

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

CHAPTER 621

H.P. 447 - L.D. 584

**An Act To Strengthen the Maine
Certificate of Need Act of 2002****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 22 MRSA §330, sub-§7**, as enacted
by PL 2001, c. 664, §2, is amended to read:**7. Critical access hospitals.** Conversion by a
critical access hospital or a hospital in the process of
becoming a critical access hospital of licensed acute
care beds to hospital swing beds.

See title page for effective date.

CHAPTER 622

H.P. 1195 - L.D. 1617

**An Act To Improve Subdivision
Standards****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 12 MRSA §685-B, sub-§4-A** is en-
acted to read:**4-A. Subdivision of land subject to liquidation
harvesting.** The commission may not approve an
application for a subdivision if the commission
determines that timber on the parcel proposed for
subdivision has been harvested in violation of rules
adopted pursuant to section 8869, subsection 14. If a
violation of rules adopted by the Maine Forest Service
to substantially eliminate liquidation harvesting has
occurred, the commission must determine prior to
granting approval for the subdivision that 5 years have
elapsed from the date the landowner under whose
ownership the harvest occurred acquired the parcel.
The commission may request technical assistance
from the Maine Forest Service to determine if a rule
violation has occurred.For the purposes of this subsection, "liquidation
harvesting" has the same meaning as in section 8868,
subsection 6 and "parcel" means a contiguous area
within one municipality, township or plantation owned
by one person or a group of persons in common or
joint ownership. This subsection takes effect on the
effective date of rules adopted pursuant to section
8869, subsection 14.**Sec. 2. 30-A MRSA §4404, sub-§18**, as
amended by PL 1997, c. 226, §3, is further amended to
read:**18. Lake phosphorus concentration.** The
long-term cumulative effects of the proposed subdivi-
sion will not unreasonably increase a great pond's
phosphorus concentration during the construction
phase and life of the proposed subdivision; ~~and~~**Sec. 3. 30-A MRSA §4404, sub-§19**, as en-
acted by PL 1997, c. 226, §4, is amended to read:**19. Impact on adjoining municipality.** For any
proposed subdivision that crosses municipal bounda-
ries, the proposed subdivision will not cause unreas-
onable traffic congestion or unsafe conditions with
respect to the use of existing public ways in an
adjoining municipality in which part of the subdivision
is located; ~~and~~**Sec. 4. 30-A MRSA §4404, sub-§20** is
enacted to read:**20. Lands subject to liquidation harvesting.**
Timber on the parcel being subdivided has not been
harvested in violation of rules adopted pursuant to
Title 12, section 8869, subsection 14. If a violation of
rules adopted by the Maine Forest Service to substan-
tially eliminate liquidation harvesting has occurred,
the municipal reviewing authority must determine
prior to granting approval for the subdivision that 5
years have elapsed from the date the landowner under
whose ownership the harvest occurred acquired the
parcel. A municipal reviewing authority may request
technical assistance from the Department of Conser-
vation, Bureau of Forestry to determine whether a rule
violation has occurred, or the municipal reviewing
authority may accept a determination certified by a
forester licensed pursuant to Title 32, chapter 76. If a
municipal reviewing authority requests technical
assistance from the bureau, the bureau shall respond
within 5 working days regarding its ability to provide
assistance. If the bureau agrees to provide assistance,
it shall make a finding and determination as to whether
a rule violation has occurred. The bureau shall
provide a written copy of its finding and determination
to the municipal reviewing authority within 30 days of
receipt of the municipal reviewing authority's request.
If the bureau notifies a municipal reviewing authority
that the bureau will not provide assistance, the
municipal reviewing authority may require a subdivi-
sion applicant to provide a determination certified by a
licensed forester.For the purposes of this subsection, "liquidation
harvesting" has the same meaning as in Title 12,
section 8868, subsection 6 and "parcel" means a
contiguous area within one municipality, township or
plantation owned by one person or a group of persons