauler" means the person, company or other entity that owns the truck or trailer on which a load of wood is transported.

10-A. Trip ticket. "Trip ticket" means the form used to identify the origin and destination of a truckload of wood.

Sec. 2. 10 MRSA §2364-B is enacted to read:
§2364-B. Transportation of wood

A person transporting wood must comply with the provisions of this section.

1. Trip ticket required. Except as provided in subsections 3 and 4, each truckload of wood transported must be accompanied by a trip ticket containing the following information for that load of wood:

- A. The date the wood is hauled;
- B. The name of the landowner;
- C. The town of origin;
- D. For wood harvested in the State, the number on the harvest notification form filed with the Bureau of Forestry in accordance with Title 12, section 8883;
- E. The name of the contractor;
- F. The name or names of the cutting crew;
- G. The name of the hauler;
- H. The destination of the wood, both town and customer; and
- I. The signature of the truck driver.

2. Trip ticket part of record. Upon delivery of a truckload of wood requiring a trip ticket, the truck driver shall provide a copy of the trip ticket to the wood scaler or other person accepting delivery. When a tally sheet or other record of measurement is required under section 2364-A, subsection 2, the harvest notification number and other information contained on the trip ticket must be recorded on the record of measure or a copy of the trip ticket must be attached to the record of measure.

3. Wood transported after measurement. When wood is transported after its first measurement in accordance with section 2364-A, the information specified in subsection 1, paragraphs B, D and F is not required on the trip ticket and the harvest notification number is not required on subsequent records of measurement.

4. Consumer transactions of firewood excluded. The requirements of this section do not apply to the transportation of firewood in consumer transactions on the retail market as defined in rules adopted pursuant to section 2367.

5. Enforcement; violations. Upon request, a truck driver must present the trip ticket to any employee of the State charged with enforcing the provisions of this subchapter. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to any employee of the State charged with enforcing the provisions of this subchapter. A person who fails to comply with the provisions of this section or misrepresents information on a trip ticket is subject to the penalties provided in section 2368.

Sec. 3. 12 MRSA §8882, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

§8882. Forms

Forms required under this subchapter shall must be provided by the bureau and shall must be written in an easily understandable format. In addition to the information required under section 8883, the bureau may request information regarding business practices and workers' compensation coverage.

Sec. 4. 12 MRSA §8883, first ¶, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

Prior to commencing harvesting operations, the landowner or designated agent shall notify the bureau of the harvest operation. When the harvest is occurring within a municipality, the bureau shall send a copy of the notification form to the municipal clerk.

Sec. 5. 12 MRSA §8883, sub-§1, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

1. Notification prior to harvest. Notification shall must be on forms supplied by the bureau and shall must include the following information:

- A. The name, address and phone number of the landowner, any designated agent, and, if known, any harvester or harvesters;
- B. The name and address of any licensed professional forester consulting the landowner on forest management or harvesting practices;
- C. The municipality or township and county of harvest;

- D. The name of the nearest public or private all-weather road;
- E. The approximate dates the harvest will begin and finish;
- F. The anticipated acreage to be harvested;
- G. Whether the land is being harvested to convert to another use within 2 years and, if so, what that use is to be;
- H. The signatures of the landowner or designated agent and the signature of the harvester when listed on the form in accordance with paragraph A and the licensed professional forester when listed on the form in accordance with paragraph B;
- I. A map locating the harvest site in relation to known or easily identifiable terrain features, such as a road junction or a stream and road junction. ~~If the map is hand drawn, a north arrow shall be included~~ The map must be a copy of a 7.5 or 15 minute series topographical map produced by the United States Geological Survey or a map of equivalent or superior detail in the location of roads; and
- J. The date of notification.

When a landowner has a designated agent, the designated agent must submit with the notification form a notarized statement of agreement signed by the landowner and the designated agent or a durable power of attorney.

Sec. 6. 12 MRSA §8883, sub-§3, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

3. Notification form on file; posted. The landowner or designated agent shall retain a copy of the notification form and produce it upon request of agents as specified in section 8888. The landowner or designated agent shall post a copy of the notification form at the harvest site in a clearly visible location.

Sec. 7. Report on workers' compensation; Workers' Compensation Board. The Workers' Compensation Board, in consultation with the Maine Forest Service, shall review workers' compensation laws pertaining to the wood harvesting industry. The board and the Maine Forest Service shall endeavor to determine the number of wood harvesting operations that occur when the loggers have neither workers' compensation insurance nor a predetermination of independent contractor status. By January 15, 1999, the board, in consultation with the Maine Forest Service, shall submit a report with its findings and recommendations to the joint standing committee of

the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over forestry matters. Recommendations may include measures identified to ensure workers' compensation coverage or independent contractor status and to reduce the potential for landowner liability and may also include simplification of the process for predetermination of independent contractor status. The joint standing committee of the Legislature having jurisdiction over labor matters may report out legislation to the 119th Legislature regarding workers' compensation coverage in the wood harvesting industry.

Sec. 8. Report; impact of timber harvesting on nonpoint source pollution. By January 15, 1999, the Maine Forest Service, in consultation with the Maine Land Use Regulation Commission and the Department of Environmental Protection, shall develop a report with recommendations for a set of statewide standards to minimize the impact of timber harvesting on nonpoint source pollution. This report must be submitted to the joint standing committee of the Legislature having jurisdiction over forestry matters by the Land and Water Resources Council after review by that council. In developing the recommendations, these agencies shall consider the existing standards of the Maine Land Use Regulation Commission as a basis for statewide standards. The report must also include the following:

1. An evaluation of the progress made by timber harvesting operations in implementing best management practices; and
2. A recommendation regarding the use of compliance with best management practices as a determinant of enforcement proceedings. In developing this recommendation, the group may study Vermont's approach to prosecuting water quality violations.

The joint standing committee of the Legislature having jurisdiction over forestry matters may report out legislation to the 119th Legislature regarding timber harvesting and nonpoint source pollution.

See title page for effective date.

CHAPTER 649

S.P. 505 - L.D. 1567

An Act to Require the Workers' Compensation Board to Evaluate Rehabilitation in the Workers' Compensation System and to Develop a System for Collecting Rehabilitation Data