

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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square feet in size may be used for single family residential purposes if approved by the State Department of Health and Welfare on the bases of percolation tests, soil type, soil observation holes made in a representative manner, and recommendations by a registered engineer. The results of such tests and the engineering recommendations shall be submitted in a written report by the landowner to the State Department of Health and Welfare for approval. The department shall issue a written notice of its decision within 30 days after a proposed use of such lot has been submitted, and if its disapproval is indicated, reasons for the same shall be listed. Single family dwellings in existence prior to the effective date of this Act and lots of less than 20,000 square feet for which a plan has been recorded prior to January 1, 1970 shall be exempt from the provisions hereof. The State Department of Health and Welfare shall charge \$10 per lot to service applications for approval, but not more than \$50 for any one subdivision. Any structures erected in violation of this section shall constitute a nuisance which may be abated by either public or private action.

#### SUBCHAPTER IV

#### APPEALS

##### § 689. Appeal to Superior Court

An appeal may be taken by any aggrieved party from any decision of the commission including without limitation the refusal of the commission to grant a building or subdivision permit or from the granting of such permit upon conditions thought to be unreasonable, or from any decision of the State Department of Health and Welfare pursuant to section 688, to the Superior Court of the county in which the affected lands are located. Such appeal must be taken within 45 days of receipt of notice of the action of the commission or department and shall be tried and determined by the court without a jury in the manner and with the rights provided by law in other actions so heard. The court may affirm, set aside or modify the acts of the commission or department being appealed from. Costs may be awarded to the prevailing party by the court as justice requires. An appeal from the decision of the Superior Court to the law court may be taken as provided by law.

Effective October 1, 1969

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### Chapter 495

#### AN ACT Relating to Town's Matching Funds for Reconstructing State Aid Highways.

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

R. S., T. 23, § 1104, amended. The first paragraph of section 1104 of Title

23 of the Revised Statutes, as amended by section 1 of chapter 439 of the public laws of 1967, is further amended to read as follows:

If any town shall in a single year increase its appropriation for state aid roads to an amount of 4 or 6 times the maximum amount which it may annually appropriate under section 1101 for use only in reconstructing improved state aid highways, the commission shall from any balance of said fund for state aid highways, and subject to section 1105, apportion a like increase of state aid.

Effective October 1, 1969

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## Chapter 496

### AN ACT to Provide a More Equitable Method of Distributing School Subsidy.

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

Sec. 1. R. S., T. 20, c. 511, repealed. Chapter 511 of Title 20 of the Revised Statutes, as amended, is repealed.

Sec. 2. R. S., T. 20, c. 512, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 512, to read as follows:

#### CHAPTER 512

#### GENERAL PURPOSE AID

##### § 3731. General purpose aid, defined

To help equalize educational opportunity and to assist administrative units in providing an adequate educational program for all pupils a sum of money shall be distributed through an equalization formula. It is declared to be the intent of the Legislature that the sum to be distributed through the equalization formula shall equal at least  $\frac{1}{3}$  of the average per pupil operating cost for all public schools in the State. Operating costs shall cover the fiscal year which precedes the convening of the Legislature. They shall include all expenditures except transportation, community services, capital outlay items and debt service, reduced by tuition receipts. In addition to the sum of money distributed under the equalization formula, each unit shall be reimbursed a percentage of its expenditures for the transportation, board of pupils, school bus purchases and the education of handicapped pupils.

From the aid computed for each unit shall be deducted a sum of money which shall be paid directly to the superintendent of schools under section