

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Sec. 1. 38 MRSA §3, 2nd ¶, as repealed and replaced by PL 1987, c. 655, §3, is amended to read:

Mooring Unless permitted by an ordinance adopted under section 3-A, mooring assignments shall may not be transferred. Assignments shall may not be rented unless the provision for rental was part of the agreement when the mooring was assigned.

Sec. 2. 38 MRSA §3-A is enacted to read:

§3-A. Mooring transfer permitted by ordinance

A municipality may adopt an ordinance that allows the transfer of a mooring assignment used for commercial fishing purposes. The ordinance may permit a mooring assignment to be transferred only at the request or death of the assignee, only to a member of assignee's family and only if mooring assignment will continue to be used for commercial fishing purposes. For the purposes of this subsection, "member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood.

See title page for effective date.

CHAPTER 686

H.P. 1549 - L.D. 2187

An Act to Permit Pari-mutuel Pools

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

Sec. 1. 8 MRSA §274, sub-§1-A is enacted to read:

1-A. Common pari-mutuel pools; simulcast races. Pursuant to sections 268 and 274-A, a licensee may sell common pari-mutuel pools for simulcast races held at racetracks outside the State. The sale of common pari-mutuel pools must be conducted within the enclosure of the licensee's racetrack or the licensee's off-track betting facility, or by an entity that is conducting a race simulcasted from the licensee. The commission for the sale of common pari-mutuel pools may not exceed the amount established by the law of the state in which the race is held. The licensee shall also pay the amounts established by subsections 2 and 3. In the event of a minus pool the licensee shall pay the amount established by the law of the state in which the race is held.

Sec. 2. 8 MRSA §274-A, sub-§6, as enacted by PL 1991, c. 579, §11, is amended to read:

6. Operation of facility. An off-track betting licensee may not permit a person under the age of 16 to enter the facility unless accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002. The off-track betting licensee may not permit any person under the age of ~~16~~ 18 within 15 feet of any betting window or other place for accepting wagers.

See title page for effective date.

CHAPTER 687

H.P. 1588 - L.D. 2242

An Act to Clarify the Subdivision Definition under Maine Land Use Regulation Commission Laws

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

Sec. 1. 12 MRSA §682, sub-§2, as amended by PL 1991, c. 306, is repealed and the following enacted in its place:

2. Subdivision. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metes and bounds or by leasing. A division accomplished by gift to a person related to the donor by blood, marriage or adoption, unless the intent of that gift is to avoid the objectives of this chapter, does not create a lot or lots for purposes of this definition.

The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.

A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria:

- A. The lot is at least 40 acres in size;
- B. No portion of the lot is located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in Title 38, section 436-A;
- C. The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and
- D. When 3 to 10 lots of at least 40 acres in size are created within any 5-year period, a plan is recorded