

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15; or
- (18) A Federal Government vehicle operated by a federal law enforcement officer.

See title page for effective date.

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## CHAPTER 30

H.P. 199 - L.D. 277

### **An Act to Prohibit the Employment of Minors in Places Providing Nude Entertainment**

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

**Sec. 1. 26 MRSA §772**, as amended by PL 1997, c. 597, §1, is further amended to read:

#### **§772. Minors under 18**

A minor under 18 years of age may not be employed in any capacity that the director determines to be hazardous, dangerous to life or limbs, injurious to morals or when the minor's health would be injured. The director shall adopt rules to develop and maintain a list of occupations not suitable for employment of a minor. The rules must conform as far as practicable to the child labor provisions of the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 212 and any associated regulations. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The rules must contain a provision prohibiting the employment of minors in places having nude entertainment. This section does not apply to minors in public and approved private schools where mechanical

equipment is installed and operated primarily for purposes of instruction.

See title page for effective date.

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## CHAPTER 31

S.P. 20 - L.D. 12

### **An Act to Change the Selection Process of the Oxford County Budget Committee**

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

**Sec. 1. 30-A MRSA §892, sub-§2**, as enacted by PL 1991, c. 204, §2, is amended to read:

**2. Municipal officer elections.** Before September 15th of every year, the county commissioners shall notify all municipal officers to caucus by county commissioner district at a specified date, time and place for the purpose of electing 2 municipal officers from each district as members of the county budget advisory committee. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The 2 nominees receiving the most votes are the budget advisory committee members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners. When the district meeting fails to produce 2 budget committee member nominees, the county commissioner of the district may appoint a municipal officer from that district to each vacant seat within 10 days of the district caucus. The county commissioner shall include notice of this appointment provision in the original notice to convene the caucus if the commissioner plans to exercise the appointment authority granted in this subsection. A municipality may not at any time have more than one representative serving on the budget advisory committee.

**Sec. 2. Application.** This Act applies to appointments made after the effective date of this Act. Budget advisory committee members as of the effective date of this Act may serve out the remainder of their terms.

See title page for effective date.

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## CHAPTER 32

H.P. 196 - L.D. 274

### **An Act Regarding Persons Who May Draw Blood for Blood Tests**

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

**Sec. 1. 29-A MRSA §2524, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Persons qualified to draw blood for blood tests.** Only a physician, registered physician's assistant, registered nurse, person whose occupational license or training allows that person to draw blood samples or a person certified by the Department of Human Services may draw a specimen of blood for the purpose of determining the blood-alcohol level or drug concentration.

See title page for effective date.

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**CHAPTER 33**

**H.P. 647 - L.D. 897**

**An Act to Extend the Management Plan Requirement for Forest Owners under the Maine Tree Growth Tax Law**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas**, the current deadline to provide a forest management and harvest plan is April 1, 1999; and

**Whereas**, more time is needed by landowners to adequately and properly prepare the plan; 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. 36 MRSA §574-B, sub-§1**, as amended by PL 1995, c. 236, §§4 and 5, is further amended to read:

**1. Forest management and harvest plan.** A forest management and harvest plan has been prepared for the parcel and updated every 10 years. The landowner shall file a sworn statement with the municipal assessor in a municipality or the State Tax Assessor for parcels in the unorganized territory that a management plan has been prepared for the parcel. A landowner with a parcel taxed pursuant to this subchapter on September 30, 1989 has until ~~April 1, 1999~~ December 31, 1999 to comply with this requirement ~~and until or to provide evidence to the municipal assessor or the State Tax Assessor for parcels in the unorganized territory that the landowner intends to develop a forest management and harvest plan by December 31, 2000 or has executed a contract with a licensed forester for the completion of a forest management and harvest plan by December 31, 2000.~~ Until the plan is prepared or April 1, 1999 December 31, 2000, whichever is earlier, the land is subject to the applicability provisions under this section as it existed on April 1, 1982. A landowner who does not provide the municipal assessor or the State Tax Assessor for parcels in the unorganized territory by December 31, 1999 with a sworn statement that a forest management and harvest plan has been prepared or evidence that the landowner intends to develop a forest management and harvest plan or has executed a contract with a licensed forester for the completion of a forest management and harvest plan by December 31, 2000 shall pay a penalty of \$100 to the municipal tax collector or the State Tax Assessor for parcels in the unorganized territory. This penalty is in addition to any penalty that is assessed pursuant to section 581 for withdrawal of land from classification under this subchapter and may be enforced in the same manner as a supplemental assessment under section 713.

~~A landowner with a parcel taxed pursuant to this subchapter for a property tax year beginning before April 1, 1996 when the parcel was less than 100 acres and the sole use of the land was harvesting of trees for personal use shall:~~

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

~~B. Apply for classification under the open space laws pursuant to section 1106-A; or~~

~~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~~