

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

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Lewiston, Maine
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in an amount to cover related administrative costs, compliance monitoring and the additional cost of highway damage resulting from the pilot project, calculated using accepted engineering practices. The Secretary of State shall adopt rules to implement this paragraph in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

F. The Commissioner of Transportation may revoke the privileges under the pilot project of participating trucks and trucking companies for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered a final agency action.

2. Definition. As used in this section, unless the context otherwise indicates, "B-train double" means a truck tractor-semitrailer-semitrailer combination vehicle in which the 2 trailing units are connected with a B-train assembly. The B-train assembly is a rigid frame extension attached to the rear frame of a first semitrailer that allows for a 5th wheel connection point for a 2nd semitrailer. This combination has one less articulation point than the conventional A-dolly-connected truck tractor-semitrailer-trailer combination.

3. Report. The Commissioner of Transportation shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters for presentation to the First Regular Session of the 125th Legislature. The report must include the status of the pilot project and recommendations for continuance, discontinuance or modification of the pilot project's terms.

4. Repeal. This section is repealed December 31, 2012.

See title page for effective date.

CHAPTER 363

S.P. 484 - L.D. 1452

An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards

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

Sec. 1. 23 MRSA §704-A, sub-§1, ¶A-1 is enacted to read:

A-1. "High-speed rural arterial highway" means an arterial highway as defined in section 704 that is not located in the urban compact area of an urban compact municipality as described in section 754 and where the posted speed limit at the time of the application for a traffic movement permit is 40 miles per hour or greater.

Sec. 2. 23 MRSA §704-A, sub-§1, ¶D is enacted to read:

D. "Traffic demand management techniques" means measures taken to reduce or spread peak hour traffic over a longer period of time. Such measures include, but are not limited to, on-site facilities or on-site design considerations to support local, regional or state bicycle, pedestrian, passenger rail, transit and ride-sharing efforts or plans. The department may not require operational support of passenger transportation systems or require parking management strategies of the permit applicant.

Sec. 3. 23 MRSA §704-A, sub-§2, ¶C, as enacted by PL 1999, c. 468, §2, is repealed.

Sec. 4. 23 MRSA §704-A, sub-§2, ¶D, as enacted by PL 1999, c. 468, §2, is repealed and the following enacted in its place:

D. If a project is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in Title 30-A, chapter 187 and the project does not have an entrance or exit located on a high-speed rural arterial highway and the applicant for a traffic movement permit implements traffic demand management techniques recommended by the department, then the required improvements are limited:

(1) To those necessary to mitigate the impact of the project provided all safety standards are met, even if part or all of the traffic impact occurs outside the boundaries of the growth area; and

(2) To the entrances and exits of the project, if the project reuses previously developed land area and buildings with no more than a 10% increase in building footprint regardless of the extent of vertical development.

Sec. 5. 23 MRSA §704-A, sub-§10 is enacted to read:

10. Violation. A violation of this section or the rules adopted pursuant to this section is punishable by

a fine of not more than \$100 per day per violation. The fine begins to accrue 30 days after the Department of Transportation sends notice of the violation to the landowner. The department shall establish procedures for administrative enforcement of this section, establishing fines and reconsideration and appeals of enforcement actions.

Sec. 6. 30-A MRSA §4103, sub-§3, ¶D is enacted to read:

D. The licensing authority may not issue a permit for a building or use for which the applicant is required to obtain a driveway or entrance or traffic movement permit under Title 23, section 704 or 704-A until the applicant has obtained that permit from the Department of Transportation.

Sec. 7. Rulemaking. The Department of Transportation may adopt rules to implement the purposes of this Act. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 364

H.P. 1063 - L.D. 1455

An Act To Amend the Forester Law

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

Sec. 1. 32 MRSA §5514, sub-§2, as enacted by PL 2001, c. 261, §4, is amended to read:

2. Professional qualifications. Each applicant for an intern forester license shall submit evidence of an associate's degree or a bachelor's degree from a curriculum in forestry or of graduation from a postgraduate curriculum in forestry leading to a degree higher than a bachelor's degree in a school or college approved by the board. The board may grant a variance to an applicant who does not hold a degree pursuant to rules adopted by the board. Rules adopted pursuant to this subsection are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 2. 32 MRSA §5514, sub-§3, ¶C, as enacted by PL 2001, c. 261, §4, is amended to read:

C. The applicant shall submit 3 references from persons ~~not related to the applicant~~ demonstrating the applicant's good character to work as an intern forester. One of the ~~these~~ references must

be from the individual who is proposed to serve as the sponsor.

Sec. 3. 32 MRSA §5514, sub-§5, as enacted by PL 2001, c. 261, §4, is amended to read:

5. Renewal. Licenses expire annually on December 31st or on a date the commissioner determines. The board shall issue a renewal license, subject to the limitations set forth in subsection 6, upon receipt of the written request for renewal, the annual fee and evidence of satisfactory completion of continuing education as set forth in subsection 4. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license has expired is ~~subject to all requirements governing new applicants under this chapter required to pay a late renewal penalty fee in addition to the 90-day late fee and renewal fee.~~

Sec. 4. 32 MRSA §5515, sub-§8, as enacted by PL 2001, c. 261, §4, is amended to read:

8. Renewal. Licenses expire annually on December 31st or on a date the commissioner determines. The board shall issue a renewal license upon receipt of the written request for renewal, the annual fee and evidence of satisfactory completion of continuing education as set forth in subsection 7. Licenses may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, ~~except that the board may, in its discretion and giving due consideration to the protection of the public, waive examination and internship if the renewal application is within 2 years from the date of expiration for those applicants who demonstrate compliance with subsection 7 and upon payment of a late renewal penalty fee in addition to the 90-day late fee and renewal fee.~~

Sec. 5. 32 MRSA §5515, sub-§10, ¶B, as enacted by PL 2001, c. 261, §4, is amended to read:

B. Must register with the board to supervise the activities of an unlicensed person pursuant to rules adopted by the board.

Rules adopted pursuant to this paragraph are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 6. PL 2001, c. 261, §7, sub-§3 is amended to read: