

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

**CHAPTER 710-D****BUILDINGS ON LEASED LOTS****§6047. Application**

**1. Parties to agreement; purposes of agreement.** This chapter applies to agreements between:

A. A person, referred to in this chapter as the "lessor," who owns land in territory under jurisdiction of the Maine Land Use Regulation Commission; and

B. A person, referred to in this chapter as the "lessee," who intends to construct or to occupy a building or buildings owned by that person on leased land in territory under jurisdiction of the Maine Land Use Regulation Commission for recreational or residential purposes on a seasonal or year-round basis or to operate a business consisting of a commercial sporting camp, campground or retail store.

**2. Prospective application.** This chapter applies to agreements entered into or renewed on or after the effective date of this chapter.

**§6048. Written lease and description required**

An agreement described in section 6047 must be made in the form of a written lease and must include at least a general description of the boundaries of the land to be leased.

**§6049. Required notice**

**1. Required notice of change in terms.** A lessor must give a lessee at least 30 days' notice of a change in the terms of a lease.

**2. Required notice of termination.** Unless the lease is terminated for cause, a lessor must give notice to a lessee of the intent to terminate the lease at least one year prior to the effective date of the termination. All terms of the lease remain in effect following the notice, except that:

A. Termination provisions of the lease to the extent inconsistent with this section are void, beginning on the date the notice is provided;

B. The lessee may terminate the lease earlier than the effective date provided in the notice; and

C. If the lessee violates the lease during the period between the giving of the notice and the termination date provided in the notice, this section no longer applies and the lessee has only the rights provided in the lease.

For purposes of this subsection, "cause" means violation by a lessee of a term of a lease.

See title page for effective date.

**CHAPTER 613**

**H.P. 1566 - L.D. 2071**

**An Act to Amend the Law Relating  
to Growth-related Capital  
Investments**

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

**Sec. 1. 30-A MRSA §4301, sub-§5-B,** as enacted by PL 1999, c. 776, §7, is amended to read:

**5-B. Growth-related capital investment.** "Growth-related capital investment" means investment by the State in only the following projects, even if privately owned, whether using state, federal or other public funds and whether in the form of a purchase, lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

A. Construction or acquisition of newly constructed multifamily rental housing;

B. Development of industrial or business parks;

C. Construction or extension of sewer, water and other utility lines;

D. Grants and loans for public or quasi-public service infrastructure, public or quasi-public facilities and community buildings; and

E. Construction or expansion of state office buildings, state courts, hospitals and other quasi-public facilities and other ~~state~~ civic buildings that serve public clients and customers.

"Growth-related capital investment" does not include investment in the following: the operation or maintenance of a governmental or quasi-governmental facility or program; the renovation of a governmental facility that does not significantly expand the facility's capacity; general purpose aid for education; school construction or renovation projects; highway or bridge projects; programs that provide direct financial assistance to individual businesses; community revenue sharing; or public health programs.

**Sec. 2. 30-A MRSA §4349-A, sub-§1, ¶C,** as enacted by PL 1999, c. 776, §10, is amended to read:

C. Areas other than those described in paragraph A or B for the following projects:

(1) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as necessary to remedy a threat to public health or safety or to comply with environmental ~~cleanup~~ clean-up laws;

(2) A project related to a commercial or industrial activity that, due to its operational or physical characteristics, typically is located away from other development, such as an activity that relies on a particular natural resource for its operation;

(3) An airport, port or railroad or industry that must be proximate to an airport, a port or a railroad line or terminal;

(4) A pollution control facility;

(5) A project that maintains, expands or promotes a tourist or cultural facility that is required to be proximate to a specific historic, natural or cultural resource or a building or improvement that is related to and required to be proximate to land acquired for a park, conservation, open space or public access or to an agricultural, conservation or historic easement;

(6) A project located in a municipality that has none of the geographic areas described in paragraph A or B and that prior to January 1, 2000 formally requested but had not received from the office funds to assist with the preparation of a comprehensive plan or that received funds to assist with the preparation of a comprehensive plan within the previous 2 years. This exception expires for a municipality 2 years after such funds are received;

(7) A housing project serving the following: individuals with mental illness, mental retardation, developmental disabilities, physical disabilities, brain injuries, substance abuse problems or a human immunodeficiency virus; homeless individuals; victims of domestic violence; foster children; or children or adults in the custody of the State. A nursing home is not considered a housing project under this paragraph; or

(8) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as having no feasible location within an area described in paragraph A or B if, by majority vote of all members, the Land and Water Resources

Council finds that extraordinary circumstances or the unique needs of the agency require state funds for the project. The members of the Land and Water Resources Council may not delegate their authority under this subparagraph to the staffs of their member agencies.

**Sec. 3. 30-A MRSA §4349-A, sub-§2**, as amended by PL 2001, c. 90, §2 and c. 406, §13, is further amended to read:

**2. State facilities.** The Department of Administrative and Financial Services, Bureau of General Services shall develop site selection criteria for state office buildings, state courts, hospitals and other quasi-public facilities and other ~~state~~ civic buildings that serve public clients and customers, whether owned or leased by the State, that give preference to the priority locations identified in this subsection while ensuring safe, healthy, appropriate work space for employees and clients and accounting for agency requirements. Preference must be given to priority locations in the following order: service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities. If no suitable priority location exists or if the priority location would impose an undue financial hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in accordance with subsection 1. The following state facilities are exempt from this subsection: a state liquor store; a lease of less than 500 square feet; and a lease with a tenure of less than one year, including renewals.

See title page for effective date.

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## CHAPTER 614

H.P. 1578 - L.D. 2084

### **An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces**

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

**Sec. 1. 35-A MRSA §4332, sub-§1, ¶C**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

C. The Director of ~~Civil~~ Emergency Preparedness Management.

**Sec. 2. 37-B MRSA §1**, as amended by PL 1997, c. 455, §31, is further amended to read: