

# 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**

**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~~ 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~~

~~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;~~

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 29, 1999.

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## CHAPTER 34

H.P. 263 - L.D. 367

### An Act to Clarify the Criteria for Renewal of Agency Liquor Store Licenses

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

**Sec. 1.** ~~28-A MRSA §458, sub-§2, ¶C~~, as enacted by PL 1991, c. 782, §1, is amended to read:

~~C. Any changes in the interior selling location of the premises or renovations to the applicant's licensed premises;~~

**Sec. 2.** ~~28-A MRSA §458, sub-§2-A~~ is enacted to read:

**2-A. Review exemptions.** Notwithstanding subsection 2, paragraph C, when considering an application for the renewal of an agency license, the bureau may not consider minor changes to the placement of liquor inventory if the changes are not for the purposes of marketing beyond those provided in law or agency rule or for increasing access by

minors but are to address some other liquor placement issue that is within the scope of the person's license.

See title page for effective date.

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## CHAPTER 35

S.P. 274 - L.D. 792

### An Act to Allow Preliminary Steps to be Taken in Preparation for the Mandatory Use of Conviction Data in Teacher Screening

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

**Whereas,** commencing July 1, 1999, certification, authorization, approval and renewal of teachers and educational personnel are subject to the Maine Revised Statutes, Title 20-A, section 6103; and

**Whereas,** fingerprinting of the affected applicant, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results to the Department of Education must occur as a practical necessity before department screening using conviction data begins on July 1, 1999; 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.** ~~20-A MRSA §6103, first ¶~~, as amended by PL 1997, c. 452, §3, is further amended to read:

Beginning July 1, 1999 2000, certification, authorization, approval and renewal under chapters 501 and 502 are subject to the provisions of this section. Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

**Sec. 2.** ~~20-A MRSA §6103~~, as amended by PL 1997, c. 452, §3, is further amended by adding after the first paragraph a new paragraph to read: