

# 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.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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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:

2. Research on public lands. The commissioner, director or other chief executive officer of any state agency having jurisdiction over any public land may make that land available on such terms and conditions as he deems reasonable to any public or private nonprofit entity engaged in spruce budworm control research and related silvicultural control research. ~~The Forest Insect Manager director~~ shall likewise encourage private landowners within the State to make their lands available for the same purposes.

Effective September 29, 1987.

## CHAPTER 184

S.P. 305 — L.D. 874

### AN ACT to Revise the Procedures for the Enforcement of Money Judgments.

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

Sec. 1. 14 MRSA §3120 is enacted to read:

#### §3120. Purpose

The purpose of this chapter is to provide an efficient procedure for the enforcement of money judgments. It is not an exclusive procedure and may be utilized with any other available procedure.

Sec. 2. 14 MRSA §3121, sub-§2-A, 5 and 6 are enacted to read:

2-A. Individual. "Individual" means only a natural person.

5. Person. "Person" means an individual, trust, estate, partnership, association, company, corporation, political subdivision or instrumentality of the State.

6. Sheriff. For the purposes of sections 3134 to 3136, "sheriff" means a sheriff, deputy sheriff, police officer, special police officer or constable.

Sec. 3. 14 MRSA §3121, last ¶, as enacted by PL 1971, c. 408, §1, is amended to read:

Whenever a judgment creditor ~~or~~ judgment debtor or a 3rd party is a corporation or other legal entity and is required to perform any act under this ~~section~~ chapter, such acts shall be performed by the officers, ~~directors~~ or managing agents of the ~~corporation~~ entity or by the persons controlling the entity, whichever is appropriate. Except where personal appearance or testimony is required in response to a subpoena or ~~capias to bring in~~ civil order of arrest under this chapter, the judgment creditor ~~or~~ judgment debtor or 3rd party may act by or through an attorney.

Sec. 4. 14 MRSA §3121-A is enacted to read:

#### §3121-A. Venue

1. Commencement of proceedings. Notwithstanding Title 4, section 155, and any provisions set forth elsewhere, and except as provided in subsection 2, any proceeding under this chapter shall be commenced in a division of the District Court as follows.

A. Except as provided in paragraph D, if the judgment debtor is an individual who resides within this State, the proceeding shall be commenced in the division in which the judgment debtor resides.

B. Except as provided in paragraph D, if the judgment debtor is a nonresident individual, the proceeding shall be commenced in the division in which the debtor is commorant:

C. Except as provided in paragraph D, if the judgment debtor is not an individual, the proceeding shall be commenced in a division in which the debtor maintains a place of business. If the judgment debtor does not maintain a place of business in this State, the proceeding shall be commenced in a division in which a civil summons could be served upon the debtor or in any division in which the action resulting in the judgment could have been brought.

D. Any proceeding under this chapter may be commenced in the division where the judgment creditor, if an individual, resides or, if not an individual, has a place of business.

2. Civil order of arrest; contempt. Any proceeding under this chapter in which the judgment debtor is an individual who resides in this State shall be transferred to the division in which the debtor resides immediately after:

A. The issuance of a civil order of arrest pursuant to section 3134, subsection 1, or section 3136; or

B. The filing of a motion for contempt pursuant to section 3134, subsection 2.

The division in which the judgment debtor resides shall be set forth in the affidavit or statement under oath required by section 3134, subsection 1 or 2, or section 3136, subsection 1. Any civil order of arrest issued pursuant to section 3134, subsection 1, or section 3136, and any contempt subpoena or civil contempt order issued pursuant to section 3134, subsection 2, shall be returnable only to the division in which the judgment debtor resides if that debtor is an individual who resides in this State. Any proceedings in which the judgment debtor is not such a resident individual shall be maintained as provided in subsection 1.

3. Improper venue, transfer, objection. If any proceeding under this chapter is brought or continued