

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**FIRST REGULAR SESSION**  
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ONE HUNDRED AND EIGHTH LEGISLATURE  
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25 MRSA § 2402 is enacted to read:

§ 2402. Limited immunity

In the absence of fraud or malice, no insurance company or person who furnished information on its behalf to the Attorney General or his designee is liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made pursuant to investigations authorized pursuant to this chapter.

Effective October 24, 1977

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## CHAPTER 276

### AN ACT Clarifying the Saco River Corridor Commission Statutes.

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

Whereas, thousands of persons use the Saco River annually for canoe trips, from several hours to several days in duration; and

Whereas, many of these canoeists build campfires on private lands after receiving advice and instruction together with permits from local or state fire wardens; and

Whereas, during the past 12 years that these permits have been issued there have been no campfire-caused woods fires along the Saco River; and

Whereas, the Attorney General of the State has determined that the local and state wardens were issuing permits without authority; and

Whereas, a campfire permit system is necessary for the summer season of 1977 in order to provide continuity with prior and future years; 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.** 12 MRSA § 1201, as last amended by PL 1973, c. 460, § 18, is further amended by inserting before the last paragraph the following:

**Saco River Corridor.** Solely for the purpose of the issuance of permits pursuant to section 1402, the lands within Oxford County within the Saco River Corridor, private and special laws of 1973, chapter 150, as amended, are included within the Maine Forestry District. The annual district tax provided by section 1601 shall not be assessed for these lands included within the Maine Forestry District for this limited purpose.

Sec. 2. P & SL 1973, c. 150, § 2, sub-§ 6 is repealed and the following enacted in its place:

6. **Building.** "Building" means any structure, regardless of the materials of which it is constructed, which has a roof or partial roof supported by columns or walls, used or intended to be used for the habitation, enclosure or shelter of persons or animals or to provide uses which include, but are not limited to, working, office, display, sales, storage or parking space.

Sec. 3. P & SL 1973, c. 150, § 2, sub-§ 7 is amended to read:

7. **Development.** "Development" means the carrying out of any significant earthmoving, grading, dredging, filling, building, construction or mining operation; the deposit of refuse or solid or liquid wastes on a parcel of land other than agricultural utilization of animal wastes; the making of any material change in noise levels, thermal conditions or emissions of waste material; the commencement or change in the location of advertising; or the alteration of a shore, bank or floodplain of an estuary, river or pond.

Sec. 4. P & SL 1973, c. 150, § 2, sub-§ 13 is repealed and the following enacted in its place:

13. **Mean high waterline.** "Mean high waterline" means the average high tide level.

Sec. 5. P & SL 1973, c. 150, § 2, sub-§ 14-A is enacted to read:

14-A. **Public right of way.** "Public right of way" is an improved roadway maintained for passage by motor vehicles in which the owner of fee does not control the right of passage.

Sec. 6. P & SL 1973, c. 150, § 2, sub-§ 15 is amended to read:

15. **Structure.** "Structure" means ~~anything~~ any object of a significant nature constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, ~~including, but not limited to~~ which may include but is not limited to, buildings, mobile homes, walls, fences, billboards, signs, piers and floats.

Sec. 7. P & SL 1973, c. 150, § 13, sub-§ 3, ¶ E, as enacted by P & SL 1973, c. 208, § 7, is amended to read:

E. Single family residences and accessory structures meeting all of the following ~~criteria~~ performance standards:

(1) The minimum lot frontage on the river measured at the normal or mean high water line shall be 100 feet;

(2) The minimum setback of any building from the river shall be 100 feet from the normal or mean high water line;

(3) The combined river frontage and setback of any building shall be not less than 500 feet;

(4) The structures and fill shall not encroach on the 100-year floodplain ;

(5) Where there is an accepted road or public right of way as of the effective date of this Act within 500 feet the normal or mean high water mark of the river with different land ownership on either side of the road or public right of way, the landowner on the far side of the road or public right of way from the river shall have an aggregate of setback from the river and frontage on the far side of the road or public right of way equal to 500 feet ;

(6) Where there is a recorded subdivision as of the effective date of the Act, frontage, for the purposes of determining compliance with this section, shall mean lot frontage on the side of the lot nearest to and most nearly parallel to the river ;

(7) Where a landowner, as of the effective date of the Act, owns a lot abutting land owned by a public utility, and such public utility land lies between the abutting landowners lot and the river, frontage, for the purpose of determining compliance with this section, shall mean the frontage on the side of the lot abutting such public utility land which is nearest to and most nearly parallel to the river.

Sec. 8. P & SL 1973, c. 150, § 16, 3rd ¶, as enacted by P & SL 1973, c. 208, § 7, is amended to read :

If 2 or more contiguous lots or portions thereof are in single ownership at on or after the effective date of, or amendment of, this Act, and if all or part of the lots do not meet the criteria of lot width, area, frontage or other measure required under this Act, or if a building thereon could not meet the aggregate requirements established by this Act, the lots involved shall be considered to be one parcel for the purposes of this Act.

Sec. 9. P & SL 1973, c. 150, § 26, last ¶, 3rd and 4th sentences, as repealed and replaced by P & SL 1973, c. 208, § 7, are amended to read :

The owner of a building lot of record which is wholly within the corridor on the effective date of this Act shall be entitled to a variance for a single family residence which may be granted by the commission without public hearing. Any variance granted by the commission may be granted subject to such reasonable conditions concerning matters enumerated in section ~~16~~ 19 as the commission finds necessary to avoid the dangers enumerated in section ~~15~~ 15.

Sec. 10. P & SL 1973, c. 150, § 27, last ¶, 1st sentence, as enacted by P & SL 1973, c. 208, § 7, is amended to read :

The owner of a building lot of record which is wholly within the corridor on the effective date of this Act shall be entitled to a variance for a single family residence which may be granted by the commission without public hearing.

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