

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 226

S.P. 258 - L.D. 866

**An Act to Amend the Law
Concerning Municipal Review and
Regulation of Subdivisions**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §4403, sub-§1-A, as enacted by PL 1989, c. 497, §4, is amended to read:

1-A. Joint meetings. If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality shall meet jointly to discuss the application. All meetings and hearings to review an application under section 4407 for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. In addition to other review criteria, the reviewing authorities shall consider and make a finding of fact regarding the criteria described in section 4404, subsection 19.

The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.

Sec. 2. 30-A MRSA §4404, sub-§17, as amended by PL 1991, c. 838, §13, is further amended to read:

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1; ~~and~~

Sec. 3. 30-A MRSA §4404, sub-§18, as enacted by PL 1991, c. 838, §14, is amended to read:

18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision-; and

Sec. 4. 30-A MRSA §4404, sub-§19 is enacted to read:

19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

See title page for effective date.

CHAPTER 227

S.P. 125 - L.D. 404

**An Act to Amend the Laws
Regarding Snowmobile Registration**

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

Sec. 1. 12 MRSA §7821, sub-§1-A is enacted to read:

1-A. Antique snowmobile. "Antique snowmobile" means a snowmobile more than 25 years old that is registered as an antique snowmobile under section 7824, subsection 2-B.

Sec. 2. 12 MRSA §7824, sub-§2, as amended by PL 1997, c. 24, Pt. I, §8, is further amended to read:

2. Fee. ~~The~~ Except as provided in subsection 2-B, the annual snowmobile registration fee is as follows:

A. For residents, \$25. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year; and

B. For nonresidents:

(1) Thirty-five dollars for a 3-consecutive day registration. A person may purchase more than one 3-day registration in any season;

(2) Fifty dollars for a 10-consecutive day registration. A person may purchase more than one 10-day registration in any season; and

(3) Sixty dollars for a seasonal registration.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

Sec. 3. 12 MRSA §7824, sub-§2-B is enacted to read:

2-B. Antique snowmobile registration fee. A resident who owns a snowmobile that is more than 25 years old may register that snowmobile under this subsection as an antique snowmobile. An antique snowmobile registration authorizes that snowmobile to be operated only for the purpose of traveling to, returning from and participating in an exhibition, parade or other event of interest to the public. The fee for an antique snowmobile registration is \$30. An antique snowmobile registration is valid until the ownership of that antique snowmobile is transferred to another person. Upon the transfer of ownership, the new owner may reregister that snowmobile as an antique snowmobile by paying the \$30 antique snowmobile registration fee. The registration fee for an antique snowmobile is allocated according to subsection 3, paragraph A.

Sec. 4. 12 MRSA §7824, sub-§9, as amended by PL 1995, c. 467, §8, is further amended to read:

9. Reciprocity. Except as specifically provided in this subsection, and notwithstanding any other provision of law, a snowmobile may be possessed or operated by any person in this State without being registered in this State as long as:

A. The snowmobile is properly registered in the name of a nonresident owner of the snowmobile;

B. The nonresident owner of the snowmobile is a resident of a state, province, country or district with which this State has reciprocity.

For purposes of this subsection, "state, province, country or district with which this State has reciprocity" means a state, province, country or district that shares a common border with this State and that offers similar privileges to residents of this State. A state, province, country or district does not offer similar privileges if Maine residents holding a valid Maine snowmobile registration are charged a fee for access to the trail system in that state, province, country or district, or if, as determined by the commissioner, privileges and opportunities offered to snowmobile users in that state, province, country or district are not otherwise comparable to those offered in this State.

A snowmobile owned by a nonresident may not be issued a resident registration. Nothing in this subsection authorizes the operation of any snowmobile in any manner contrary to this subchapter.

Sec. 5. 12 MRSA §7824, sub-§10, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. The registration number assigned to a snowmobile ~~shall~~ must be displayed in such form and manner as the commissioner may determine, except that an antique snowmobile is not required to display registration numbers.

See title page for effective date.

CHAPTER 228

H.P. 1106 - L.D. 1549

An Act to Promote Microbreweries

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

Sec. 1. 28-A MRSA §1402-A is enacted to read:

§1402-A. Samples of products

A person licensed as a small brewery, farm winery or wholesaler may give a retail licensee samples of products under the following conditions:

1. Invoice required. The products must be accompanied by an invoice;

2. Product registered. The product must be registered with the bureau and clearly labeled as a sample;

3. Taxes paid. Taxes must be paid on each item;

4. Maximum annual sample established. The maximum amount of samples given to a retail licensee may not exceed 3 gallons of beer and 3 gallons of wine annually;

5. Samples removed. Beer and wine samples given to an off-premise retailer must be removed from the premises to be sampled; and

6. Records maintained. Records must be maintained for a 2-year period by the licensee giving or receiving samples.

See title page for effective date.

CHAPTER 229

S.P. 514 - L.D. 1598

An Act to Provide for Enforcement of the Laws Regarding the Protection of Underground Utility Facilities