

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)

ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

subtitle IV or other nonwelfare programs as authorized by the Cumberland County legislative delegation. They may assist in, contribute to and participate in the provision of a paid social services program through agreements between public or nonprivate organizations and the Department of Health and Welfare.

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

Effective June 8, 1973.

CHAPTER 464

AN ACT to Prohibit Outdoor Motion Picture Theatres from Exhibiting Motion Pictures Portraying Certain Sexual Conduct in such a Manner that the Exhibition is Visible from Public Ways or Places of Public Accommodation.

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

Whereas, it is essential to the health and welfare of minors that outdoor motion picture theatres be prohibited from exhibiting motion pictures depicting certain sexual conduct which is deemed harmful to minors in such a manner that such exhibition is visible by minors from or in any public street, highway, sidewalk, thoroughfare, private residence or place of public accommodation; and

Whereas, the season of the year in which outdoor motion picture theatres customarily operate has already begun; 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 preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 8, § 665, additional. Title 8 of the Revised Statutes is amended by adding a new section 665, to read as follows:

§ 665. Exhibitions visible by minors

Whoever, as owner or manager of an outdoor motion picture theatre, exhibits, with knowledge of its character and content, and in such a manner that the exhibition is visible by minors from or in any public street, highway, sidewalk, thoroughfare, private residence or place of public accommodation, a motion picture which, in whole or in part, depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse and which is harmful to minors, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

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

Effective June 8, 1973

CHAPTER 465

AN ACT to Amend Municipal Regulation of Land Subdivision Law.

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

Sec. 1. R. S., T. 30, § 4956, sub-§§ 1 and 2, repealed and replaced. Subsections 1 and 2 of section 4956 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 454 of the public laws of 1971, are repealed and the following enacted in place thereof:

1. **Defined.** A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, order of court or gift to a relative, unless the intent of such gift is to avoid the objectives of this section.

In determining whether a parcel of land is divided into 3 or more lots, land retained by the subdivider for his own use as a single family residence for a period of at least 5 years shall not be included.

No sale or lease of any lot or parcel shall be considered as being a part of a subdivision if such a lot or parcel is 40 acres or more in size, except where the intent of such sale or lease is to avoid the objectives of this statute.

2. **Municipal review and regulation.**

A. Reviewing authority. All requests for subdivision approval shall be reviewed by the municipal planning board, agency or office, or if none, by the municipal officers, hereinafter called the municipal reviewing authority.

B. Regulations. The municipal reviewing authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of such hearing.

C. Record. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

D. Hearing; order. In the event that the municipal reviewing authority determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which