

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
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facility lacks qualified staff to meet the level of care required for that person. A nursing facility is not subject to penalty or sanction for declining to admit a prospective resident under this subsection. Nothing in this subsection affects the obligation of a nursing facility to provide care specific to the needs of residents of the facility.

Sec. 2. Rulemaking. The Department of Human Services shall adopt rules regarding contracts for long-term care to ensure responsible financial management by persons who manage or have authority to manage or expend the assets and funds of residents of long-term care facilities. In developing the rules, the department shall consider allowing contracts to impose a clear duty on the part of a person to apply the funds of a resident in a responsible manner so that health care and long-term care expenses are paid to the extent possible and allowing mechanisms to promote payment of the resident's obligations in a timely manner. Mechanisms for payment may include but are not limited to direct deposit of funds, electronic transfer of funds and directed payment of Social Security benefits and other income of the resident. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 601

H.P. 1443 - L.D. 1940

An Act Regarding the Repatriation of Native American Remains

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

Sec. 1. 22 MRSA §2842-B, as enacted by PL 1993, c. 738, Pt. C, §5, is repealed and the following enacted in its place:

§2842-B. Indian human remains

1. Transfer of remains. Except as provided in subsections 2 and 3, a person or entity who possesses any human remains identified as Indian human remains shall transfer the remains to the intertribal repatriation organization that is appointed by the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs for reburial. The intertribal repatriation organization shall make reasonable inquiry to locate the next of kin of the deceased. If next of kin are located, the intertribal repatriation organization shall transfer the remains to the next of kin.

2. Medical Examiner cases. In cases within the jurisdiction of the Medical Examiner Act, the Chief Medical Examiner has authority over Indian human remains until the remains are no longer required for legal purposes. At that time, the Chief Medical Examiner shall make reasonable inquiry to locate the next of kin of the deceased. If next of kin are located, the Chief Medical Examiner shall release the remains to the next of kin of the deceased. If no next of kin are located, the remains must be released to the intertribal repatriation organization for reburial.

3. Native American Graves Protection and Repatriation Act. Subsection 1 does not apply to any human remains or any person or entity subject to the Native American Graves Protection and Repatriation Act, 25 United States Code, Chapter 32.

4. Memorandum of understanding. The Chief Medical Examiner, the Maine Historic Preservation Commission and the Maine State Museum shall enter into a memorandum of understanding concerning the disposition of human remains in the possession of the Chief Medical Examiner that are subject to the Native American Graves Protection and Repatriation Act.

See title page for effective date.

CHAPTER 602

H.P. 1458 - L.D. 1955

An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes

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

Sec. 1. 25 MRSA §1502-A, sub-§1, ¶A-1 is enacted to read:

A-1. Special Agents of the United States Secret Service of the Department of the Treasury. This paragraph is repealed July 1, 2004;

Sec. 2. 25 MRSA §1502-A, sub-§5, ¶B, as enacted by PL 1995, c. 423, §1, is amended to read:

B. The Immigration and Naturalization Service of the Department of Justice, the United States Secret Service of the Department of the Treasury and the United States Customs Service of the Department of the Treasury shall develop policies governing their employees, including training policies. This paragraph is repealed July 1, 2004.

Sec. 3. 25 MRSA §1502-A, sub-§5, ¶B-1 is enacted to read:

B-1. The Immigration and Naturalization Service of the Department of Justice and the United States Customs Service of the Department of the Treasury shall develop policies governing their employees, including training policies.

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 25, section 1502-A, subsection 5, paragraph B-1 takes effect July 1, 2004.

See title page for effective date, unless otherwise indicated.

CHAPTER 603

S.P. 718 - L.D. 1920

An Act to Address Liquidation Harvesting

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

Sec. 1. 12 MRSA §8881, sub-§5-A is enacted to read:

5-A. Landowner. "Landowner" means a person, company or other entity that holds title to land, including joint owners or tenants in common. If the ownership of the timber located on the land is different from the fee ownership of the land, the owner of the timber is deemed to be a landowner and is jointly and severally responsible with the fee landowner for compliance with this subchapter. If a corporate landowner is a wholly owned subsidiary of another corporation, both parent and subsidiary are deemed to be the same landowner.

Sec. 2. 12 MRSA §8883, sub-§1, as amended by PL 1999, c. 361, §5, is further amended to read:

1. Notification prior to harvest. Unless an alternate form or method of reporting is provided in rule, notification must be on forms supplied by the bureau and must include the following information:

A. The name, address and phone number of the landowner, any designated agent, and, if known, any harvester or harvesters;

B. The name and address of any licensed professional forester consulting the landowner on forest management or harvesting practices;

C. The municipality or township and county of harvest;

D. The name of the nearest public or private all-weather road;

E. The approximate dates the harvest will begin and finish;

F. The anticipated acreage to be harvested;

F-1. An indication whether the land being harvested is taxed under the Maine Tree Growth Tax Law. If the land being harvested is taxed under the Maine Tree Growth Tax Law, the notification must include a statement, signed by the landowner, indicating that the harvest is consistent with the forest management and harvest plan required by Title 36, section 574-B, subsection 1. A licensed professional forester who has a fiduciary responsibility to the landowner may sign the statement required in this paragraph.

Failure to indicate that the harvest is consistent with the forest management and harvest plan constitutes a withdrawal from taxation under the Maine Tree Growth Tax Law of the land being harvested in a manner that is not consistent with the forest management and harvest plan. When such failure is indicated, the director shall notify the assessor for the jurisdiction in which the parcel is located that the land or a portion of the land no longer meets the requirements of Title 36, chapter 105, subchapter 2-A and must be withdrawn in accordance with Title 36, section 581;

G. Whether the land is being harvested to convert to another use within 2 years and, if so, what that use is to be;

If the land being converted to another use is taxed under the Maine Tree Growth Tax Law, notification of a change of land use under this subsection constitutes a withdrawal from taxation under the Maine Tree Growth Tax Law of that portion of land being converted to another use. When a change in land use is indicated, the director shall notify the assessor for the jurisdiction in which the parcel is located that the land or the portion of land no longer meets the requirements of Title 36, chapter 105, subchapter 2-A and must be withdrawn in accordance with Title 36, section 581;

H. The signatures of the harvester when listed on the form in accordance with paragraph A and the licensed professional forester when listed on the form in accordance with paragraph B;

H-1. The signature of the landowner and the signature of the designated agent when a designated agent is listed in accordance with paragraph A. If the designated agent is a licensed professional forester who has a fiduciary