

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Whereas, changes in the wood measurement tally sheet should be instituted before the summer logging season; 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:

10 MRSA §2364-A, sub-§2, ¶G is enacted to read:

G. A person buying stumpage from a landowner shall provide a stumpage sheet or a copy of the measurement tally sheet to the landowner for every truckload sold. The sheet must include:

- (1) The name of the landowner;
- (2) The name of the contractor;
- (3) The name of the hauler;
- (4) A description of the product;
- (5) The date; and
- (6) The destination of the truckload.

This sheet must be provided to the landowner when the person buying the stumpage pays the landowner.

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

Effective March 30, 1990.

CHAPTER 761

H.P. 1666 - L.D. 2307

An Act to Provide Legislative Oversight of Transactions Dealing with State Held Lands and Property

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

20-A MRSA §12706, sub-§13, as enacted by PL 1985, c. 695, §11, is amended to read:

13. Property management. To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities.

If the board of trustees proposes to sell or permanently transfer any interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses shall be credited to a separate fund to be used for the purposes of this chapter;

See title page for effective date.

CHAPTER 762

S.P. 899 - L.D. 2289

An Act to Prohibit the Development of Spaghetti-lot Subdivisions

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

Whereas, spaghetti-lots do not serve the interests of the State and are often formed to circumvent review;

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 §682, sub-§13 is enacted to read:

13. Spaghetti-lot. "Spaghetti-lot" means a parcel of land with a lot depth to shore frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland or great pond as these features are defined in Title 38, section 480-B.

Sec. 2. 12 MRSA §682-A is enacted to read:

§682-A. Spaghetti-lots prohibited

A person may not subdivide a parcel of land in the jurisdiction of the Maine Land Use Regulation Commission in such a way as to create a spaghetti-lot. This prohibition does not apply to:

1. Rights-of-way. Utility or transportation rights-of-way;

2. Government purchase. A parcel of land that is purchased by the Federal Government, State Government or local government; and

3. Public benefit. A parcel of land that the Maine Land Use Regulation Commission finds provides a significant public benefit and that can not be configured in another way to provide that benefit.

Sec. 3. 30-A MRSA §4404, sub-§17 is enacted to read:

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

Sec. 4. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to any pending application for subdivision approval.

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

Effective March 30, 1990.

CHAPTER 763

H.P. 1635 - L.D. 2268

An Act to Conform Maine Antifouling Paint Law to Federal Standards

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

Whereas, the Legislature established a standard to restrict the amount of tributyltin in antifouling paints prior to action by the United States Congress establishing a different standard; and

Whereas, antifouling paint conforming to the State's standard is not available for use by Maine boatyards; and

Whereas, Maine boatyards are losing business to their competitors without any benefit to the environment; 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. 38 MRSA §419-A, sub-§1, ¶A, as enacted by PL 1987, c. 474, is repealed and the following enacted in its place:

A. "Acceptable release rate" means a measured release rate equal to or less than 4.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing proce-

dures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. This paragraph is repealed September 1, 1992.

Sec. 2. 38 MRSA §419-A, sub-§1, ¶A-1 is enacted to read:

A-1. "Acceptable release rate" means a measured release rate equal to or less than 3.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing procedures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. This paragraph takes effect September 1, 1992.

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

See title page for effective date.

CHAPTER 764

H.P. 1622 - L.D. 2244

An Act to Reclassify Surface Waters of the State

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

Sec. 1. 38 MRSA §464, sub-§4, ¶F, as amended by PL 1989, c. 309, §2, is further amended by amending sub-¶(3) to read:

(3) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to the United States Clean Water Act, Section 401, Public Law 92-500, as amended, if the standards of classification of the water body and the requirements of this paragraph ~~will be~~ are met. The board may issue a discharge license or approve water quality certification for a project affecting a water body in which the standards of classification are not met if the project does not cause or contribute to the failure of the water body to meet the standards of classification.

Sec. 2. 38 MRSA §467, first ¶, as enacted by PL 1985, c. 698, §15, is amended to read:

All surface waters lying within the boundaries of the State ~~which~~ that are in river basins having a drainage area greater than 100 square miles ~~which that~~ are not classified as lakes or ponds ~~and are not otherwise~~ classified in this section are Class B waters.

Sec. 3. 38 MRSA §467, sub-§1, ¶D, as repealed and replaced by PL 1989, c. 228, §1, is amended to read: