

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

The commissioner may review multiple leases concurrently during the lease renewal process.

A lease renewal application must include a nonrefundable application fee of no more than \$1,500, the amount to be set by the commissioner depending on the type of aquaculture permitted by the lease.

Sec. 4. 12 MRSA §6072, sub-§12-B, as enacted by PL 2005, c. 92, §2, is repealed.

Sec. 5. 12 MRSA §6072-A, sub-§18, as enacted by PL 1997, c. 231, §6, is amended to read:

18. Scientific lease renewal. A limited-purpose lease for scientific research may be renewed. ~~The commissioner must hold a public hearing before deciding upon the request for renewal. A scientific research lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4, but a public hearing is not mandatory unless it is requested in writing by 25 or more persons. The commissioner may review multiple leases concurrently during the lease renewal process.~~ The commissioner shall renew a limited-purpose lease for scientific research unless the commissioner finds that:

- A. The lease holder has not complied with the terms of the limited-purpose lease;
- B. Research has not been conducted during the term of the lease; or
- C. It is not in the best interest of the State to renew the limited-purpose lease.

Sec. 6. 12 MRSA §6072-A, sub-§20, as enacted by PL 1997, c. 231, §6, is amended to read:

20. Extension of commercial lease. If a person who holds a limited-purpose lease for commercial aquaculture research and development submits ~~a completed~~ an application under section 6072 for that lease area or a portion of that area before the expiration of that limited-purpose lease, and if the commissioner's decision under section 6072 occurs after the expiration of that limited-purpose lease, the lease remains in effect until the commissioner makes a decision. If the commissioner grants that person a lease under section 6072, that person's limited-purpose lease remains in effect until the effective date of the lease issued under section 6072. If the commissioner denies that person a lease under section 6072, that person's limited-purpose lease remains in effect until 30 days after the commissioner's decision.

Sec. 7. 12 MRSA §6072-B, sub-§7, as enacted by PL 1997, c. 231, §6, is amended to read:

7. Extension of emergency aquaculture lease. If a person who holds an emergency aquaculture lease submits an application under section 6072 or 6072-A for all or a portion of that lease area within 60 days of being granted before the emergency aquaculture lease expires, and if the commissioner's decision under sec-

tion 6072 or 6072-A occurs after the expiration of that emergency aquaculture lease, the emergency aquaculture lease remains in effect until the commissioner makes a decision. If the commissioner grants that person a lease under section 6072 or 6072-A, that person's emergency aquaculture lease remains in effect until the effective date of the lease issued under section 6072 or 6072-A. If the commissioner denies that person a lease under section 6072 or 6072-A, that person's emergency aquaculture lease remains in effect until 30 days after the commissioner's decision.

See title page for effective date.

CHAPTER 94

H.P. 612 - L.D. 816

An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings

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

Sec. 1. 25 MRSA §2357-A, as enacted by PL 2009, c. 261, Pt. B, §7, is amended to read:

§2357-A. No occupancy without certificate; appeal

Subject to the provisions of Title 10, chapter 951, a building may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103, pursuant to the required inspections in section 2373 that the building has been built in accordance with section 2353-A, and so as to be safe from fire. ~~The inspector of buildings~~ building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353-A, an appeal may be taken to the municipal officers and, if on such appeal it is decided by them that the section has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official.

This section takes effect December 1, 2010.

Sec. 2. 25 MRSA §2371, sub-§2, as enacted by PL 2007, c. 699, §11, is amended to read:

2. Building official. "Building official" means a building official appointed pursuant to section ~~2351~~ 2351-A.

Sec. 3. 25 MRSA §2448-A, sub-§2, ¶A, as enacted by PL 2009, c. 364, §2, is amended to read:

A. A municipal ~~inspector of buildings~~ building official has been appointed pursuant to section ~~2351~~ 2351-A.

See title page for effective date.

CHAPTER 95

H.P. 531 - L.D. 701

**An Act To Amend Certain
Laws Governing County
Sheriffs**

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

Sec. 1. 30-A MRSA §373, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Salaries; full compensation. County sheriffs shall receive annual salaries as set forth in ~~section 2 subsection 3~~. The salaries are in full compensation for:

- A. Services in attendance upon the Supreme Judicial Court and upon the Superior Court;
- B. Services as jailer, master or keeper of the jail in each county;
- C. Receiving and committing prisoners in the jail;
- D. The service of all criminal and civil processes; and
- E. The performance of all duties relating to the enforcement of all criminal laws.

Sec. 2. 30-A MRSA §373, sub-§3 is enacted to read:

3. Salary; procedures. The board of county commissioners of each county, through the county budget process, shall set the base salary for the county sheriff.

A. The salary for the county sheriff must be set prior to the election of a new county sheriff by the board of county commissioners by final budget approval prior to the first date that applicants may file with the Secretary of State for the office of county sheriff.

B. The salary of the county sheriff may not be reduced during the sheriff's term other than upon

complaint of malfeasance, misfeasance, neglect, gross negligence or failure to maintain certification with the Maine Criminal Justice Academy by the board of county commissioners to the Office of the Governor.

Sec. 3. 30-A MRSA §374, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§374. County sheriff to be full time

The office of county sheriff is a full-time office in each county. The duties of the county sheriff include law enforcement, jail administration and court services, with irregular hours, requiring a nonstandard work schedule.

See title page for effective date.

CHAPTER 96

H.P. 427 - L.D. 544

**An Act To Eliminate
Duplication of Paint Disclosure
and Radon Requirements**

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

Sec. 1. 14 MRSA §6030-B, sub-§1, as amended by PL 2009, c. 566, §17, is repealed.

Sec. 2. 14 MRSA §6030-B, sub-§2, as amended by PL 2009, c. 566, §17, is repealed.

Sec. 3. 14 MRSA §6030-D, sub-§1-A is enacted to read:

1-A. Short-term rentals. As used in this section, "residential building" does not include a building used exclusively for rental under short-term leases of 100 days or less where no lease renewal or extension can occur.

Sec. 4. 22 MRSA §1328, as enacted by PL 2005, c. 339, §2, is repealed.

Sec. 5. 33 MRSA §173, sub-§4, ¶B, as amended by PL 2005, c. 339, §3, is further amended to read:

B. Lead-based paint for pre-1978 homes in accordance with federal regulations and Title 22, section 1328;

See title page for effective date.