

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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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.

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**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.

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**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:**

**Sec. 1. 35-A MRSA §4332, sub-§2, ¶¶B and C**, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

B. Unscheduled releases of radioactive materials, as soon as possible, but not more than 24 hours after the discovery of the release; and

C. Breakdowns or malfunctions of any ~~safety-related~~ safety-related equipment that must be reported under the United States 10 Code of Federal Regulations, Title 10, Part 21, as soon as possible, but not more than 24 hours after the discovery of the breakdown or malfunction; and

**Sec. 2. 35-A MRSA §4332, sub-§2, ¶D** is enacted to read:

D. Routine or continuous emissions of radioactive materials for every 24-hour period, within the next 24-hour period.

See title page for effective date.

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## CHAPTER 690

S.P. 805 - L.D. 2004

### An Act to Divert Juvenile Offenders from Secure Detention

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

**34-A MRSA §1210, sub-§6-A**, as enacted by PL 1989, c. 887, §9, is amended to read:

**6-A. Funds to be used for community corrections programs.** Thirty percent of all funds claimed by each county for reimbursement under this section must be retained by the department until the county demonstrates that the retained funds will be used for community corrections programs, as described in subsection 1, paragraph B, that are developed as part of a comprehensive local plan approved by the commissioner. ~~Two-thirds~~ One-half of the retained funds must be retained until the county demonstrates that the funds will be used for adult programs, and ~~1/3~~ 1/2 of the retained funds must be retained until the county demonstrates that the funds will be used for juvenile ~~diversion~~ programs. All funds retained by the department under this subsection not released by the end of the year may not lapse, but must be carried forward into subsequent years, with each county's funds carried over for that county. All funds not committed by any county after 3 years from the date the county's claim is approved by the department will be placed by the department in a pool from which supplementary funds will periodically be made available to all

counties on a competitive basis. Annually, by September 1st, the commissioner shall submit to the committee of the Legislature having jurisdiction over corrections matters a report of the activity in the prior fiscal year of the funds retained under this subsection, including the following:

- A. The amount retained from each county;
- B. The amount of any funds that have been carried over from previous fiscal years for each county;
- C. The amount released to each county; and
- D. The specific programs for which funds were released for each county, including an indication of whether each program serves juveniles or adults.

See title page for effective date.

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## CHAPTER 691

H.P. 1527 - L.D. 2156

### An Act to Clarify Permit Provisions for General Commodity Vehicles with a Maximum Gross Weight of 100,000 Pounds

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

**Sec. 1. 29 MRSA §1652, sub-§1, ¶A**, as amended by PL 1991, c. 307, §3 and c. 410, Pt. A, §1, is repealed and the following enacted in its place:

A. A vehicle or combination of vehicles may not be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 90,000 pounds. Vehicles having 2 axles may not be operated, or caused to be operated, when the gross weight exceeds 34,000 pounds. A vehicle or combination of vehicles having 3 axles may not be operated, or caused to be operated, when the gross weight exceeds 54,000 pounds. A vehicle or combination of vehicles having 4 axles or, except as provided in paragraph G, any single unit vehicle having 5 or more axles, may not be operated, or caused to be operated, when the gross weight exceeds 69,000 pounds. Except as provided in paragraphs E, F and H, a vehicle or combination of vehicles having 5 or more axles may not be operated, or caused to be operated, when the gross weight exceeds 80,000 pounds. Notwithstanding any other provision of this paragraph, a vehicle may be operated, or caused to be operated on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956, with a gross weight that does not exceed the following formula, or 80,000 pounds, whichever is less: