

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1989

Sec. 3. 38 MRSA §1272, sub-§14, as enacted by PL 1987, c. 448, §1-C, is repealed.

Sec. 4. 38 MRSA §1273, sub-§3, as enacted by PL 1987, c. 448, §1-C, is repealed.

Sec. 5. 38 MRSA §1273, sub-§4, as enacted by PL 1987, c. 448, §1-C, is amended to read:

4. Exemption. Asbestos abatement activities undertaken in single-unit residential buildings of 4 dwelling units or less shall be exempt from the requirements of this section if limited to heating equipment and performed by persons licensed by the Oil and Solid Fuel Board under Title 32, chapter 33, to install, repair, remove or service heating equipment. Asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites are exempt from the requirements of this section.

Sec. 6. 38 MRSA §1274, sub-§5, as enacted by PL 1987, c. 448, §1-C, is amended to read:

5. Asbestos abatement worker. All employees engaged in asbestos abatement activities and not otherwise certified under this chapter shall be certified as asbestos abatement workers. To qualify for certification, an applicant shall show evidence satisfactory to the commissioner that he the applicant has completed 32 hours of training in a training course certified by the commissioner as appropriate for the safe and proper removal, encapsulation or handling of asbestos. ~~The commissioner shall provide for interim certification for a period not to exceed 30 days upon completion of a worker orientation program approved by the commissioner.~~

See title page for effective date.

CHAPTER 326

H.P. 1159 - L.D. 1613

An Act to Clarify Provisions of the Subdivision Law

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

Sec. 1. 30-A MRSA §4401, sub-§4, ¶C, as enacted by PL 1989, c. 104, Pt. A, §45, and Pt. C, §10, is amended to read:

C. A lot of 40 or more acres shall not be counted as a lot, except:

(1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by

regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance.

Sec. 2. 30-A MRSA §4406, sub-§1, ¶B, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact shall be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.

(1) In the case of an amendment, if no amended plan is to be recorded, a certificate shall be prepared in recordable form and recorded in the registry of deeds. This certificate shall:

(a) Indicate the name of the current property owner;

(b) Identify the property by reference to the last recorded deed in its chain of title; and

(c) Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.

(2) The variance is not valid until recorded as provided in this paragraph. Recording must occur within ~~30~~ 90 days of the final subdivision approval or the variance is void.

See title page for effective date.

CHAPTER 327

H.P. 1083 - L.D. 1505

An Act to Amend the Maine Tort Claims Act

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

14 MRSA §8107, sub-§1, as amended by PL 1987, c. 740, §6, is further amended to read:

1. Notice requirements for filing. Within 180 days after any claim or cause of action permitted by this chapter accrues, or at a later time within the limits of section 8110, when a claimant shows good cause why notice could not have reasonably been filed within the 180-day limit, a claimant or