

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

- 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

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

Sec. 1. 39-A MRSA §358-A, sub-§5 is enacted to read:

5. Rehabilitation data. The board shall develop a system for collecting rehabilitation data and provide any reports considered necessary for the improved function and administration of rehabilitation under this Act.

Sec. 2. Report. The Workers' Compensation Board shall report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 1999. The report must include an analysis of the progress being made toward developing a system for collecting rehabilitation data pursuant to the Maine Revised Statutes, Title 39-A, section 358-A, subsection 5, an evaluation of the different definitions of rehabilitation currently in use, a proposal for a uniform definition of rehabilitation, an evaluation of rehabilitation education and outreach among employers and employees and a specific plan to address problems identified as a result of the analysis and evaluation.

See title page for effective date.

CHAPTER 650

H.P. 1401 - L.D. 1953

**An Act to Implement the
Recommendations of the Maine
Indian Tribal-State Commission
Relating to the Names of Geographic
Features in Passamaquoddy
Territory**

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

Sec. 1. 1 MRSA c. 28 is enacted to read:

CHAPTER 28

NAMES OF GEOGRAPHIC FEATURES

§1501. Name changes by Passamaquoddy Tribe

When the Joint Tribal Council of the Passamaquoddy Tribe changes the name of a geographic feature within its Indian territory, the State shall assist the Passamaquoddy Tribe in notifying the necessary entities, including the United States Board on Geo-

graphic Names, to accomplish the name change in official maps and documents.

See title page for effective date.

CHAPTER 651

S.P. 706 - L.D. 1954

**An Act to Amend the Laws of the
Maine State Retirement System**

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

Whereas, current law prescribing the membership of the Early Retirement Incentives Panel creates a hardship for members of the Board of Trustees of the Maine State Retirement System who may serve on the panel; and

Whereas, immediate enactment of this legislation is necessary to address the situation; 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. 3 MRSA §805, sub-§1, ¶A, as enacted by PL 1985, c. 507, §1, is repealed.

Sec. 2. 4 MRSA §1305, sub-§1, ¶A, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18, is repealed.

Sec. 3. 5 MRSA §17103, sub-§11, as amended by PL 1993, c. 410, Pt. L, §§19 to 21, is further amended to read:

11. Report to Legislature. The board shall make a written report to the appropriate legislative committee on or before the ~~15th of January~~ March 1st of each year ~~which shall~~ that must contain:

A. A discussion of any areas of policy or administration ~~which that~~, in the opinion of the board, should be brought to the attention of the committee;

B. Any proposed legislation amending the retirement system law ~~which that~~ the board recommends to improve the retirement system;