

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.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

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

Effective June 12, 1975

CHAPTER 447

AN ACT to Permit the Board of Environmental Protection to Accept Municipal Subdivision Permits in Lieu of Site Location Review.

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

38 MRSA § 489 is enacted to read:

§ 489. Municipal review of subdivisions

1. A municipality may apply to the Board of Environmental Protection, on forms provided by the board, for authority to substitute permits issued pursuant to Title 30, section 4956 for permits required by section 483 for subdivisions more than 20 acres but less than 100 acres. The board shall grant such authority if it finds that the municipality has:

- A. Established a planning board;
- B. Developed a suitable application;
- C. Made provisions by ordinance or regulation for prompt notice to the board upon receipt of the application, written notification to the applicant and the board of the issuance of or denial of a permit, stating the reason therefor, public notice and satisfactory hearing procedures.

In the event that the board finds that a municipality has failed to satisfy one or more of the above listed criteria, it shall notify the municipality accordingly and make recommendations through which it may establish compliance. The municipality may then submit a modified application for approval.

If at any time the board determines that a municipality has failed to exercise its permit granting authority in accordance with its approved procedures or the purposes of this Article as embodied in the standards set forth in section 484 and Title 30, section 4956, it shall notify the municipality of the specific alleged deficiencies and shall order a public hearing, of which adequate public notice shall be given, to be held in the municipality, to solicit public or official comment thereon. Following such hearing, if it finds that such deficiencies will persist, it shall revoke the municipality's permit granting authority.

In the event that a municipality has the authority granted by this Act revoked by the board, it may reapply to the board for such authority at any time.

2. Within 30 days after receipt of a completed application for a permit for a subdivision, the municipality shall either issue the permit or deny the permit setting forth the reasons therefor or order a hearing thereon within 30 days

of the order, for which hearing adequate public notice shall be given. Within 30 days after the adjournment of such hearings, the municipality shall either issue the permit or deny the permit setting forth the reasons therefor.

3. No permit issued by a municipality shall become effective until 30 days subsequent to its issuance. A copy of the application for the permit, the permit issued by the municipality and its findings on review of the application shall be sent to the board immediately upon its issuance by certified mail. The board shall review such permit and either approve, deny or modify it as it deems necessary. Failure of the board to act within 30 days of the issuance of the permit by the municipality shall constitute its approval and the permit shall be effective as issued.

4. In the event that a permit applied for is denied either by a municipality or the Board of Environmental Protection, the applicant may request a hearing before either of the above with reasonable public notice given.

5. If a proposed subdivision is located in more than one municipality, the authority provided in subsection 1 shall not apply.

Effective October 1, 1975

CHAPTER 448

AN ACT Relating to Benefits under the Employment Security Law.

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

26 MRSA § 1192, sub-§ 9 is enacted to read:

9. No denial of benefits for jury service. Benefits shall not be denied to an individual solely because he is selected to serve as a juror. Individuals, who receive actual earnings for jury service, shall be paid a partial benefit in an amount equal to his weekly benefit amount less that amount earned for jury service.

Effective October 1, 1975

CHAPTER 449

AN ACT to Require the Carrying of a Concealed Weapons License when a Concealed Weapon is Carried.

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

Sec. 1. 25 MRSA § 2031, first ¶, as last amended by PL 1973, c. 396, is further amended by adding before the last sentence the following:

Every licensee shall have his license in his immediate possession at all times when carrying a concealed weapon and shall display the same upon demand of any law enforcement officer. No person charged with failure to have his license in his immediate possession while carrying a concealed weapon shall