

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

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Sec. 1. 38 MRSA §3, 2nd ¶, as repealed and replaced by PL 1987, c. 655, §3, is amended to read: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

in accordance with section 685-B, subsection 6-A. Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision.

Sec. 2. 12 MRSA §685-B, sub-§6-A is enacted to read:

6-A. Recording of land division plan required. A copy of each land division plan must be recorded in the registry of deeds of the county in which the land is located.

A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water line of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as defined in Title 38, section 436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the commission within 60 days of the creation of that lot.

B. A register of deeds may not record any plan depicting these lots within the unorganized and deorganized lands of the State unless the commission's certification that the division qualifies under section 682, subsection 2, 3rd paragraph is evidenced on the plan. The commission must determine whether the plan qualifies under section 682, subsection 2, 3rd paragraph within 15 business days of receipt of the plan.

C. A copy of the certified plan must be filed within 30 days of certification with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located.

D. Failure to file the plan required by this subsection is a violation of this chapter subject to the penalties provided in section 685-C, subsection 8.

See title page for effective date.

CHAPTER 688

H.P. 1563 - L.D. 2201

An Act to Strengthen Compliance with Land Use Laws in the Unorganized Territories

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

Sec. 1. 12 MRSA §685-C, sub-§9 is enacted to read:

9. Representation in court. The commission may authorize certified employees of the commission to serve civil process and represent the commission in District Court in the prosecution of violations of those laws enforced by the commission and set forth in Title 4, section 152, subsection 6-A. Certification of these employees must be as provided under Title 30-A, section 4221, subsection 2, paragraph A.

Sec. 2. 30-A MRSA §4221, sub-§2, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The commissioner shall also establish certification standards and a program to certify familiarity with court procedures for:

- (1) Plumbing inspectors appointed under this section;
- (2) Code enforcement officers, as set forth in section 4506 4452 and in Title 38, section 441; and
- (3) Department of Environmental Protection employees, as set forth in Title 38, section 342, subsection 7; and
- (4) Maine Land Use Regulation Commission employees, as set forth in Title 12, section 685-C, subsection 9.

Certification under this paragraph is effective for a period of 3 years unless sooner revoked or suspended by the Administrative Court upon complaint by the commissioner on grounds of fraud, negligence, misconduct or incompetence in the performance of duties. After being certified by the commissioner under this paragraph, a plumbing inspector may serve civil process on persons who violate the plumbing and subsurface ~~waste water~~ wastewater disposal rules of the department. The municipal officers may also authorize the inspector to represent the municipality in District Court under section 4506 4452.

See title page for effective date.

CHAPTER 689

H.P. 1447 - L.D. 2059

An Act to Require Reporting of Daily Routine Releases of Radioactive Materials

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