

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 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.

J.S. McCarthy Company
Augusta, Maine
1999

prints, footprints or photographs may also be taken for any law enforcement purpose when a person voluntarily submits to them.

Sec. B-16. 25 MRSA §1542-A, sub-§8, as amended by PL 1999, c. 110, §9, is further amended to read:

8. Fingerprint record forms. Fingerprints taken pursuant to subsection 1, paragraphs A, B ~~as to a person arrested as a fugitive from justice~~ and D and subsection 5, paragraphs B, C and D must be taken on a form furnished by the State Bureau of Identification, such form to be known as the Criminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraphs E, F and G must be taken on a form furnished by the bureau, such form to be known as the Noncriminal Fingerprint Record. Fingerprints taken pursuant to subsection 5, ~~paragraph A~~, ~~paragraphs B~~ as to a person taken into custody for a juvenile crime pursuant to a uniform interstate compact on juveniles and H must be taken on a form furnished by the State Bureau of Identification, such form to be known as the Juvenile Crime Fingerprint Record. Fingerprints taken pursuant to subsection 1, ~~paragraphs~~ ~~paragraph~~ C or F must be taken upon the form appropriate for that purpose.

Sec. B-17. 25 MRSA §1547, as amended by PL 1995, c. 65, Pt. A, §76 and affected by §153 and Pt. C, §15, is repealed and the following enacted in its place:

§1547. Courts to submit juvenile and criminal records to the State Bureau of Identification

At the conclusion of a juvenile court proceeding or at the conclusion of a prosecution for a criminal offense except a violation of Title 12 or Title 29-A that is a Class D or E crime other than a Class D crime that involves hunting while under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level or the operation or attempted operation of a watercraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, the court shall transmit to the State Bureau of Identification an abstract duly authorized on forms provided by the bureau.

Sec. B-18. Effective date. This Act takes effect September 1, 2000.

Effective September 1, 2000.

CHAPTER 261

H.P. 1195 - L.D. 1705

An Act to Amend the Maine Administrative Procedure Act

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

Sec. 1. 5 MRSA §8056, sub-§1, ¶B, as amended by PL 1995, c. 373, §6, is further amended to read:

B. File the original rule as signed by the Attorney General or an assistant attorney general and the authorized representative of the agency, and the statement required by section 8052, subsection 5, with the Secretary of State in a form prescribed by the Secretary of State, which form is susceptible to frequent and easy revision; .

(1) Through rulemaking, an agency may incorporate by reference all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States or of this State or by a nationally recognized organization or association.

(2) The reference in the agency rules must fully identify the incorporated matter by exact title, edition or version and date of publication.

(3) The rules must state where copies of the incorporated matter are available at cost from the agency issuing the rule or where copies are available from the agency of the United States, this State or an organization or association originally issuing that matter.

(4) An agency incorporating a matter by reference shall submit a copy of the incorporated matter to the Secretary of State;

See title page for effective date.

CHAPTER 262

H.P. 1449 - L.D. 2070

An Act to Protect Library Materials in Circulation

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

Sec. 1. 17-A MRSA §360, sub-§1, ¶C, as amended by PL 1997, c. 319, §1, is further amended to read:

C. Having custody of property pursuant to a rental or lease agreement with the owner thereof or a borrower's agreement with a library or museum whereby such property is to be returned to the owner at a specified time and place, the person knowingly fails to comply with the agreed terms concerning return of such property without the consent of the owner, for so lengthy a period beyond the specified time for return as to render the retention or possession or other failure to return a gross deviation from the agreement. For purposes of this paragraph, a gross deviation may be presumed when the person fails to return the property within 5 days of receiving a written demand from the owner, mailed by certified or registered mail or delivered by hand after the expiration of the rental period to the most current address known to the owner.

See title page for effective date.

CHAPTER 263

S.P. 666 - L.D. 1888

An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances that Apply to Forestry Practices

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

Sec. 1. 12 MRSA §8869, sub-§8, as amended by PL 1995, c. 122, §1 and affected by §2, is further amended to read:

8. Relationship to municipal rules and regulations. Nothing in this subchapter may be construed to preempt or otherwise limit the existing authority of municipalities to regulate harvesting, except that municipalities regulating timber harvesting shall adopt definitions for forestry terms used in their ordinances that are consistent with definitions in section 8868 and with forestry terms adopted by the commissioner pursuant to this subchapter. ~~A municipality may not adopt an ordinance that regulates timber harvesting unless the following process is followed in the development and review of the ordinance: Municipal timber harvesting ordinances adopted before September 1, 1990 must meet this standard of compliance with definitions no later than January 1, 2001.~~

A municipality may not adopt an ordinance that is less stringent than the minimum standards established in this section and in rules adopted by the commissioner to implement this section. A municipality may not adopt or amend an ordinance that regulates timber harvesting unless the process set out in this subsection

is followed in the development and review of the ordinance.

A. A licensed professional forester must participate in the development or amendment of the ordinance.

B. A ~~face-to-face~~ meeting must take place in the municipality during the development or amendment of the ordinance between representatives of the department and municipal officers and officials involved in developing the ordinance. Discussion at the meeting must include, but is not limited to, the ~~timber harvesting forest practices~~ goals of the municipality. At this meeting and subsequently, the department shall provide guidance to the municipality on how the municipality may use sound forestry practices to achieve the municipality's forest practices goals.

C. The municipality shall hold a public hearing to review a proposed ordinance or ordinance amendment at least 45 days before a vote is held on the ordinance. The municipality shall ~~provide~~ provide post and publish public notice of the public hearing according to the ~~method the municipality uses for its regular public meetings; and same~~ general requirements of posted and published notice for zoning ordinance public hearings as provided by Title 30-A, section 4352, subsection 9.

In addition, when a municipality proposes to adopt or amend a timber harvesting ordinance pursuant to its home rule authority as provided by Title 30-A, section 3001, the municipality shall mail notice of the hearing by first-class mail at least 14 days before the hearing to all landowners in the municipality at the last known address of the person on whom a property tax on each parcel is assessed. In the case of a timber harvesting ordinance or amendment that applies only to certain zones or land use districts in the municipality, the municipality may meet the requirements of this paragraph by mailing notice only to those landowners whose land is in a zone or land use district or immediately abutting the affected zone or land use district.

Mailed notice to individual landowners is not required under this subsection for any type of amendment to an existing local land use ordinance merely to conform that ordinance to the minimum timber harvesting guidelines required by Title 38, section 439-A, as those guidelines may be subsequently amended, or to conform any timber harvesting ordinance to the requirements of this section for conformity of definitions when the proposed amendments do not substantially change any previously established