

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Sixth Legislature

AT THE  
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

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## CHAPTER 777

### AN ACT Relating to Transporting School Children to Other Than Public Schools.

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

Sec. 1. R. S., T. 30, § 5104, sub-§ 5, amended. The first paragraph of subsection 5 of section 5104 of Title 30 of the Revised Statutes is amended to read as follows:

Providing for the transportation of school children to and from schools other than public schools, except such schools as are operated for profit in whole or in part ~~subject to the following conditions:~~

Sec. 2. R. S., T. 30, § 5104, sub-§ 5, ¶ C, repealed. Paragraph C of subsection 5 of section 5104 of Title 30 of the Revised Statutes is repealed.

Effective June 28, 1974

## CHAPTER 778

### AN ACT Establishing a State Register of Critical Areas.

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

Sec. 1. R. S., T. 5, c. 312, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 312 to read as follows:

### CHAPTER 312

#### STATE REGISTER OF CRITICAL AREAS

##### § 3310. Title

This chapter shall be known and may be cited as the "Act for a State Register of Critical Areas."

##### § 3311. Findings; declaration of purpose

The Legislature finds that the State of Maine has an overriding interest in the optimum development and preservation of certain land and water areas of the State. It is hereby found and determined that sites or areas of unusual natural, scenic, scientific or historical significance are areas of such overriding state interest. It shall be the policy of the State to encourage the preservation and utilization of these areas through land use planning, regulation and protective acquisition or management as appropriate, commensurate with controlled economic growth and development. These areas of unusual natural, scenic, scientific or historical interest should be inventoried to facilitate their preservation for present and future generations. This task has been begun by certain state agencies, as well as private groups. The Legislature directs that a state-wide inventory and an official, authoritative listing of such natural, scenic, scientific and historical areas of overriding state interest be

made by the State Planning Office as part of its overall responsibility for comprehensive state-wide planning and coordination of the planning and conservation efforts of state and local agencies. The official listing shall be known as the "Register of Critical Areas" and may be referred to as the "register."

A Critical Areas Advisory Board shall be created to advise the State Planning Office in the identification of areas to be included in the register and to coordinate the use and enhance the conservation of all designated critical areas included in said register.

### § 3312. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. Advisory board. "Advisory board" shall mean the Maine Critical Areas Advisory Board hereinafter created.

2. Critical areas. "Critical areas" mean areas containing or potentially containing plant and animal life or geological features worthy of preservation in their natural condition, or other natural features of significant scenic, scientific or historical value.

3. Register of Critical Areas. "Register of Critical Areas" means the official record and inventory of natural areas established and maintained by the State Planning Office.

### § 3313. Maine Critical Areas Advisory Board

There is hereby created a Maine Critical Areas Advisory Board to advise and assist the State Planning Office in the establishment and maintenance of the Register of Critical Areas. The Maine Critical Areas Advisory Board, hereinafter in this chapter referred to as the "board," shall be appointed by the Governor with the approval of the Council and shall be convened by the State Planning Office and shall consist of 11 members, one of whom shall be a permanent member.

1. Permanent member. The one permanent member of the board shall be the appointed designee or the director of the State Planning Office.

2. Additional members. There shall be 10 additional members of the board who shall serve for terms of 3 years respectively, except that initially, 3 members shall be appointed whose terms shall expire at the end of one year, 3 members whose terms shall expire in 2 years, and 4 members whose initial terms will expire at the end of 3 years.

3. Officers. The board shall annually select from its membership a chairman and a secretary, and said board shall meet not less than twice a year at the call of the chairman or a majority of the members. The State Planning Office shall furnish clerical, technical and other services required by the board in the performance of its official duties.

4. Quorum; records. A quorum of the board for the transaction of business shall be 7 members. The secretary of the board shall keep a record of all proceedings of the board, which record shall be a public record.

5. Rules and regulations. The board may adopt and promulgate rules and regulations governing the conduct of its business.

6. Expenses. Members of the board shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

#### § 3314. Register of Critical Areas

1. Register of Critical Areas. The State Planning Office, with the advice and approval of the board, shall establish a Register of Critical Areas, which shall contain an inventory of sites and areas of significant natural, scenic, scientific or historic value duly classified as "critical areas" as defined in section 3312. In determining the classification of an area or site as a critical area, the State Planning Office shall consider, inter alia:

- A. The unique or exemplary natural qualities of the area or site;
- B. The intrinsic fragility of the area or site to alteration or destruction;
- C. The present or future threat of alteration or destruction;
- D. The economic implications of inclusion of a critical area in the register.

2. Landowner consultation. No area or site classified as a critical area shall be included in the register without notification of the landowner at least 60 days prior to such classification. Each critical area listed in the register shall include:

- A. A general description of the area or site;
- B. A list of its unique or exemplary qualities and reasons for inclusion in the register;
- C. Its size and location;
- D. The name or names of the property owner, contingent upon the consent of the owner.

3. Recommendations. The State Planning Office shall recommend to appropriate state agencies which possess the authority to acquire property rights, through devise, gift, purchase, or otherwise, and which also possess the authority to contract with private property owners, the acquisition of property rights or the establishment of management agreements which will insure the protection of critical areas on the register whose natural qualities are threatened with adverse alteration or destruction. The State Planning Office may also recommend the acquisition of property rights or consummation of contractual management agreements regarding any critical area listed in the register to any state agency, political subdivision of the State or private citizens who have demonstrated interest in the protection of critical areas.

4. Alterations. The Critical Areas Advisory Board shall be advised by the present or prospective owner of any proposed alteration or change in the use or character of any area listed in the Register of Critical Areas. No alteration or change in use or character shall take place for 60 days subsequent to such notification unless a release is issued by the Critical Areas Advisory Board.

5. Removal of listed areas. The State Planning Office, with the advice and approval of the Maine Critical Areas Advisory Board, may remove any critical area listed in the register, when it shall determine that such protection as afforded under inclusion in the register is no longer necessary or appropriate.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$30,000 for the fiscal year ending June 30, 1975 to carry out the purposes of this Act.

Effective June 28, 1974

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## CHAPTER 779

### AN ACT Establishing a Full-time Administrative Assistant for the State Parole Board.

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

Whereas, the work load of the State Parole Board has increased; and

Whereas, the board now meets approximately 65 times each year; and

Whereas, it is necessary to provide the board with full-time assistance in order that they may properly carry out their statutory responsibilities; 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:*

Sec. 1. R. S., T. 34, § 1553, additional. Title 34 of the Revised Statutes is amended by adding a new section 1553, to read as follows:

#### § 1553. Administrative assistant

The Parole Board shall appoint an administrative assistant who shall serve at the pleasure of the board. The administrative assistant shall devote full time to his duties and shall be compensated in such amount as is determined by the Governor and Council. Subject to the regulations of the board, the administrative assistant may conduct a preliminary hearing with an inmate