

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

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

**Sec. 1. 10 MRSA §1498, sub-§7,** as amended by PL 1991, c. 524, §3, is repealed.

**Sec. 2. 10 MRSA §1498, sub-§7-A** is enacted to read:

**7-A. Failure to produce transcript.** A person using an automated telephone calling device for making solicitation calls shall maintain a full transcript of each solicitation call message that the person has transmitted to consumers during the previous 24 months. A copy of the transcript must be made available to the Attorney General upon request. Failure to provide a copy of a requested transcript is a violation of this section.

**Sec. 3. 10 MRSA §1498, sub-§8,** as enacted by PL 1989, c. 775, is amended to read:

**8. Penalty.** Violation of this section, including the provision of false registration information, is an unfair trade practice as prohibited by Title 5, section 207.

**Sec. 4. 32 MRSA §4690-A** is enacted to read:

**§4690-A. Telemarketers**

**1. Incorporation of federal standards.** Violation of any provision of the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Part 310, as in effect on January 1, 2000, by a transient seller of consumer merchandise is a violation of this chapter.

**2. Additional prohibitions.** A transient seller of consumer merchandise who is a telemarketer, as defined in the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Section 310.2, as in effect on January 1, 2000, and who initiates telephone contact with a consumer may not procure the services of any professional delivery courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the goods are delivered with the opportunity to inspect before any payment is collected.

**3. Do-not-call list.** A transient seller of consumer merchandise who is a telemarketer, as defined in the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Section 310.2, as in effect on January 1, 2000:

A. Shall semiannually obtain subscription listings of consumers in this State who have arranged to be included on the national do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc.,

Farmingdale, New York or its successor organization; and

B. May not call any consumer in this State whose name is on the national do-not-call list unless the seller has an established business relationship with the consumer at the time the call is made.

A person is not in violation of paragraph B if the person obtained the listing of a consumer in accordance with paragraph A but called that consumer as the result of a good faith error.

**4. Other applicable law.** A transient seller of consumer merchandise who is a telemarketer, as defined in the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Section 310.2, as in effect on January 1, 2000, is subject to and shall comply with the provisions of chapter 69, subchapter V.

See title page for effective date.

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**CHAPTER 695**

**H.P. 1919 - L.D. 2665**

**An Act to Provide for Statewide Standards for Timber Harvesting in Shoreland Areas and to Modify Regulation of Stream Crossings**

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

**Sec. 1. 12 MRSA §8867-B** is enacted to read:

**§8867-B. Regulation of timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters**

In accordance with the purposes of chapter 206-A and Title 38, chapter 3, no later than January 2, 2002, the Commissioner of Conservation shall provisionally adopt rules in accordance with Title 5, chapter 375 to establish performance standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The rules must provide the maximum opportunity for flexibility that achieves the goal of protecting the public resources while minimizing the impact on private resources. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be submitted to the Legislature no later than January 2, 2002 for review.

In addition to the materials submitted pursuant to Title 5, section 8072, subsection 2, upon submitting the rules authorized by this section, the Commissioner

of Conservation shall submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters that describes the rationale for new standards and the public resources and values protected by each standard.

The rules must resolve inconsistencies among standards established pursuant to chapter 206-A and Title 38, chapter 3, articles 2-B and 5-A and retain standards established pursuant to those statutes when those standards are consistent. Upon final adoption, performance standards established pursuant to this section apply to timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters throughout the State. The Commissioner of Conservation shall administer the rules and enforce the standards adopted under this section.

**Sec. 2. 12 MRSA §8868, sub-§5** is enacted to read:

**5. Timber harvesting activities.** "Timber harvesting activities" means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Sec. 3. 38 MRSA §480-E, sub-§10** is enacted to read:

**10. Road construction associated with forest management activities.** A permit by rule for road construction or maintenance associated with a forest management activity becomes effective upon receipt of notification by the department as long as:

A. The road construction or maintenance is eligible for a permit by rule; and

B. The notification is on a form provided by the department and is complete.

This subsection is repealed August 1, 2002.

**Sec. 4. Legislation authorized.** The joint standing committee of the Legislature having jurisdiction over forestry matters may report out a bill to the Second Regular Session of the 120th Legislature to specify that the standards for timber harvesting activities in areas adjacent to standing and flowing water bodies and wetlands adopted pursuant to the Maine Revised Statutes, Title 12, section 8867-B apply statewide. The legislation must amend provisions in Title 12, chapter 206-A administered by the Maine Land Use Regulation Commission and in Title 38, chapter 3, subchapter I, articles 2-B and 5-A administered by the Department of Environmental Protection and to clarify the authority of these agencies to regulate timber harvesting.

See title page for effective date.

## CHAPTER 696

S.P. 1058 - L.D. 2648

### An Act to Enter Into the International Emergency Management Assistance Compact

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

**Whereas,** the New England governors and eastern Canadian premiers have resolved to enter into a mutual assistance compact; and

**Whereas,** representatives of the emergency management agencies of the various states and provinces met and crafted language appropriate to facilitate responding to emergencies by organizations from the New England states and eastern Canadian provinces; and

**Whereas,** the Attorney General of the State of Maine has reviewed the International Emergency Management Assistance Compact and determined that legislative endorsement and congressional approval are legally necessary for implementation of the proposed compact, but the agreement is otherwise legally sufficient; and

**Whereas,** New Hampshire has enacted the compact and Nova Scotia has authorized its adoption; and

**Whereas,** an emergency may develop immediately and the most appropriate response that may be available would be from the eastern Canadian provinces; and

**Whereas,** the compact allows for swift response when reacting to threats to the safety, care and welfare of the public in time of disaster; 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. 37-B MRSA c. 16-A** is enacted to read: