

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**8. Foreign limited partnerships.** For filing of an application for authority to do business as a foreign limited partnership under section 492, a certificate of amendment under section 495, except as provided in subsection 9, or a certificate of cancellation under section 496, a fee in the amount of \$250;

**Sec. 70. 31 MRSA §526, sub-§8-A** is enacted to read:

**8-A. Certificate of correction for foreign limited partnerships.** For filing of a certificate of correction under section 495-A, a fee in the amount of \$30;

**Sec. 71. 31 MRSA §526, sub-§§9 and 12,** as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

**9. Change of registered agent or registered office for foreign limited partnerships.** For filing of a certificate by a registered agent under section 494 or a certificate of amendment under section 495, changing the registered agent or address of the registered office or resigning, a fee in the amount of \$30;

**12. Issuing certificate.** For issuing any a short form certificate of the Secretary of State, including but not limited to a certificate of existence, other than a certification of a copy under subsection 11 change of name, a fee in the amount of \$25. For issuing a short form certificate of limited partnership condition, a fee in the amount of \$25. For issuing a long form certificate of limited partnership condition, listing amendments, a fee in the amount of \$35. For issuing a certificate of diligent search, a fee in the amount of \$45. For issuing a specially worded certificate, a fee in the amount of \$45;

**Sec. 72. 31 MRSA §526, sub-§§15 and 16,** as enacted by PL 1991, c. 780, Pt. U, §31, are amended to read:

**15. Annual report.** For filing of an annual report under section 529, a fee of \$60; and

**16. Information request.** For written response to a request for information on file, \$5; and

**Sec. 73. 31 MRSA §526, sub-§17** is enacted to read:

**17. Service of process on Secretary of State as agent.** For accepting service of process under sections 409, 410, 500 or 501, a fee in the amount of \$20.

See title page for effective date.

## CHAPTER 317

### H.P. 504 - L.D. 662

#### An Act to Amend the Definition of "Parcel" for Purposes of Property Taxes

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

**Sec. 1. 36 MRSA §701-A,** as amended by PL 1985, c. 764, §13, is further amended by adding at the end a new paragraph to read:

For the purpose of establishing the valuation of unimproved acreage in excess of an improved house lot, contiguous parcels and parcels divided by road, powerline or right-of-way may be valued as one parcel when: each parcel is 5 or more acres; the owner gives written consent to the assessor to value the parcels as one parcel; and the owner certifies that the parcels are not held for sale and are not subdivision lots.

**Sec. 2. Effective date.** This Act takes effect for the property tax year beginning April 1, 1994.

See title page for effective date.

## CHAPTER 318

### S.P. 307 - L.D. 395

#### An Act to Grandfather Property under Certain Environmental Laws

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

**Sec. 1. 38 MRSA §439-A, sub-§7** is enacted to read:

**7. Special exception.** A municipal ordinance adopted pursuant to this article may include a provision for the municipal planning board to issue a permit for construction of a single-family residence in a Resource Protection District if the applicant demonstrates that all of the following conditions are met.

A. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

B. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

C. The proposed location of all buildings, sewage disposal systems and other improvements are:

(1) Located on natural ground slopes of less than 20%; and

(2) Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be 1/2 the width of the 100-year floodplain. For purposes of this subparagraph, "floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot in height and "velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

D. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.

E. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

See title page for effective date.

## CHAPTER 319

H.P. 929 - L.D. 1252

### An Act to Provide Support to Maine Small Businesses

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

**Sec. 1. 10 MRSA §1026-A, sub-§3**, as amended by PL 1991, c. 854, Pt. A, §4, is further amended to read:

**3. Mortgage insured loan limitation for small businesses.** Whenever an applicant applies for mortgage insurance under sections 1026-B and 1026-C or sections 1026-C and 1026-K, the authority may insure mortgage loans for which the combined principal amounts of mortgage insurance of both sections do not exceed \$1,100,000.

**Sec. 2. 10 MRSA §1026-K** is enacted to read:

#### **§1026-K. Loan insurance for small businesses**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Loan" means a mortgage or a loan for any business purpose.

**2. Scope of section.** This section applies, in addition to other applicable provisions of this subchapter, when the original principal amount of the loan insurance is \$75,000 or less, but not when loan insurance is provided pursuant to section 1026-B or 1026-D.

**3. Insurance.** Any loan insurance provided pursuant to this section is subject to the following:

A. The original principal amount of loan insurance may not exceed \$75,000; and

B. The authority may insure no more than 95% of the loan payments.

**4. Loan eligibility.** The authority may insure loan payments under this section only when the following conditions are met:

A. Repayment of the loan may be secured by less than full collateral if the borrower or the principals of the borrower are of good character and have good credit records;

B. The loan has a maturity satisfactory to the authority; and

C. The borrower: