# 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

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TITLE 3, SECTION 164, SUBSECTION 6.

# PUBLIC LAWS

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1977

an International Standards Organization-American National Standards Institute scale, or is not able to hear and understand more than 40% of the words on a standardized word discrimination test using a list of phonetically balanced words at appropriate intensity levels through a speech audiometer.

2. Developmentally disabled. A person shall be considered developmentally disabled who has a disability which:

A. Is attributable to:

(1) Mental retardation, cerebral palsy, epilepsy or autism;

(2) Any other condition found to be closely related to mental retardation, because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment or services similar to those required for such persons; or

(3) Dyslexia resulting from a disability described in paragraph (1) or (2);

B. Originates before such person attains age 18;

C. Has continued or can be expected to continue indefinitely; and

D. Constitutes a substantial handicap to such person's ability to function normally in society.

Effective October 24, 1977

# CHAPTER 280

AN ACT to Amend the Law Providing for Variances from Zoning Laws.

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

30 MRSA § 4963, sub-§ 3, as enacted by PL 1971, c. 455, § 2, is repealed and the following enacted in its place:

3. Variance. A variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:

A. That the land in question cannot yield a reasonable return unless a variance is granted;

B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

C.   That the granting of a variance will not alter the essential character of the locality.

A municipality may, in a zoning ordinance, adopt additional standards for the granting of a variance, including, but not limited to, a provision that a variance may only be granted for a use permitted in a particular zone.

Effective October 24, 1977

# CHAPTER 281

### AN ACT Concerning Record Checks on Applicants for Employment with Fire Departments.

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

16 MRSA § 602, sub-§ 4 is enacted to read:

4.   Dissemination; fire departments.   Nothing in this chapter shall be construed to prevent the dissemination of criminal history record information to any fire department within the State for the sole purpose of verifying the good character and record of applicants for positions with that fire department. Any criminal history record information disseminated for this purpose shall be used solely for that purpose and shall not be disseminated further.

Effective October 24, 1977

# CHAPTER 282

## AN ACT Concerning the Municipal Refund Claims for the Tree Growth Reimbursement.

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

36 MRSA § 578, sub-§ 1, as last amended by P&SL 1975, c. 78, § 21, is repealed and the following enacted in its place:

1.   Organized areas.   The municipal assessors or chief assessor of a primary assessing area shall adjust the State Tax Assessor's 100% valuation per acre for each forest type of their county by whatever ratio, or percentage of current just value, is then being applied to other property within the municipality to obtain the assessed values. Forest land in the organized areas, sub-