

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

1. Discharge. "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, disposing, emptying or dumping onto the land or into the water or ambient air.

Sec. 11. 38 MRSA §1401, sub-§2, as enacted by PL 1983, c. 111, is repealed and the following enacted in its place:

2. Hazardous material. "Hazardous material" includes:

A. Hazardous waste, as defined in section 1303;

B. Hazardous matter, as defined in section 1317;

C. Hazardous material, as defined in Title 25, section 2102;

D. Toxic substances, as defined in Title 26, section 1702; and

E. Other substances identified as hazardous by any state or federal agency.

Sec. 12. 38 MRSA §1403, sub-§1, as enacted by PL 1983, c. 111, is amended to read:

1. Persons causing the discharge. Whose act or omission caused in whole or in part the actual or threatened discharge and or who would otherwise be liable ~~therefore~~ therefor; or

Effective September 23, 1983.

CHAPTER 433

H.P. 1273 - L.D. 1687

AN ACT to Clarify the Types of Property
Which Pass by Deed.

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

Whereas, Title 33, section 151, parts of which were enacted in the 19th century, unnecessarily and arbitrarily classify stoves and carpets as personal property even though under applicable common law some stoves and carpets may be classified as realty; and

Whereas, the statute as written could cause confusion among buyers and sellers of real estate, lenders, financial institutions and their attorneys; and

Whereas, due to certain requirements of federal law, the statute unnecessarily restricts various programs of the Maine State Housing Authority; and

Whereas, the effective 90-day period may not terminate until after the Maine State Housing Authority has commenced these programs, thereby unnecessarily limiting the programs; 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:

33 MRSA §151 is amended to read:

§151. Items covered by deed

A person owning real estate and having a right of entry into it, whether seized of it or not, may convey it or all his interest in it, by a deed to be acknowledged and recorded as provided in this chapter. Down trees lying on land at the time of conveyance are real estate and pass by the deed; but such down trees as are cut into wood, logs or other lumber and hemlock bark peeled are personal property, and the owner may remove them in a reasonable time thereafter. Carpets and carpeting, stoves and funnels belonging thereto are not real estate and do not pass by a deed thereof.

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

Effective June 13, 1983.
