

# 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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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

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:

**3. Register intent to apply.** An applicant for a forester license shall register the applicant's intent to meet the education provisions of the former Maine Revised Statutes, Title 32, chapter 75 by filing an application with the Board of Licensure of Foresters on or before April 30, 2002 that demonstrates the applicant's then-existing status towards meeting the education, or the substituted experience, licensure requirements under former Title 32, section 5012; ~~subsection 1.~~ Pursuant to rules adopted by the board, the applicant shall also demonstrate to the board on or before April 30, 2008 that the applicant has met all of the requirements of the former Title 32, chapter 75 by that date. With the exception of the education requirements, the applicant shall satisfy all of the licensure requirements of Title 32, chapter 76 in applying for a forester license. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

See title page for effective date.

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## CHAPTER 365

H.P. 1062 - L.D. 1454

### **An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime**

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

**Sec. 1.** 5 MRSA §95-A, sub-§5 is enacted to read:

**5. Sale or transfer of record prohibited.** A person may not sell or transfer a record unless specifically authorized by law. A person who violates this subsection commits a Class D crime.

See title page for effective date.

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## CHAPTER 366

S.P. 497 - L.D. 1491

### **An Act To Delay the Repeal of Laws Governing the State's Response to an Extreme Public Health Emergency**

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

**Sec. 1.** PL 2001, c. 694, Pt. B, §6 is amended to read:

**Sec. B-6. Repeal.** This Act is repealed October 31, ~~2003~~ 2005.

See title page for effective date.

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## CHAPTER 367

H.P. 1082 - L.D. 1477

### **An Act To Amend the Laws with Regard to Legislative Reports on Children's Mental Health Services**

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

**Sec. 1.** 34-B MRSA §15003, sub-§9, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

**9. Reports.** The department shall report by ~~February 1st and~~ August 1st each year to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the committee on the following matters:

A. The operation of the program, including fiscal status of the accounts and funds from all sources, including blended, pooled and flexible funding, related to children's mental health care in the departments; numbers of children and families served and their residences by county; numbers of children transferred to care in this State and the types of care to which they were transferred; any waiting lists; delays in delivering services; the progress of the departments in developing new resources; appeals procedures requested, held and decided; the results of decided appeals and audits; and evaluations done on the program;

B. The experiences of the departments in coordinating program administration and care delivery, including, but not limited to, progress on management information systems; uniform application forms, procedures and assessment tools; case coordination and case management; the use of pooled and blended funding; and initiatives in acquiring and using federal and state funds; and

C. Barriers to improved delivery of care to children and their families and the progress of the departments in overcoming those barriers.

See title page for effective date.