

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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2-D. Reconstruction of existing building project. "Reconstruction of existing building project" means any building which is at least 50 years old which is remodeled, reconstructed or rehabilitated for commercial use, together with all lands, property, rights, rights-of-way, franchises, easements and interests in lands which may be acquired by the municipality or a user for completion of the project.

Sec. 4. 30 MRSA § 5326, sub-§ 5, as last amended by PL 1979, c. 688, § 9, is further amended by adding at the end a new sentence to read:

In the case of a reconstruction of an existing building project, cost of construction includes the cost of reconstruction or remodeling and all other costs as defined by this subsection.

Sec. 5. 30 MRSA § 5328, sub-§ 4-E is enacted to read:

4-E. Reconstruction of existing building project. In the case of an existing building project, the authority may not issue a certificate of approval until it has determined:

A. That the project will result in the reconstruction, remodeling or rehabilitation of any existing building which is at least 50 years old to be used for commercial purposes such as retailing, business and professional office space;

B. That the building is located in an existing commercial area of a municipality in which a substantial public benefit will result from reconstructing, remodeling or rehabilitating the building rather than removing the building for new construction, or to allow its continued deterioration; and

C. That the reconstruction, remodeling or rehabilitation was completed after January 1, 1981.

Effective September 18, 1981

CHAPTER 341

H. P. 775 — L. D. 920

AN ACT to Encourage Solar Easements.

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

33 MRSA c. 28 is enacted to read:

CHAPTER 28

SOLAR EASEMENTS

§ 1401. Establishment of solar easements

Any easement obtained for the purpose of ensuring access to direct sunlight must be created in writing and must be in interest in real property that may be acquired and transferred and shall be recorded and indexed in the same way as other conveyances of real property interests. Solar easements must be appurtenant and run with the land benefited and burdened, and are subject to court decreed abandonment and other limitations provided by law.

§ 1402. Contents of solar easements

1. **Instrument creating easement; description; terms.** Any instrument creating a solar easement may include, but the contents shall not be limited to, either or both of the following:

- A. A definite and certain description of the space affected by the easement;
- B. Any terms or conditions, or both, under which the solar easement is granted or will be terminated.

2. **Map.** The easement may contain a map showing the affected properties and the area protected by the easement. In the case of an inconsistency between the written easement and the map, the written easement shall control.

Effective September 18, 1981

CHAPTER 342

H. P. 879 — L. D. 1048

AN ACT to Provide for an Offset for Holiday Pay under the Employment Security Law.

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

Sec. 1. 26 MRSA § 1191, sub-§ 2, as last amended by PL 1971, c. 538, § 21, is further amended by adding at the end a new paragraph to read:

The amount of benefits payable to an eligible individual with respect to any week of total unemployment shall be reduced by the amount of any holiday pay which the individual has received or is entitled to receive for that week.