

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

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: