

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND TWELFTH LEGISLATURE

1985

in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; and the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle, and any land acquired in Williamsburg T.6, R.8, N.W.P.; prior to January 1, 1983.

Sec. 2. Effective date. This Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and council of the Penobscot Nation that the nation has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e) (1), copies of which shall be submitted by the Secretary of State and the Secretary of the Senate and the Clerk of the House of Representatives, provided that in no event shall this Act become effective until 90 days after adjournment of the Legislature.

Effective September 19, 1985, unless otherwise indicated.

CHAPTER 70

H.P. 752 - L.D. 1058

**AN ACT to Streamline Review of Road
Construction in Unorganized Areas.**

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

Sec. 1. 12 MRSA §685-A, sub-§5, as amended by PL 1973, c. 569, §10, is further amended to read:

5. Considerations, application and exemptions.
No land use standard shall deprive any owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully de-

voted at the time of adoption of said standard. Year-round and seasonal single residences and operating farms in existence and use as of September 23, 1971, while so used, and new accessory buildings or structures or renovations of such buildings or structures which are or may be necessary to the satisfactory and comfortable continuation of these residential and farm uses shall be exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts shall in no way limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings and other structures used primarily for agricultural or commercial forest product purposes, including tree farms. Notwithstanding this subsection, a permit from the commission shall be required for roads covering a ground area of 3 acres or more constructed in management districts, unless those roads are constructed and maintained in accordance with the guidelines of the commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs," or as revised. The commission may require a person constructing a road to notify the commission of the location of the road within 21 days.

In adopting district boundaries and land use standards, the commission shall give consideration to public and private planning reports and other data available to it, and shall give weight to existing uses of land and to any reasonable plan of its owner as to its future use.

Sec. 2. 38 MRELA §488, sub-§1, as enacted by PL 1979, c. 714, is amended to read:

1. Unorganized areas. Within those areas of the State which are subject to the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A, such roads and ways are exempt ~~provided they are located, constructed and maintained in accordance with the following provisions:~~ from this Article.

A- In protection and development districts, the standards adopted by the Maine Land Use Regulation Commission for such districts; and

B- In management districts, the guidelines of the Maine Land Use Regulation Handbook, section 6, "Erosion Control on Logging Jobs," or as re-

vised. The Maine Land Use Regulation Commission may adopt such definitions as are necessary to implement the provisions of this paragraph.

Effective September 19, 1985.

CHAPTER 71

H.P. 388 - L.D. 537

AN ACT to Shorten the Period which Members of the Maine State Retirement System Must Wait for the Refund of Accumulated Contributions.

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

5 MRSA §1096, first ¶, as amended by PL 1975, c. 622, §39, is further amended to read:

If the service of any member has terminated, except by death or by retirement under this chapter, he shall be paid, upon proper application therefor, the amount of his accumulated contributions, provided no interest shall be included for any period beyond the 5th anniversary of the date of such termination of service if the member has less than 10 years of creditable service. Such payment shall not be made earlier than 60 days after the date of termination of service and an Payment shall be made after termination of service and in not less than 22 days and not more than 37 days after receipt of the application and of the last payroll upon which the name of the member appears. An application for refund shall be void if a member returns to service within such 60-day period prior to issuance of the payment.

Effective September 19, 1985.

CHAPTER 72

H.P. 315 - L.D. 404

AN ACT to Require Legislative Confirmation of the Commissioners and the Director of the Maine State Lottery.