

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
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
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

Sec. 15. Applicability of Site Law to existing oil terminal facilities. An oil terminal facility that is in existence on June 30, 1997 does not require review under the site location of development laws on or after that date unless it is or becomes a structure as defined in the Maine Revised Statutes, Title 38, section 482, subsection 6.

Sec. 16. Report concerning reducing nonpoint source pollution from developed areas in the shoreland zone, and addressing equity concerns relating to expansions. By January 1, 1998, the Department of Environmental Protection shall prepare and submit a report to the Joint Standing Committee on Natural Resources on the following issues:

1. Whether approval of an expansion of a non-conforming structure in the shoreland zone should be made contingent upon a reduction in the total nonpoint source pollution from the lot, including necessary installation and maintenance of best management practices; and

2. Whether the 30% expansion rule set out in the Maine Revised Statutes, Title 38, section 439-A, subsection 4 and department rules adopted pursuant to that subsection should be amended to improve the equity of its application, considering factors such as existing building size, building setback, lot area, lot frontage, degree of expansion allowed, water quality impacts and aesthetic impacts.

The report must include any draft legislation necessary to achieve any recommended changes and must briefly describe any necessary regulatory changes. In preparing the report, the department shall convene and consult with a work group that includes representatives of groups, including, but not limited to, municipalities, shorefront property owners, water utilities and environmental organizations.

Sec. 17. Use of compensation fees. Rules adopted by the Department of Environmental Protection pursuant to section 4 of this Act must provide guidance on the use of compensation fees to organizations authorized by the department to receive those fees. In developing the rules, the department shall consider appropriate percentages that should be allocated to project implementation, education, technical assistance and other project components.

Sec. 18. Retroactivity. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 38, section 488, subsection 11 applies retroactively to April 10, 1996, and that section of this Act that repeals Title 38, section 488, subsection 16 applies retroactively to July 4, 1996.

See title page for effective date.

CHAPTER 503

S.P. 47 - L.D. 157

An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents

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

Sec. 1. 33 MRSA §752 is enacted to read:

§752. Records preservation surcharge

1. Surcharge. In addition to any other fees required by law, a register of deeds may collect a surcharge of \$3 per document for all records that are recorded in the registry of deeds, except those recorded by agencies of State Government and municipalities.

2. Account. The surcharge imposed in subsection 1 must be transferred to the county treasurer who shall deposit it in a separate nonlapsing account within 30 days of receipt. Money in the account is not available for use as a general revenue of the county. Interest earned on the account must be credited to the account.

3. Expenditures from account. The money in the account established in subsection 2 must be used for the restoration, re-creation and preservation of the records in the office of the register of deeds.

4. Repeal. This section is repealed January 1, 2002.

See title page for effective date.

CHAPTER 504

H.P. 601 - L.D. 792

An Act Concerning Technical Changes to the Tax Laws

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

Whereas, delay in making technical changes to the tax laws would interfere with administration of those laws; and

Whereas, legislative action is immediately necessary in order to ensure continued and efficient administration of the tax laws; and