

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1984-85

HUMAN SERVICES, DEPARTMENT OF

Purchased Social Services

All Other \$100,000

Effective July 25, 1984.

**CHAPTER 827**

H.P. 1857 - L.D. 2458

**AN ACT Relating to Municipal Cost  
Components for Fiscal Year 1984-85 and  
Providing for a Study of the Unorganized  
Territory.**

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

Whereas, prompt determination and certification of the municipal cost components in the unorganized territory tax district is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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. 12 MRSA §685-A, sub-§4, as amended by PL 1979, c. 497, §2, is further amended to read:

4. Land use standards considered as minimum requirements. Land use standards shall be interpreted and applied by the commission as minimum requirements, adopted to reasonably and effectively promote health, safety and general welfare and insure compli-

ance with state plans and policies.

Whenever the requirements of the adopted land use standards are at variance with the requirements of any other lawfully adopted rules, regulations, standards, ordinances, deed restrictions or covenants, the more protective of existing natural, recreation and historic resources shall govern.

Any portion of a land use district which subsequently becomes an organized municipality or part of an organized municipality or any plantation which adopts planning, zoning and subdivision control as provided in Title 30, section 5621, shall continue to be regulated by the Maine Land Use Regulation Commission pursuant to this chapter until such time as the municipality or plantation of which the regulated district is then a part, shall adopt land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the commission. For a time period of 4 years after initial commission approval of these plans and regulations, any revisions or amendments to the adopted plan and regulation that are less protective than those in the adopted plan shall be submitted to the Land Use Regulation Commission for approval.

Any municipality organized after September 23, 1971, or any plantation which adopts planning, zoning and subdivision control as provided in Title 30, section 5621, may submit to the commission and receive the approval of the commission of the following:

- A. A comprehensive land use plan for such plantation or proposed city or town;
- B. Standards for determining land use district boundaries and uses permitted within such districts in such plantation or proposed city or town;
- C. A land use district boundary map for such plantation or proposed city or town;
- D. Such other proposed regulations or standards as the commission deems to be necessary to achieve the purpose, intent and provisions of this chapter; and
- E. Upon request of the municipality or plantation, the commission shall prepare such plans, maps, regulations and standards as it may

deem necessary to meet minimum planning and zoning standards for its approval thereof.

Upon obtaining the foregoing approval, the plantation, city or town shall thereafter adopt, administer and enforce such approved plans, maps, regulations and standards.

From time to time, the commission may review the administration and enforcement of local land use plans and regulations by plantations and municipalities which have adopted land use plans, maps, regulations and standards approved by the commission. If, following the review, the commission finds that any of the following have accrued, the commission may reestablish its jurisdiction over that plantation or municipality:

A. A plantation or municipality has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of this subsection or has substantially modified the land use plan, maps, standards or regulations so that the resources of the plantation or municipality are not reasonably protected;

B. A plantation or municipality has abolished or does not have functioning the administrative bodies and officers necessary to implement the land use program as approved by the commission, normally a planning board, board of appeals and code enforcement officer are included, but this may vary depending on the local program; or

C. A plantation or municipality has not administered or enforced its land use plan, maps, standards or regulations in a manner which reasonably protects the resources in the plantation or municipality involved.

The action by the commission shall conform with the provisions for rulemaking of the Maine Administrative Procedure Act, Title 5, chapter 375.

Action taken by the commission to reestablish its jurisdiction over a plantation or municipality shall be effective immediately, but shall be submitted to the current or next regular session of the Legislature for approval. If the Legislature fails to act, the action shall continue in effect.

Sec. 2. 12 MRSA §685-D, as enacted by PL 1983, c. 561, §1, is repealed and the following enacted in its place:

§685-D. Funding

Services and activities of the commission which benefit the unorganized and deorganized areas of the State, other than plantations, shall be charged to the unorganized territory and collected through the Unorganized Territory Educational and Services Tax established in Title 36, chapter 115. Beginning with fiscal year 1983-84, services and activities of the commission which benefit plantations, towns and cities shall be paid from the General Fund which shall be reimbursed by charges made by the commission directly to the plantation, town or city receiving the benefit; charges for fiscal years 1983-84 and 1984-85 shall be delayed until July 1, 1985. Services and activities of the commission which are available on a general statewide level shall be paid from the General Fund. The Department of Conservation shall report annually to the Legislature its estimate of the amount of its budget for the next fiscal year to be collected through the Unorganized Territory Educational and Services Tax, the amount to be charged to plantations, towns and cities and the amount to be borne by the General Fund.

Sec. 3. 30 MRSA §5902, sub-§2, as enacted by PL 1983, c. 471, §14, is amended to read:

2. Prior receipts and surpluses. All moneys received by the county for municipal services for the unorganized territory prior to the effective date of this chapter and remaining unspent shall be deposited into the fund. Any surplus in revenue ~~received by the fund for~~ remaining in the fund at the end of the year, not including amounts allocated to the contingent account or set aside in capital reserve accounts established after November 1, 1983, which is in excess of 10% of the amount of expenditures for that year, shall be used to reduce the amount to be collected in taxes during the next year.

Sec. 4. 36 MRSA §1604, sub-§1, as amended by PL 1981, c. 702, Pt. J, is further amended to read:

1. Governor's recommendations to the Legislature. The Governor shall submit to the Legislature, not later than February 1st of each year, a bill listing his itemized recommendations of all items, including services and reimbursements, for which a municipal cost component exists. The bill shall be submitted in the same format as enacted in the preceding year and shall be accompanied by a report identifying the justification for each component and the formula, if applicable, by which it was calculated.

Sec. 5. Municipal cost component for county services rendered. In accordance with the Revised Statutes, Title 36, chapter 115, the Legislature determines that the amounts of the municipal cost component for services provided by counties for fiscal year 1984-85 are as follows.

County reimbursement for services:	<u>1984-85</u>
Aroostook	\$200,000
Franklin	104,126
Lincoln	1,557
Oxford	102,596
Piscataquis	123,425
Somerset	175,232

Sec. 6. Municipal cost component for state services rendered. In accordance with the Revised Statutes, Title 36, chapter 115, the Legislature determines that the next municipal cost component for state services in fiscal year 1984-85 is \$4,289,767 as reflected in the following list:

	<u>1984-85</u>
Audit	\$ 3,000
Maine Land Use Regulation Commission	375,132
Secretary of State	1,200
Property Tax Assessment	366,150
Education	3,512,022
Human Services - General Assistance	308,850
Bureau of the Budget	2,000
Adjustments	
Unorganized Territory School Fund - income	(133,523)
Rounding of mill rates for 1983, supplemental assessments, abatements and uncollectibles	(145,064)
Net Requirement	\$4,289,767



Sec. 7. Edmunds School. The amount appropriated in section 10 of this Act for improvements to the Edmunds School shall not lapse, but shall remain available for the specified purpose if the completion of this project is not possible before June 30, 1985.

Sec. 8. Study. There is created a Joint Select Committee on the Unorganized Territory. The committee shall be composed of 11 members as follows: Two members of the joint standing committee of the Legislature having jurisdiction over energy and natural resources; 2 members of the joint standing committee of the Legislature having jurisdiction over local and county government; 2 members of the joint standing committee of the Legislature having jurisdiction over taxation; 3 other members of the Legislature; the Executive Director of the Maine Land Use Regulation Commission; and one municipal officer from the Unorganized Territory. Three of the members shall be appointed by the President of the Senate. Six of the members shall be appointed by the Speaker of the House of Representatives.

The committee shall review the organization, administration, funding and delivery of services to the unorganized territory. The committee shall review the methods used for estimating the cost of each component and shall identify alternative methods of providing and funding municipal services in the unorganized territory, including the advisability of organizing the unorganized territory.

The committee shall submit its report and any legislation necessary to accomplish its recommendation to the First Regular Session of the 112th Legislature by January 1, 1985.

Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1983-84

LEGISLATURE

All Other \$7,341

These funds shall not lapse  
but shall remain available for  
the purposes specified in this  
Act.

Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1984-85

EDUCATIONAL AND CULTURAL SERVICES,  
DEPARTMENT OF

Education in Unorganized Territory	
All Other	\$520,000
This appropriation provides for improvements to the Edmunds School.	

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

Effective April 27, 1984.

## CHAPTER 828

H.P. 1871 - L.D. 2473

### AN ACT Providing for Administrative Changes in Maine Tax Laws.

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

Sec. 1. 6 MRSA §53, sub-§5, as amended by PL 1981, c. 80, is further amended to read:

5. Use of aircraft on market for sale. Aircraft dealers whose principal occupation is the sale of aircraft, and who properly register their aircraft under this section, may use the aircraft while placed upon the market for sale as if the aircraft were registered under section 52; including Federal Air Regulation, Part 135, operations. Nothing in this section ~~shall~~ may permit aircraft brokers ~~from using to use~~ aircraft offered for sale for more than 15 months from the date that the aircraft is first offered for sale without registration required under section 52.

Sec. 2. 36 MRSA §584, as amended by PL 1975, c. 771, §§400 and 401, is repealed.

Sec. 3. 36 MRSA §1484, sub-§3, ¶C, as amended by PL 1979, c. 732, §§26 and 31, is further amended to read: