

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2

3
4
5
6

7
8
9

10
11

12
13
14

15
16
17
18
19

20
21
22

23
24
25
26

27
28
29
30
31
32

33
34

35

L.D. 1915

(Filing No. H-420)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 1412, L.D. 1915,
Bill, "AN ACT to Clarify the Law Affecting the Trans-
fer of Shoreland Property."

Amend the bill by striking out everything after
the title and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, ambiguities in recently enacted law re-
garding transfers of certain types of property in the
shoreland zone may seriously impede timely transfer
of such properties and impose serious hardships on
property owners; and

Whereas, the defects in the existing law may cast
doubt on the validity of title to certain shoreland
properties; and

Whereas, legislation is necessary in order to
avoid disruption in the transfers of property and
clouds on the title to property transferred on or af-
ter September 29, 1987; and

Whereas, in the judgment of the Legislature,
these facts create an emergency within the meaning of
the Constitution of Maine and require the following
legislation as immediately necessary for the preser-
vation of the public peace, health and safety; now,
therefore

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

Sec. 1. 30 MRSA §3223-B, sub-§1, as enacted by

HOUSE AMENDMENT "A" to H.P. 1412, L.D. 1915

1 PL 1987, c. 381, is amended to read:

2 1. Inspection. The disposal system has been in-
3 spected within the preceding 180 days by a person li-
4 censed pursuant to Title 22, section 42, ~~and--not~~
5 ~~found-to-be-malfunctioning~~ who shall report his find-
6 ings and provide any documentation as required by
7 rules adopted by the Department of Human Services;
8 and

9 **Sec. 2. 30 MRSA §3223-B**, as enacted by PL 1987,
10 c. 381, is amended by adding at the end a new para-
11 graph to read:

12 The Department of Human Services shall adopt
13 rules for the implementation of this section on or
14 before June 1, 1988. The rules shall govern the
15 scope of the inspection necessary for compliance, the
16 findings necessary and the content and distribution
17 of the documentation required. At a minimum, the
18 rules shall provide for inspections sufficient to de-
19 termine whether or not the system is in compliance
20 with the Maine State Plumbing Code. The department
21 shall send copies of the proposed rules to all per-
22 sons licensed pursuant to Title 22, section 42. The
23 department shall report on its progress in implement-
24 ing this section together with draft rules and any
25 necessary legislative recommendations to the joint
26 standing committee of the Legislature having juris-
27 isdiction over energy and natural resources on or be-
28 fore March 1, 1988. The requirements of this section
29 for transfers of property in the shoreland area apply
30 to transfers on or after June 1, 1988.

31 **Sec. 3. Transition.** This Act shall apply to all
32 transfers of title to property which occurred on of
33 after September 29, 1987.

34 **Emergency clause.** In view of the emergency cited
35 in the preamble, this Act shall take effect when ap-
36 proved.'

HOUSE AMENDMENT "A" to H.P. 1412, L.D. 1915

1

STATEMENT OF FACT

2 The purpose of this amendment is to revise the
3 shoreland property transfer law to allow more time
4 for the implementation of the law along with the de-
5 velopment of departmental rules describing the scope
6 of the investigation necessary for compliance.

7 This amendment removes the requirement that the
8 system inspector, a licensed soil evaluator or a li-
9 censed plumbing inspector, make a finding on the
10 functioning status of the system. The inspection
11 shall determine the system's compliance with the
12 Maine State Plumbing Code and will result in a report
13 of these facts to the buyer.

14 The amendment also provides protection for all
15 transfers of shoreland property that have occurred
16 between September 29, 1987, the effective date of the
17 original law, Public Law 1987, chapter 381, and the
18 effective date of this bill.'

19

3814100987

Filed by Rep. Michaud of E. Millinocket
Reproduced and distributed under the direction of the Clerk of the
House
10/9/87 (Filing No. H-420)