

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

the "municipal officers" and references to the "state" shall mean the "municipality."

Any person aggrieved by the determination of the damages awarded to owners of property or interests therein under this chapter may, within 60 days after the day of taking, appeal to the Superior Court in the county where the property lies. The court shall determine damages by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest where such is due, and for costs in favor of the party entitled thereto.

Any person aggrieved by the action or nonaction of municipal officers or the municipal legislative body in proceedings under this chapter, other than a determination of damages, may appeal to the Superior Court in the county where the property lies, pursuant to Rule 80B of the Rules of Civil Procedure.

§ 3030. Purchase; prescription

Nothing in this chapter shall be construed to abridge the authority of a municipality to acquire property or interests therein for highway purposes by purchase, or to modify the law relating to acquisition of property by a municipality through prescriptive use.

Sec. 9. 23 MRSA c. 309, as amended, is repealed.

Effective July 29, 1976

CHAPTER 712

AN ACT to Redefine "Subdivision" in the Site Location and Development Act.

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

38 MRSA § 482, sub-§ 5, as enacted by PL 1971, c. 613, § 3, is repealed and the following enacted in place thereof:

5. Subdivision. A "subdivision" is the division of a parcel of land into 5 or more lots to be offered for sale or lease to the general public during any 5-year period if such lots make up an aggregate land area of more than 20 acres except for the following:

A. All the lots are at least 10 acres in size;

B. All the lots are at least 5 acres, and the municipality has adopted additional regulations governing subdivisions pursuant to Title 30, section 4956, and the lots less than 10 acres are of such dimensions as to accommodate

within the boundaries of each a rectangle measuring 200 feet and 300 feet, which abuts at one point the principal access way or the lots have at least 75 feet of frontage on a cul-de-sac which provides access; or

C. All the lots are at least 5 acres, but do not make up a total of more than 100 acres and the lots less than 10 acres are of such dimensions as to accommodate within the boundaries of each a rectangle measuring 200 feet and 300 feet, which abuts at one point the principal access way or the lots have at least 75 feet of frontage on a cul-de-sac which provides access.

Effective July 29, 1976

CHAPTER 713

AN ACT to Revise the Potato Licensing Law.

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

Sec. 1. 7 MRSA § 1015, 5th ¶, as enacted by PL 1971, c. 366, is amended to read:

Each license shall plainly state the name and business address or addresses of the licensee and shall be posted in a conspicuous place in each office where the business is transacted. The initial fee for each license shall be ~~\$50~~ \$80. Such license shall be automatically renewed for successive periods of one year each upon payment of the renewal fee which shall be ~~\$25~~ \$80. If the licensee desires to carry on business in more than one place within the State, he shall procure additional copies of the license, certified by the commissioner, for each place where the business is to be conducted. The fee for each such certification shall be ~~\$2~~ \$80.

Sec. 2. 7 MRSA § 1017, sub-§ 4, is enacted to read:

4. Notification of insufficient or no payment. Producers may notify the Department of Agriculture of insufficient or no payment for potatoes delivered to any processor in the State in violation of subsection 1, paragraph B.

A. Action by the commissioner. The Commissioner of Agriculture or his agent, upon notification by producers of insufficient or no payment shall immediately investigate the complaint and shall hold a hearing within 10 days from the date the complaint was filed, unless such hearing is waived by the processor against whom the charge has been made. The processor accused of nonpayment shall provide the commissioner with a copy of the contract, if any, and all other materials and information to enable the commissioner to carry out the provisions of this section. Upon finding, after investigation that the processor has violated the contract, express or implied, the commissioner shall require the processor to post a bond sufficient to cover the debt owed to the producer or producers.