

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

**CHAPTER 230
H.P. 299 - L.D. 373**

An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis

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

Sec. 1. 15 MRSA §2138, sub-§6, as enacted by PL 2001, c. 469, §1, is amended to read:

6. Appeal from court decision to grant or deny motion to order DNA analysis. An aggrieved person may not appeal as a matter of right from the denial of a motion to order DNA analysis. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule. The State may not appeal as a matter of right from a court order to grant a motion to order DNA analysis. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule.

Sec. 2. 15 MRSA §2138, sub-§11, as enacted by PL 2001, c. 469, §1, is amended to read:

11. Appeal from a court decision to grant or deny a motion for new trial. ~~An aggrieved person may not appeal from the denial of a new trial as a matter of right. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule.~~ The State or an aggrieved person may appeal as a matter of right from a court decision to grant or deny the person a new trial to the Supreme Judicial Court, sitting as the Law Court. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule.

See title page for effective date.

**CHAPTER 231
H.P. 435 - L.D. 552**

An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone

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

Sec. 1. 38 MRSA §436-A, sub-§7-A is enacted to read:

7-A. Height of a structure. "Height of a structure" means the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

Sec. 2. 38 MRSA §439-A, sub-§9 is enacted to read:

9. Cupolas. For the purpose of determining the height of a structure, a municipal ordinance adopted pursuant to this article may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if:

A. The legally existing conforming structure is not located in a Resource Protection District or a stream protection district as defined in guidelines adopted by the board; and

B. The cupola, dome, widow's walk or other similar feature:

(1) Does not extend beyond the exterior walls of the existing structure;

(2) Has a floor area of 53 square feet or less; and

(3) Does not increase the height of the existing structure, as determined under section 436-A, subsection 7-A, by more than 7 feet.

For purposes of this subsection, "cupola, dome, widow's walk or other similar feature" means a non-habitable building feature mounted on a building roof for observation purposes.

See title page for effective date.

**CHAPTER 232
S.P. 156 - L.D. 564**

An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

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

Sec. 1. 20-A MRSA §10011 is enacted to read:

§10011. Retention and graduation rates

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.