

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 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

riers transporting hazardous wastes either have tanks constructed with baffles to prevent shifting loads, unstable travel of the vehicle and potential discharge of dangerous liquid substances or these same carriers otherwise meet the requirements of 49 Code of Federal Regulations, Subchapter H, Sections 178.245 to 178.272, Subchapter J, Sections 178.315 to 178.343.

Effective September 23, 1983.

CHAPTER 475

S.P. 503 - L.D. 1519

AN ACT to Clarify the Law Concerning Certain Appeals from Planning Board Decisions.

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

Whereas, a recent Law Court decision interpreted certain Maine statutes to require all appeals from planning board decisions to go to a board of appeals; and

Whereas, this interpretation seems contrary to legislative intent and the best resolution of certain zoning conflicts; and

Whereas, this decision affects the enforcement of zoning ordinances throughout the State; 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. 30 MRSA §4963, sub-§1, as amended by PL 1979, c. 541, Pt. A, §196, is further amended to read:

1. Establishment. A board of appeals is established in any municipality which adopts a zoning ordinance for the purpose of hearing appeals from actions or failure to act of the ~~office~~ official charged with the enforcement of the zoning ordinance. Such board of appeals shall be governed by section

2411, except that section 2411, subsection 2 shall not apply to boards existing on September 23, 1971.

Sec. 2. 30 MRSA §4963, sub-§2, ¶B, as enacted by PL 1971, c. 455, §2, is amended to read:

B. The board may approve the issuance of a special exception permit or conditional use permit in strict compliance with the ordinance; and provided ~~the municipality has not authorized the planning board, agency or office to issue said permits that, if the municipality has authorized the planning board, agency or office to issue these permits, an appeal from the granting or denial of such a permit may be taken directly to Superior Court if required by local ordinance;~~

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

Effective June 17, 1983.

CHAPTER 476

H.P. 910 - L.D. 1189

AN ACT to Amend the Motor Vehicle Salvage Laws of the State.

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

Whereas, the citizens of Maine and of the United States have determined that, in recognition of the services rendered to the State and the Nation by its veterans, provisions for suitable final resting places should be made for those who have served their country; and

Whereas, 2 cemeteries have been established for such a purpose in the County of Kennebec, one owned by the State Government in the City of Augusta and one at the Veterans' Administration facility at Togus owned by the United States; and

Whereas, the operation of recycling or scrap processing facilities in the immediate vicinity of these cemeteries is inimicable to their purpose in that it detracts from the visual and peaceful aspects of the cemeteries as they are currently consituted; and

Whereas, the operation of a recycling or scrap processing facility is currently proposed immediately