

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

coverage as a 2-person group on or after October 1, 2001.

See title page for effective date.

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## CHAPTER 401

S.P. 314 - L.D. 1082

### An Act to Amend the State's Overtime Law

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

**Sec. 1. 26 MRSA §603, sub-§5** is enacted to read:

**5. Exception for nurse.** Notwithstanding subsection 2, a nurse may not be disciplined for refusing to work more than 12 consecutive hours. A nurse may be disciplined for refusing mandatory overtime in the case of an unforeseen emergent circumstance when overtime is required as a last resort to ensure patient safety. Any nurse who is mandated to work more than 12 consecutive hours, as permitted by this section, must be allowed at least 10 consecutive hours of off-duty time immediately following the worked overtime.

This subsection does not apply to overtime for performance of services described in subsection 3, paragraph A or C.

See title page for effective date.

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## CHAPTER 402

S.P. 365 - L.D. 1203

### An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission

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

**Sec. 1. 12 MRSA §682, sub-§15**, as enacted by PL 1995, c. 386, §1, is repealed and the following enacted in its place:

**15. Campsite.** "Campsite" means a camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a

maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission's comprehensive land use plan.

**Sec. 2. 12 MRSA §682, sub-§18**, as enacted by PL 1995, c. 386, §1, is repealed and the following enacted in its place:

**18. Transient occupancy.** "Transient occupancy" means occupancy that does not exceed 90 consecutive days.

**Sec. 3. 12 MRSA §685-A, sub-§5**, as amended by PL 1999, c. 530, §8, is further amended to read:

**5. Considerations, application and exemptions.** A land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard. Year-round and seasonal single residences and operating farms in existence and use as of September 23, 1971, while so used, and new accessory buildings or structures or renovations of the buildings or structures that are or may be necessary to the satisfactory and comfortable continuation of these residential and farm uses are exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts may not limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings, including buildings to store equipment and materials for maintaining roads, and other structures used primarily for agricultural or commercial forest product purposes, including tree farms. The commission may not require a permit for such activities in a management district. Notwithstanding this subsection, a permit from the commission is required for roads covering a ground area of 3 acres or more constructed in management districts, unless those roads are constructed and maintained in accordance with the guidelines of the commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs," or as revised. The commission may require a person constructing a road to notify the commission of the location of the road within 21 days.

Land use standards adopted pursuant to this chapter must establish a minimum setback of 100 feet for all structures within a commercial sporting camp complex that are constructed solely for the housing of guests, including structures within a main sporting camp

complex and an outpost camp. The standards must establish a minimum setback of 150 feet for all other structures within a sporting camp complex, including, but not limited to, a main lodge, a dining area, a workshop and a parking area.

In adopting district boundaries and land use standards, the commission shall give consideration to public and private planning reports and other data available to it, and shall give weight to existing uses of land and to any reasonable plan of its owner as to its future use.

A permit from the commission is not required for the repair or maintenance of county-owned roads, bridges or culverts as long as the repair or maintenance is conducted in accordance with commission standards that pertain to these activities.

**Sec. 4. 12 MRSA §685-B, sub-§1-A, ¶¶A and B,** as enacted by PL 1999, c. 333, §13, are amended to read:

A. A permit is not required for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

- (1) No more than one standard culvert size wider in diameter than the culvert being replaced;
- (2) No more than 25% longer than the culvert being replaced; and
- (3) No longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exemption. A person repairing, replacing or maintaining an existing culvert under this paragraph shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course; ~~or~~

B. A permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the commission determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. Notice of the intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection; and

**Sec. 5. 12 MRSA §685-B, sub-§1-A, ¶C** is enacted to read:

C. A permit is not required for a campsite in a management district.

See title page for effective date.

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## CHAPTER 403

### H.P. 255 - L.D. 291

#### An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools

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

**Sec. 1. 20-A MRSA §4706,** as amended by PL 1991, c. 655, §4, is further amended to read:

**§4706. Instruction in American history, Maine studies and Maine Native American history**

The following subjects ~~shall be~~ are required.

**1. American history.** American history and civil government, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, ~~shall~~ must be taught in and required for graduation from all elementary and secondary schools, both public and private.

**2. Maine studies.** ~~A course in~~ Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, ~~must be taught in at least one grade from grade 6 to grade 8, in all schools, both public and private. These concepts must be integrated into the curriculum in grades 9 to 12. A required component of Maine studies is Maine Native American studies addressing the following topics:~~

A. Maine tribal governments and political systems and their relationship with local, state, national and international governments;

B. Maine Native American cultural systems and the experience of Maine tribal people throughout history;

C. Maine Native American territories; and

D. Maine Native American economic systems.

**Sec. 2. Maine Native American History and Culture Commission.** The Maine Native American History and Culture Commission, referred to in this section as the "commission," is established to help prepare for the inclusion of Maine Native