

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Fourth Legislature

AT THE
SPECIAL SESSION

January 6, 1970
to
February 7, 1970

as enacted by section 8 of chapter 470 of the public laws of 1969, is amended to read as follows:

The powers and duties of the state authority, except those enumerated in subsection \mp 2, paragraph B, shall be vested solely in the director of the state authority.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 3, 1970

Chapter 565

AN ACT Providing for Immunity to Members of Ski Patrols in Emergency Cases.

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

R. S., T. 14, § 164, additional. Title 14 of the Revised Statutes is amended by adding a new section 164, to read as follows:

§ 164. Immunity for ski patrols

Notwithstanding any inconsistent provision of any general, special or local law, any person who is registered as a member of a ski patrol within the National Ski Patrol System and who voluntarily and without the expectation of monetary compensation from the person aided or treated renders first aid, initial emergency medical aid procedures or emergency treatment at a ski area to a person who is unconscious, ill or injured shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid, initial emergency medical aid procedures or emergency treatment, unless it is established that such injuries were or such death was caused willfully, wantonly or by gross negligence on the part of such person. This section shall not exempt such a member of a ski patrol within the National Ski Patrol System from negligence while operating a motor vehicle.

Effective May 9, 1970

Chapter 566

AN ACT Relating to Easements in Lands.

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

Sec. 1. R. S., T. 33, § 667, additional. Title 33 of the Revised Statutes is amended by adding a new section 667, as follows:

§ 667. Conservation restrictions; defined

A conservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land or in any order of taking, appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition, or as suitable habitat for fish and wild life, to forbid or limit any or all:

1. Structures. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground.

2. Landfill. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials.

3. Vegetation. Removal or destruction of trees, shrubs or other vegetation.

4. Loam, gravel, etc. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface.

5. Surface use. Surface use except for purposes permitting the land or water area to remain predominantly in its natural condition.

6. Acts detrimental to conservation. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or fish and wild life habitat preservation, or

7. Other acts. Other acts or uses detrimental to such retention of land or water areas.

Sec. 2. R. S., T. 33, § 668, additional. Title 33 of the Revised Statutes is amended by adding a new section 668, as follows:

§ 668. — —: acquisition, effect, recording and release of restrictions

No conservation restriction as defined in section 667 held by any governmental body, whose purposes include conservation of land or water areas or of a particular such area, shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or being assigned to any other governmental body with like purposes. All such restrictions shall be duly recorded and indexed in the registry of deeds for the county where the land lies so as to affect its title, in the manner of other conveyances of interests in land, and shall describe the land subject to said restrictions by adequate legal description or by reference to a recorded plan showing its boundaries.

Such conservation restrictions are interests in land and may be acquired by any governmental body which has power to acquire interests in land, in the same manner as it may acquire other interests in land. Such a restriction may be enforced by injunction or proceeding in equity, and shall entitle representatives of the holder of it to enter the land in a reasonable manner and at

reasonable times to assure compliance. Such a restriction may be released, in whole or in part, by the holder for such consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, subject, to such conditions as may have been imposed at the time of creation of the restriction.

This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable. Nothing in this section or section 667 shall diminish the powers granted by any general or special law to acquire by purchase, gift, eminent domain or otherwise and to use land for public purposes.

Effective May 9, 1970

Chapter 567

AN ACT Relating to Waste Discharge License Provisions.

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

R. S., T. 38, § 414, sub-§ 1, ¶ B, amended. The last sentence of the first paragraph of paragraph B of subsection 1 of section 414 of Title 38 of the Revised Statutes, as repealed and replaced by section 10 of chapter 499 of the public laws of 1969, is amended to read as follows:

The hearing shall be held by not less than 3 members of the commission, and evidence taken and received which shall include but not be limited to the applicant's financial ability to meet the State's water pollution control standards and shall have the same effect as though taken and received by the full commission and shall authorize action by the full commission as though by it taken and received.

Effective May 9, 1970

Chapter 568

AN ACT to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations.

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

R. S., T. 22, § 2383, sub-§ 3, additional. Section 2383 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, is amended by adding a new subsection 3, to read as follows:

3. Enforcement. Any sheriff, deputy sheriff, municipal or state police officer, if he has probable cause to believe that a violation of this section has taken place or is taking place, may arrest without a warrant, any person for violation of this section whether or not that violation was committed in his presence.

Effective May 9, 1970