

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

This paragraph is repealed October 1, ~~1995~~ 1997.

See title page for effective date.

CHAPTER 63

H.P. 381 - L.D. 516

An Act Concerning the Liability of Corporate Clerks

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

Sec. 1. 13-A MRSA §714, sub-§1, as enacted by PL 1971, c. 439, §1, is amended to read:

1. The officers of a corporation ~~shall~~ consist of a president, a treasurer, ~~a clerk~~ and, if the bylaws so provide, one or more vice-presidents; and ~~such~~ other officers ~~as are~~ selected pursuant to subsection 5. The clerk of a corporation is not an officer, but performs the functions provided in this Act.

Sec. 2. 13-A MRSA §714, sub-§11, ¶F, as enacted by PL 1971, c. 439, §1, is repealed.

Sec. 3. 13-A MRSA §714, sub-§11-A is enacted to read:

11-A. The duties of the clerk are ministerial only and the clerk is not liable in that capacity for any liabilities of the corporation, including, without limitation, debts, claims, taxes, fines or penalties.

See title page for effective date.

CHAPTER 64

S.P. 219 - L.D. 561

An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission

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

Sec. 1. 12 MRSA §685-A, sub-§5, as amended by PL 1985, c. 70, §1, is further amended to read:

5. **Considerations, application and exemptions.** ~~No~~ A land use standard ~~shall may not~~ deprive ~~any an~~ owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is

lawfully devoted at the time of adoption of ~~said that~~ standard. Year-round and seasonal single residences and operating farms in existence and use as of September 23, 1971, while so used, and new accessory buildings or structures or renovations of ~~such the~~ buildings or structures ~~which that~~ are or may be necessary to the satisfactory and comfortable continuation of these residential and farm uses ~~shall be are~~ exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts ~~shall may~~ in no way limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings and other structures used primarily for agricultural or commercial forest product purposes, including tree farms. Notwithstanding this subsection, a permit from the commission ~~shall be is~~ required for roads covering a ground area of 3 acres or more constructed in management districts, unless those roads are constructed and maintained in accordance with the guidelines of the commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs," or as revised. The commission may require a person constructing a road to notify the commission of the location of the road within 21 days.

In adopting district boundaries and land use standards, the commission shall give consideration to public and private planning reports and other data available to it, and shall give weight to existing uses of land and to any reasonable plan of its owner as to its future use.

A permit from the commission is not required for the repair or maintenance of county-owned roads, bridges or culverts as long as the repair or maintenance is conducted in accordance with commission standards that pertain to these activities.

See title page for effective date.

CHAPTER 65

H.P. 183 - L.D. 231

An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in Public Law 1993, chapter 683 the Legislature enacted a recodification of the Maine Revised Statutes, Title 29, which takes effect January 1, 1995; and