

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

with rules adopted by the department are not designated as outstanding national resources.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 16, 2022.

CHAPTER 504

S.P. 636 - L.D. 1809

An Act To Allow Exceptions to the Height Limitations under the Shoreland Zoning Laws

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

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

1-C. Area of special flood hazard. "Area of special flood hazard" means land in a floodplain having a 1% or greater chance of flooding in any given year, as identified in the effective federal flood insurance study and corresponding flood insurance rate maps.

Sec. 2. 38 MRSA §436-A, sub-§7-A, as enacted by PL 2011, c. 231, §1, is repealed and the following enacted in its place:

7-A. Height. "Height" means:

A. With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area; and

B. With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph A, including legally existing nonconforming structures, 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. 3. 38 MRSA §439-A, sub-§4, ¶C-1 is enacted to read:

C-1. Notwithstanding the limitations on height imposed under paragraphs B and C, the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to,

but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to 3 feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that:

(1) Have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the local floodplain management elevation requirement; and

(2) Are located in an area of special flood hazard.

See title page for effective date.

CHAPTER 505

S.P. 637 - L.D. 1810

An Act Regarding Examinations and Applications for Professional Engineers and Engineer-interns

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

Sec. 1. 32 MRSA §1352-A, first ¶, as amended by PL 2005, c. 315, §20, is further amended to read:

To be eligible for licensure as a professional engineer, an applicant must submit 5 references with the application for licensure as a professional engineer, 3 of which must be from licensed professional engineers from this State or another state, territory or possession of the United States, District of Columbia or any foreign country having personal knowledge of the applicant's engineering experience. To be eligible for certification as an engineer-intern, an applicant must submit 3 ~~character~~ references with the application for certification. Each applicant shall demonstrate that the applicant is trustworthy and competent to engage in the practice of professional engineering in such a manner as to safeguard the interests of the public.

Sec. 2. 32 MRSA §1353, first ¶, as amended by PL 2013, c. 296, §4, is further amended to read:

Application for licensure as a professional engineer or certification as an engineer-intern must be made on a form prescribed ~~and furnished~~ by the board, contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical experience and contain references as set forth in section 1352-A, none of which may be from members of the board. An applicant who fails to complete the application process within 5 years must reapply to the

board, meet qualification requirements that are in effect at the time of the new application and submit updated documentation of engineering work experience. An applicant reapplying for licensure as a professional engineer must submit 5 references, 3 of which must be from licensed professional engineers as set forth in section 1352-A and be current at the time of the new application. An applicant reapplying for certification as an engineer-intern must submit 3 references that are current at the time of the new application. An application fee may be established by rule by the board in an amount that is reasonable and necessary for its purpose.

Sec. 3. 32 MRSA §1354, as amended by PL 2019, c. 375, §16, is further amended to read:

§1354. Examinations

The principles and practices of engineering examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section 1352-A.

The passing grade on any examination is established by the national council. An applicant who fails to complete the application process within 5 years must reapply to the board, meet qualification requirements that are in effect at the time of the new application and present 3 new references and updated documentation of engineering work experience.

See title page for effective date.

CHAPTER 506
S.P. 649 - L.D. 1832

An Act To Correct the Year of
the Expiration of the Terms of
2 County Commissioners in
Sagadahoc County

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

Whereas, Public Law 2021, chapter 488 enacted the plan for reapportionment of the county commissioner districts as proposed by the apportionment commission; and

Whereas, the plan erroneously reversed the year of the expiration of the terms of the county commissioners of Commissioner District 2 and Commissioner District 3 in Sagadahoc County; and

Whereas, since one of the terms expires in 2022, this error needs to be corrected as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §66-C is enacted to read:

§66-C. Creation of Sagadahoc County Commissioner Districts

Sagadahoc County is divided into the following 3 districts.

1. Commissioner District Number 1. Commissioner District Number 1 consists of the minor civil divisions of Bowdoin and Topsham. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

2. Commissioner District Number 2. Commissioner District Number 2 consists of the minor civil divisions of Bath and Bowdoinham. The term of office of the commissioner from this district expires in 2022 and every 4 years thereafter.

3. Commissioner District Number 3. Commissioner District Number 3 consists of the minor civil divisions and unorganized territories of Arrowsic, Georgetown, Perkins Township, Phippsburg, Richmond, West Bath and Woolwich. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 16, 2022.

CHAPTER 507
S.P. 653 - L.D. 1835

An Act To Amend the Laws
Governing Storm Water
Management To Provide an
Exemption for Mountain Bike
Trails

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

Whereas, multiple projects involving the construction or management of mountain bike trails of statewide significance to Maine's recreational economy may be adversely affected by delay if those trails are subject to storm water management requirements; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of