

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

**SECOND SPECIAL SESSION**

September 25, 1981

AND

**THIRD SPECIAL SESSION**

December 9, 1981

AND

**SECOND REGULAR SESSION**

January 6, 1982 to April 13, 1982

AND AT THE

**FOURTH SPECIAL SESSION**

April 28, 1982 to April 29, 1982

AND AT THE

**FIFTH SPECIAL SESSION**

May 13, 1982

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

---

J.S. McCarthy Co.  
Augusta, Maine  
1981

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

---

The statement shall read as follows:

"ANATOMICAL GIFT

organ  
donor

The decal affixed hereto indicates a willingness on the part of the licensee to make an anatomical gift upon his death."

At the time of issuance of a first license or renewal to any person 18 years of age or older the Secretary of State shall make available a decal indicating "organ donor," which may be affixed to the license by the licensee to indicate a willingness to make an anatomical gift under Title 22, chapter 710.

Sec. 3. PL 1981, c. 506, §§5 and 6 are repealed and the following enacted in their place:

Sec. 5. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	<u>1981-82</u>	<u>1982-83</u>
<u>SECRETARY OF STATE, DEPARTMENT OF</u>		
<u>Motor Vehicle Division</u>		
<u>Positions</u>	<u>(8)</u>	<u>(8)</u>
<u>Unallocated</u>	<u>\$41,910</u>	<u>\$319,528</u>

Sec. 6. Effective date. Section 5 of this Act shall take effect on January 1, 1982. Sections 1 to 4 of this Act shall take effect on July 1, 1982.

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

Effective April 6, 1982.

---

---

**CHAPTER 640**

H.P. 2264 - L.D. 2111

AN ACT to Permit and Regulate the Location of Group Homes in Residential Districts.

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

30 MRSA §4962-A is enacted to read:

§4962-A. Community living arrangements

1. Legislative intent. It is the intent of the Legislature that this section shall affect only single-family residential zones within municipalities. It is also the intent of the Legislature that persons seeking to site a community living use within a community shall investigate possible sites throughout the community and not limit their consideration to single-family residential zones.

2. Permitted or conditional community living use; definition. In order to implement the policy of this State that mentally handicapped or developmentally disabled persons should not be excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a "community living use" shall be considered a permitted or conditional single-family residential use of property for the purposes of zoning. As used in this section, "community living use" means a state-approved, authorized, certified or licensed group home, or intermediate care facility for mentally retarded group home, for 8 or fewer mentally handicapped or developmentally disabled persons.

3. Hearing. A municipality shall, within 30 days of action by the office charged with the enforcement of the zoning ordinance on an application to establish a community living use within a single-family residential zone, hold a public hearing; unless a community living use is a permitted use within the single-family residential zone. The failure to hold the public hearing required by this subsection within the 30 days, unless that time period is extended by mutual agreement of the parties, shall constitute approval of the application.

A. The public hearing shall be conducted by the body authorized by the municipality to act as a zoning board of appeals, and interested parties shall be notified. The notice period and procedure for zoning appeals, as established by the municipality, shall meet the notice requirements of this section.

B. The board of appeals shall receive public comment on the proposed community living use. The board may modify or disapprove the application only upon a finding of one or more of the following:

(1) That the proposed use would create or

aggravate a traffic hazard;

(2) That the proposed use would hamper pedestrian circulation;

(3) That the proposed use would not permit convenient access to commercial shopping facilities, medical facilities, public transportation, fire protection or police protection;

(4) That the proposed use would not be in conformance with applicable building, housing, plumbing and other safety codes, including municipal minimum lot size and building set-back requirements for new construction; or

(5) That the proposed use would not be in conformance with the density requirements of subsection 4.

4. Density. Density regulation of community living uses is intended to permit the location of these uses within a municipality while ensuring that they will not become overly concentrated in neighborhoods to the detriment of either the neighborhoods or those residing in the uses.

No state agency may approve, authorize, certify or license a community living use, nor shall the board of appeals, pursuant to an authorized public hearing, approve an application for a community living use, if:

A. A proposed community living use would be located within 1,500 feet of an existing community living use; or

B. A proposed community living use would result in the excessive concentration of these uses within the zone or municipality.

Density regulations may be waived by the board of appeals for adjacent community living uses providing essential components of a single program.

5. Appeals. Any decision by the board of appeals under this section may be appealed in accordance with section 2411, subsection 3, paragraph F.

6. Applicability. Except for the density requirements of subsection 4, this section shall not apply to community living uses authorized, certified or licensed prior to the effective date of this section, nor to community living uses for which application has been made prior to that date, nor

to facilities licensed by the Department of Human Services under Title 22, section 8101, subsections 1 to 3, subsection 4, paragraph A and subsection 5.

Effective July 13, 1982.

---

---

## CHAPTER 641

H.P. 1837 - L.D. 1834

### AN ACT to Clarify the Statutes Pertaining to Search and Rescue.

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

Sec. 1. 12 MRSA §7035, sub-§4, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

4. Search and rescue. Whenever the commissioner receives notification that any person has gone into the woodlands or onto the inland waters of the State on a hunting, fishing or other trip and has become lost, stranded or drowned, the commissioner shall exercise the authority to take reasonable steps to ensure the safe and timely recovery of that person; except in cases involving downed or lost aircraft covered by Title 6, section 303.

A. The commissioner may summon any person in the State to assist in those search and rescue attempts. Each person summoned shall be paid at a rate set by the commissioner with the approval of the Governor and shall be provided with subsistence while engaged in these activities.

B. The expenses of the department in search and rescue efforts shall be paid from the General Fund.

C. The commissioner may enter into written agreements with other agencies or corporations, including commercial recreational areas, allowing partial search and rescue responsibility within specified areas.

D. The commissioner may terminate a search and rescue