

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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 724

H.P. 1457 - L.D. 2048

An Act to Ensure Equitable School Funding**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 20-A MRSA §15605, sub-§1, as amended by PL 1997, c. 643, Pt. D, §2, is repealed and the following enacted in its place:

1. Annual recommendation. Prior to December 15th of each year, the commissioner, with the approval of the state board, shall recommend to the Governor and the Bureau of the Budget the funding levels that the commissioner recommends for sections 15604 and 15612.

Sec. 2. 20-A MRSA §15653, sub-§3, as amended by PL 1997, c. 643, Pt. D, §4 is repealed and the following enacted in its place:

3. Legislature's contribution. The commissioner's recommendation for an appropriation for the Legislature's contribution to the per pupil guarantee for all subsidizable pupils in all school administrative units must be at least the amount of the corresponding appropriation for the prior fiscal year, unless a lesser amount is necessary to ensure compliance with section 15607, subsection 1.

See title page for effective date.

CHAPTER 725

H.P. 1416 - L.D. 1980

An Act Relating to the Taxation of the Sale of Hay**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 36 MRSA §1760, sub-§78, as enacted by PL 1997, c. 550, §2, is repealed and the following enacted in its place:

78. Farm animal bedding and hay. Sales of organic bedding materials for farm animals and hay.

See title page for effective date.

CHAPTER 726

H.P. 1368 - L.D. 1918

An Act to Clarify the Definition of Functionally Water-dependent Use as it Pertains to the Shoreland Zone**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 38 MRSA §436-A, sub-§6, as enacted by PL 1987, c. 815, §§3 and 11, is amended to read:

6. Functionally water-dependent uses. "Functionally water-dependent uses" means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and ~~which cannot~~ that can not be located away from these waters. These uses include commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that ~~cannot~~ can not reasonably be located or operated at an inland site and uses ~~which~~ which that primarily provide general public access to ~~marine or tidal~~ coastal or inland waters.

Sec. 2. 38 MRSA §438-A, sub-§7 is enacted to read:

7. Exclusion of recreational boat storage buildings. Notwithstanding subsection 3, the exclusion of recreational boat storage buildings from the definition of "functionally water-dependent uses" is deemed to be incorporated into each municipal shoreland zoning ordinance on the effective date of this subsection, regardless of any prior approval of the ordinance by the commissioner.

Sec. 3. 38 MRSA §439-A, sub-§4, as amended by PL 1989, c. 403, §8, is further amended to read:

4. Setback requirements. Notwithstanding any provision in a local ordinance to the contrary, all new principal and accessory structures and substantial expansions of such structures within the shoreland zone as established by section 435 ~~shall~~ must meet the water setback requirements approved by the board, except ~~structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls~~ functionally water-dependent uses. For purposes of this subsection, a substantial expan-