

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

tion, rehabilitation, ownership or operation of housing.

(b) "Residential rental housing" means one or more buildings, together with any facilities functionally related and subordinate to the building or buildings, containing one or more similarly constructed residential units offered for rental to the general public for use on other than a transient basis, each of which contains separate and complete facilities for living, sleeping, eating, cooking and sanitation.

(c) "Unrelated trade or business" means any trade or business whose conduct is not substantially related to the exercise or performance by a non-profit organization of the purposes constituting the basis for exemption under Section 501(c)(3) of the Code.

Sec. 17. 38 MRSA §488, sub-§23, as enacted by PL 2005, c. 217, §1, is amended to read:

23. Agricultural fair property. Development on property that is used for one or more agricultural fairs licensed by the Commissioner of Agriculture, Food and Rural Resources under Title 7, chapter ~~3~~ 4 is exempt from review under this article if:

A. The property is not used for motorized vehicle racing for more than 14 days beyond those days authorized for the operation of the agricultural fair;

B. Motorized vehicle racing on the property is licensed by the Department of Public Safety;

C. Use of the property beyond those days authorized for the operation of the agricultural fair meets a noise standard pursuant to section 484, subsection 3. The department shall enforce the noise standard under this paragraph; and

D. The property has been identified as the location of an agricultural fair in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006.

See title page for effective date.

CHAPTER 564

S.P. 271 - L.D. 816

An Act To Replace the Common Enemy Rule with Regard to Changing the Flow of Surface Water

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

Sec. 1. 17 MRSA §2808 is enacted to read:

§2808. Alteration of surface water flow

Unreasonable use of land that results in altered flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land is a nuisance.

An action under this section must be commenced within 3 years after the cause of action accrues.

Sec. 2. Application. This Act applies to causes of action accruing on or after the effective date of this Act.

Sec. 3. Effective date. This Act takes effect January 1, 2007.

Effective January 1, 2007.

CHAPTER 565

S.P. 677 - L.D. 1760

An Act To Amend the Maine Health Data Organization and Maine Health Data Processing Center Laws

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

Sec. 1. 10 MRSA §684, sub-§5, as enacted by PL 2001, c. 456, §1, is amended to read:

5. Cooperation with agencies and organizations. Cooperate with and avail itself of the services of government agencies and the University of Maine System and cooperate, assist and otherwise encourage organizations, local or regional, private or public, in the various communities of the State in the collection and processing of health care data; ~~and~~

Sec. 2. 10 MRSA §684, sub-§6, as corrected by RR 2001, c. 2, Pt. B, §22 and affected by §58, is amended to read:

6. Bylaws. Adopt bylaws that are consistent with this chapter for the governance of the affairs of the center, have the general powers accorded corpora-