

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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that is consistent with the needs of children and families; and

C. To continue the development of a comprehensive and coordinated approach to initiation and revision of policy affecting services to children and families.

5. Meetings. The committee shall meet on a regular basis.

6. Chairman. The committee shall select a chairman from among the 4 commissioners and the chairman shall serve for a term established by the committee.

7. Subcommittees. The committee may appoint subcommittees to carry out its work. Subcommittee membership may include representatives of public and private agencies which serve youth and families and other persons with special knowledge of, responsibility for or interest in an area related to the goals of the committee.

8. Report. The committee shall report annually to the Legislature on its progress in meeting the goals cited in subsection 4 and its proposals for implementing these same goals in the forthcoming year.

9. Administration. The costs associated with the committee shall be shared among the members of the committee. Nothing in this section may be construed to prohibit a member department from assigning its employees to serve as staff to the committee. The Department of Mental Health and Mental Retardation shall serve as fiscal agent for the committee.

10. Authorization to accept funds. The Department of Mental Health and Mental Retardation may accept, on behalf of the committee, funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation and may expend these funds for purposes which are consistent with this section.

Sec. 2. Effective date. This bill shall take effect February 1, 1988.

Effective February 1, 1988.

CHAPTER 182

H.P. 990 — L.D. 1336

AN ACT to Require Recording of Certain Subdivision and Zoning Variances.

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

Sec. 1. 30 MRSA §4956, sub-§2, as amended by PL 1975, c. 468, §2, is further amended to read:

2. Municipal review and regulation.

A. All requests for subdivision approval shall be reviewed by the municipal planning board, agency or office, or if none, by the municipal officers, hereinafter called the municipal reviewing authority.

B. The municipal reviewing authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of such hearing.

C. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

C-1. Upon receiving an application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within 30 days from receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. In the event that the municipal reviewing authority determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The municipal reviewing authority shall, within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in subsection 3 and to satisfy any other regulations adopted by the reviewing authority, and to protect and preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria. In addition, whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any of the applicable subdivision approval standards, that fact shall be expressly noted on the face of the subdivision plan to be recorded in the

local registry of deeds or, in the case of an amendment if no amended plan is to be recorded, a certificate indicating the name of the current property owner, identifying the property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form and shall be recorded in the local registry of deeds within 30 days of the final subdivision approval or the variance shall be invalid. No rights may accrue to the variance recipient or his heirs, successors or assigns unless and until the recording is made within the 30 days.

Sec. 2. 30 MRSA §4963, sub-§3, as amended by PL 1977, c. 630, §6, is further amended to read:

3. Variance. A variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:

- A. That the land in question cannot yield a reasonable return unless a variance is granted;
- B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- C. That the granting of a variance will not alter the essential character of the locality; and
- D. That the hardship is not the result of action taken by the applicant or a prior owner.

A municipality may, in a zoning ordinance, adopt additional limitations on the granting of a variance, including, but not limited to, a provision that a variance may only be granted for a use permitted in a particular zone. In addition, whenever the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form and shall be recorded in the local registry of deeds within 30 days of final approval of the variance or the variance shall be invalid. No rights may accrue to the variance recipient or his heirs, successors or assigns unless and until the recording is made within 30 days.

Effective September 29, 1987.

CHAPTER 183

H.P. 1029 — L.D. 1387

AN ACT to Clarify the Laws Relating to Forest Insect and Disease Control.

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

Sec. 1. 12 MRSA §8101, as enacted by PL 1979, c. 545, §3, is amended to read:

§8101. Forest insect and disease control program

1. Powers and duties. The Director of the Bureau of Forestry shall maintain sufficient resources, both personnel and technical information, within the limit of funds available, so as to:

A. Maintain a statewide surveillance system to detect and monitor insects and diseases and abiotic agents, including air pollution and acid deposition potentially injurious to the forest resources of the State;

B. Provide information and technical advice and assistance to individuals and other state and federal agencies on the identification and control of forest insects and diseases;

C. Conduct and supervise control programs for forest diseases and insects where authorized; and

D. Assist in the enforcement of federal and state quarantine laws relating to forest insects and diseases;

E. Conduct applied research related to the management of insects, diseases and abiotic agents potentially injurious to the forest resources of the State, including forest management strategies, insecticide and spray application technologies, integrated pest management techniques and other issues pertinent to the purposes of this chapter. The director shall maintain up-to-date information on the injurious impacts of insects, diseases and abiotic agents, including air pollution and acid deposition on the forests of the State; and

F. Consult and cooperate with other agencies of the United States, other state governments, the federal and provincial governments of Canada and public and private landowners in the State on applied research, survey and management of forest pest problems.

Sec. 2. 12 MRSA §8301, 2nd ¶, as enacted by PL 1979, c. 545, §3, is amended to read:

Emergencies, for the purposes of this chapter, shall be so considered when, in the opinion of the director, the infestation or disease is likely to kill or seriously injure trees in large numbers, or is so localized that immediate control will prevent a large possible outbreak, or is of recent foreign origin or is apt to create a public nuisance.

Sec. 3. 12 MRSA §8303, as enacted by PL 1979, c. 545, §3, is repealed.

Sec. 4. 12 MRSA §8430, sub-§2, as enacted by PL 1979, c. 737, §12, is amended to read: