

# 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**

upon the report to the Second Regular Session of the 119th Legislature.

See title page for effective date.

---



---

## CHAPTER 49

### H.P. 883 - L.D. 1240

#### **Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation**

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

**Whereas**, the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 20: Forest Regeneration and Clearcutting Standards, a provisionally adopted major substantive rule of the Department of Conservation, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is amended substantially in accordance with the revised rule dated April 28, 1999 and presented by the Commissioner of Conservation to the Joint Standing Committee on Agriculture, Conservation and Forestry on that date. A copy of that revised rule and the document prepared by the Maine Forest Service and dated April 28, 1999 that presents a comparison of the provisionally adopted rule dated January 5, 1999 and the revised rule must be filed with the Secretary of State as part of the written statement required under the Maine Revised Statutes, Title 5, section 8052, subsection 5. The

revised rule dated April 28, 1999 includes the following changes to the provisionally adopted rule.

1. It changes the clear-cut size categories.
2. It changes the required height of softwood for assessing a stand of acceptable growing stock.
3. It changes stocking and regeneration standards from a percent basis to a trees-per-acre basis.
4. It exempts landowners with fewer than 100 acres total ownership from certain standards for clear-cuts.
5. It changes the provisions for maintenance of separation zones.

The Commissioner of Conservation is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective June 1, 1999.

---



---

## CHAPTER 50

### S.P. 805 - L.D. 2218

#### **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands**

**Preamble.** Whereas, the Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House;

**Whereas**, the real estate authorized for conveyance by this resolve is under the designations describe in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas**, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1837; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain real estate in exchange for other property. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following property in

exchange for conveyance of property, described herein, now owned by Cayuga Corporation:

1. Property to be conveyed by the Bureau of Parks and Lands to Cayuga Corporation: All of the State's interest in a lot or parcel of land located on the southwesterly side of the Town Farm Road, in Gray, Cumberland County, being approximately 4 acres; said parcel being approximately two hundred (200') feet along the Town Farm Road and approximately eight hundred (800') feet deep, and is a portion of a sixty-four (64) acre parcel currently held by the State and currently designated as Lot 11 of Tax Map 44; and

2. Property to be conveyed by the Cayuga Corporation to the State of Maine: All of the Cayuga's interest in a lot or parcel of land located southwesterly of the Town Farm Road along the Royal River in Gray, Cumberland County, and adjacent to other land currently owned by the State of Maine, being approximately 53 acres, more or less, and together with a right-of-way for public access; said parcel is a portion of Lot 12 of Tax Map 44 and Lot 5 of Tax Map 43. Because the parcels are not of equal value, Cayuga Corporation may, at its discretion, consider this a bargain exchange; and be it further

**Sec. 2. Director of the Bureau of Parks and Lands authorized to convey certain real estate in exchange for other property. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey a right-of-way, in common with the State, in exchange for conveyance of a right-of-way, described herein, now owned by Walter S. Hennig and Barbara A. Hennig. Both rights-of-way are located in Township 10, S.D., Hancock County. The right-of-way to be conveyed by the State runs southerly from Route 182 across the former Pierce Lot to land of Hennig, a distance of 2,506 feet; the right-of-way to be conveyed by the Hennigs continues southerly across land of Hennig to other land of the State, the former Diamond Occidental Lot, a distance of 247 feet. Because the value of the rights-of-way is not equal, other consideration must include the construction of a new roadway southwesterly from Route 182 across the former Pierce Lot and the Hennig Lot, thence continuing over the former Diamond Occidental Lot, said new roadway to be a total distance of approximately one and one-half miles. This construction must be at the sole expense of the Hennigs and in accordance with the bureau's specifications. In addition, the Hennigs shall convey to the State 2 access easements, the first from Route 182 to Fox Pond at the northeast end of the pond and the 2nd from Route 182 to the east end of the pond; both easements, as traditionally used, are for parking to provide foot and cartop boat access only. In addition, the State shall release and extinguish its

interest in 3 existing rights-of-way on the "Hennig Lot" at such time as the new roadway is completed and approved by the bureau. These rights-of-ways across the Hennig property are: the first right-of-way runs southerly from Route 182 across the Hennig property a distance of 3,830 feet to the other land of the State; the 2nd right-of-way runs southerly as an extension from the first right-of-way a distance of 2,337 feet to the other land of the State; and the 3rd right-of-way runs southwesterly from Route 182 across the Hennig property a distance of 3,011 feet to the other land of the State.

See title page for effective date.

---



---

**CHAPTER 51**

**H.P. 20 - L.D. 30**

**Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation**

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, provisionally adopted major substantive rules of the Department of Professional and Financial Regulation, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized with the following amendments to the rule: Chapter 6 must be revised to remove the authority for naturopathic doctors to prescribe Lincomycin, Aminophylline, Theophylline, allergy shots and nontopical steroids.

See title page for effective date.

---



---

**CHAPTER 52**

**H.P. 1279 - L.D. 1840**

**Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory**