

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 208

H.P. 156

House of Representatives, February 16, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CARROLL of Gray.

Cosponsored by Senator BERUBE of Androscoggin and Representative JOSEPH of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Correct Errors in the County and Municipal Law
Recodification.



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

4 **Whereas,** the recodification of the municipal and county
5 laws is effective March 1, 1989; and

6 **Whereas,** this legislation makes necessary corrections to
7 that recodification; and

8
9
10
11 **Whereas,** in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
13 Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
15 safety; now, therefore,

16
17 **Be it enacted by the People of the State of Maine as follows:**

18 **Sec. 1. 30-A MRSA §2, sub-1, ¶¶A to N,** as enacted by PL 1987,
19 c. 737, Pt. A, §2 and Pt. C, §106, are repealed and the following
20 enacted in their place:

21			
22			
23	<u>A. Androscoggin County:</u>		<u>1988</u>
24			
25	<u>(1) Commissioners</u>		
26			
27	<u>(a) Chairman</u>		<u>\$ 5,755</u>
28			
29	<u>(b) Members</u>		<u>4,926</u>
30			
31	<u>(2) Treasurer</u>		<u>18,500</u>
32			
33	<u>(3) Sheriff</u>		<u>24,617</u>
34			
35	<u>(4) Judge of Probate</u>		<u>11,173</u>
36			
37	<u>(5) Register of Probate</u>		<u>12,444</u>
38			
39	<u>(6) Register of Deeds</u>		<u>21,570</u>
40			
41	<u>B. Aroostook County:</u>		
42			
43	<u>(1) Commissioners</u>		
44			
45		<u>1988</u>	<u>1989</u>
46			
47	<u>(a) Chairman</u>		<u>\$2,000</u>
48			
49	<u>(b) Members</u>		<u>2,000</u>
50			
51	<u>(2) Treasurer</u>	<u>\$7,207</u>	<u>8,000</u>

1	(3) Sheriff	19,604	20,800
3	(4) Judge of Probate	10,210	10,210
5	(5) Register of Probate	14,560	16,560
7	(6) Register of Deeds		
9	(a) Northern District	14,280	16,280
11	(b) Southern District	14,280	16,280
13	<u>C. Franklin County:</u>		1988
15	(1) Commissioners		
17	(a) Chairman		\$ 4,665
19	(b) Members		4,424
21	(2) Treasurer		4,828
23	(3) Sheriff		24,245
25	(4) Judge of Probate		11,130
27	(5) Register of Probate		15,900
29	(6) Register of Deeds		16,960
31	<u>D. Hancock County:</u>		1988
33	(1) Commissioners		
35	(a) Chairman		\$ 6,870
37	(b) Members		6,411
39	(2) Treasurer		15,277
41	(3) Sheriff		26,500
43	(4) Judge of Probate		13,633
45	(5) Register of Probate		14,167
47	(6) Register of Deeds		15,277
49	<u>E. Kennebec County:</u>		1988
51	(1) Commissioners		

1				
3		<u>(a) Chairman</u>		<u>\$ 6,396</u>
5		<u>(b) Members</u>		<u>6,004</u>
7		<u>(2) Treasurer</u>		<u>8,485</u>
9		<u>(3) Sheriff</u>		<u>24,571</u>
11		<u>(4) Judge of Probate</u>		<u>14,617</u>
13		<u>(5) Register of Probate</u>		<u>18,741</u>
15		<u>(6) Register of Deeds</u>		<u>18,741</u>

F. Knox County:

17		<u>(1) Commissioners</u>				
19			<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
21		<u>(a) District 1</u>	<u>\$3,611</u>	<u>\$4,000</u>	<u>\$4,000</u>	<u>\$4,000</u>
23		<u>(b) District 2</u>	<u>3,439</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>
25		<u>(c) District 3</u>	<u>3,439</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>
27		<u>(d) Chairman</u>	<u>300</u>	<u>300</u>	<u>300</u>	<u>300</u>
29		<u>differential</u>				
31		<u>(2) Treasurer</u>	<u>6,000</u>	<u>6,000</u>	<u>6,000</u>	<u>7,000</u>
33		<u>(3) Sheriff</u>	<u>25,000</u>			
35		<u>(4) Judge of Probate</u>	<u>11,000</u>	<u>12,000</u>	<u>12,000</u>	<u>12,000</u>
37		<u>(5) Register of Probate</u>	<u>14,500</u>			
39		<u>(6) Register of Deeds</u>	<u>16,200</u>			

G. Lincoln County: 1988

43		<u>(1) Commissioners</u>	
45		<u>(a) Chairman</u>	<u>\$ 5,542</u>
47		<u>(b) Members</u>	<u>4,765</u>
49		<u>(2) Treasurer</u>	<u>5,185</u>

1	<u>(3) Sheriff</u>	<u>25,232</u>
3	<u>(4) Judge of Probate</u>	<u>12,503</u>
5	<u>(5) Register of Probate</u>	<u>15,000</u>
7	<u>(6) Register of Deeds</u>	<u>19,128</u>
9	<u>H. Oxford County:</u>	<u>1988</u>
11	<u>(1) Commissioners</u>	
13	<u>(a) Chairman</u>	<u>\$ 5,358</u>
15	<u>(b) Members</u>	<u>4,882</u>
17	<u>(2) Treasurer</u>	<u>6,453</u>
19	<u>(3) Sheriff</u>	<u>25,074</u>
21	<u>(4) Judge of Probate</u>	<u>13,451</u>
23	<u>(5) Register of Probate</u>	<u>15,413</u>
25	<u>(6) Register of Deeds</u>	
27	<u>(a) Eastern District</u>	<u>15,845</u>
29	<u>(b) Western District</u>	<u>12,600</u>
31	<u>I. Penobscot County:</u>	<u>1988</u>
33	<u>(1) Commissioners</u>	
35	<u>(a) Chairman</u>	<u>\$ 7,384</u>
37	<u>(b) Members</u>	<u>7,072</u>
39	<u>(2) Treasurer</u>	<u>2,912</u>
41	<u>(3) Sheriff</u>	<u>25,012</u>
43	<u>(4) Judge of Probate</u>	<u>19,188</u>
45	<u>(5) Register of Probate</u>	<u>18,512</u>
47	<u>(6) Register of Deeds</u>	<u>18,512</u>
49	<u>J. Piscataquis County:</u>	<u>1988</u>
51	<u>(1) Commissioners</u>	

1	<u>(a) Chairman</u>	\$ 5,400
3	<u>(b) Members</u>	4,600
5	<u>(2) Treasurer</u>	5,500
7	<u>(3) Sheriff</u>	20,800
9	<u>(4) Judge of Probate</u>	12,168
11	<u>(5) Register of Probate</u>	13,988
13	<u>(6) Register of Deeds</u>	14,456
15	<u>K. Sagadahoc County:</u>	<u>1988</u>
17	<u>(1) Commissioners</u>	
19	<u>(a) Chairman</u>	\$ 4,285
21	<u>(b) Members</u>	3,749
23	<u>(2) Treasurer</u>	7,298
25	<u>(3) Sheriff</u>	21,000
27	<u>(4) Judge of Probate</u>	13,446
29	<u>(5) Register of Probate</u>	14,690
31	<u>(6) Register of Deeds</u>	15,676
33	<u>L. Somerset County:</u>	<u>1988</u>
35	<u>(1) Commissioners</u>	
37	<u>(a) Chairman</u>	\$ 4,511
39	<u>(b) Members</u>	3,865
41	<u>(2) Treasurer</u>	9,293
43	<u>(3) Sheriff</u>	26,670
45	<u>(4) Judge of Probate</u>	15,022
47	<u>(5) Register of Probate</u>	15,843
49	<u>(6) Register of Deeds</u>	16,275
51	<u>M. Washington County:</u>	<u>1988</u>

1	<u>(1) Commissioners</u>	
3	<u>(a) Chairman</u>	\$ 4,872
5	<u>(b) Members</u>	4,061
7	<u>(2) Treasurer</u>	18,000
9	<u>(3) Sheriff</u>	27,000
11	<u>(4) Judge of Probate</u>	14,526
13	<u>(5) Register of Probate</u>	15,010
15	<u>(6) Register of Deeds</u>	15,010
17	<u>N. York County:</u>	1988
19	<u>(1) Commissioners</u>	
21	<u>(a) Chairman</u>	\$4,500
23	<u>(b) Members</u>	4,500
25	<u>(2) Treasurer</u>	5,200
27	<u>(3) Sheriff</u>	28,000
29	<u>(4) Judge of Probate</u>	12,500
31	<u>(5) Register of Probate</u>	20,000
33	<u>(6) Register of Deeds</u>	20,000

35 **Sec. 2. 30-A MRSA §82, sub-§4**, as enacted by PL 1987, c. 737,
37 Pt. A, §2 and Pt. C, §106, is repealed and the following enacted
in its place:

39 4. County commissioners' compensation. Except as provided
41 in paragraphs A and B, and notwithstanding any other provision of
43 law, if the county commissioners hire a full-time county
45 administrator, they shall forego the annual salary otherwise due
them and shall receive only \$75 each for each meeting attended
and reimbursement for travel at the same rate established for
state employees.

47 A. During 1989, if Aroostook County employs a full-time
49 county administrator, the county commissioners may receive
51 up to \$100 for each meeting attended for up to 52 meetings
in the fiscal year. They shall receive no compensation for
any meetings in excess of 52. The county commissioners
shall also receive the salary specified in section 2, in

1 addition to the per meeting compensation, regardless of
2 whether the county has a full-time county administrator.
3 The county commissioners shall also receive travel expenses
4 for travel to and from the county seat for meetings as
5 provided in this subsection.

7 B. The county commissioners of York County shall receive
8 the salary specified in section 2, regardless of whether
9 that county has a full-time county administrator. The
10 county commissioners shall receive compensation for
11 attendance at meetings and travel expenses for travel to and
12 from the county seat for meetings as provided in this
13 subsection.

15 **Sec. 3. 30-A MRSA §102, first ¶,** as enacted by PL 1987, c. 737,
Pt. A, §2 and Pt. C, §106, is amended to read:

17
18 The county commissioners have final authority over the
19 operation of all county offices by elected or appointed county
20 ~~officers~~ officials, except in circumstances for which a County
21 Personnel Board has been established under subchapter VII,
22 article 2 with the powers and duties set forth in that article
23 and in section 501. The county commissioners must act as a board
24 and not on an individual basis in exercising this authority.

25 **Sec. 4. 30-A MRSA §121, sub-§4,** as enacted by PL 1987, c. 737,
26 Pt. A, §2 and Pt. C, §106, is amended to read:

27
28 4. **Parking areas.** The county commissioners may lay out
29 parking areas on county lands near county buildings and may enact
30 ordinances for the reasonable use of those areas and enforce them
31 by suitable penalties ~~for the reasonable use of those areas~~. Any
32 violation of these ordinances is a traffic infraction.

33
34 **Sec. 5. 30-A MRSA §201,** as enacted by PL 1987, c. 737, Pt. A,
35 §2 and Pt. C, §106, is amended to read:

36
37 **§201. Clerical help**

38
39 In all county offices, there shall be allowed for clerk hire
40 the amount authorized by the county commissioners. The county
41 commissioners shall determine the salary of all clerks after
42 receiving a recommendation from the county ~~officer~~ official under
43 whom the clerk is employed. The county treasurer shall pay
44 weekly to the clerks employed by the county the wages to which
45 they are entitled. The county commissioners shall certify the
46 names of the clerks to the county treasurer. The county
47 commissioners may provide for a county pay scale, vacations and
48 sick leave for clerical help.

49
50 **Sec. 6. 30-A MRSA §271,** as enacted by PL 1987, c. 737, Pt. A,
51 §2 and Pt. C, §106, is amended to read:

1
3
§271. Appointment of temporary substitutes

5 When the district attorney does not attend a criminal
7 session or the office is vacant, the court may appoint an
9 attorney to perform duties during the session and allow a
11 reasonable compensation to be paid from the county treasury, in
the county where the appointment is made. The justice court
shall notify the Attorney General who shall deduct that amount
from the district attorney's salary and forward it to the county
treasurer.

13 **Sec. 7. 30-A MRSA §272, sub-§6**, as enacted by PL 1987, c. 737,
Pt. A, §2, and Pt. C, §106, is amended to read:

15
17 **6. Allowance for compensation.** For the compensation of
19 assistant district attorneys, the district attorneys shall be
21 allowed annually sums up to the limit of \$40,000 plus ~~68¢~~ 69¢ for
23 each person constituting the population of the district according
25 to the latest formal population estimate of the Office of Vital
Statistics of the Department of Human Services ~~until--June--30,~~
~~1988--and--\$40,000--plus--69¢--for--each--such--person--thereafter.~~ In
addition to the sums allowed in this section, funds shall be
provided for fringe benefits for which other state employees,
including confidential employees, are eligible.

27 **Sec. 8. 30-A MRSA §353**, as enacted by PL 1987, c. 737, Pt. A,
§2 and Pt. C, §106, is amended to read:

29
31 **§353. Officer not to act as attorney or draw papers;
employee of jailer not to act as judge or
attorney**

33
35 No officer may appear before any court as attorney or
37 adviser of any party in an action or draw any writ, complaint,
39 declaration, citation, process or plea for any other person; all
such acts are void. No person employed by the keeper of a jail
in any capacity may exercise any power or duty of a magistrate
judicial officer or notary public or act as attorney for any
person confined in the jail; all such acts are void.

41
43 **Sec. 9. 30-A MRSA §355, sub-§2**, as enacted by PL 1987, c. 737,
Pt. A, §2, and Pt. C, §106, is amended to read:

45 **2. Full-time deputies.** No full-time deputy may hold the
47 municipal office of selectman, city ~~councilman~~ councillor or
49 budget ~~committeeman~~ committee member or any county or state
office.

51 **Sec. 10. 30-A MRSA §453-A** is enacted to read:

§453-A. Public safety answering point

1
3 Each county, in cooperation with the Department of Public
5 Safety, shall establish an E-9-1-1 public safety answering point
7 in each county which may be located in a county communications
9 center or the county sheriff's communications facility. The
11 department shall pay for the necessary E-9-1-1 equipment and for
13 its installation and maintenance.

15 **Sec. 11. 30-A MRSA c. 1, sub-c. VI, art. 9 is enacted to read:**

17 **ARTICLE 9. PARKING ENFORCEMENT SPECIALISTS**

19 **§471. County volunteer parking enforcement programs**

21 1. Programs established. Each sheriff's department may
23 establish a program to deputize volunteer parking enforcement
25 specialists to enforce handicapped parking restrictions in
27 private parking lots within the county, in areas which are not
29 within the jurisdiction of a municipal police department,
31 pursuant to enforcement agreements entered into between the
33 sheriff's department and the owners of those lots under section
35 3009, subsection 1, paragraph D.

37 2. Qualifications. To qualify as a volunteer parking
39 enforcement specialists, an applicant:

41 A. Must be at least 18 years of age;

43 B. Must successfully complete a criminal history check to
45 standards officially adopted by the sheriff's department; and

47 C. Must successfully complete an examination and training
49 program, as established in section 473.

51 The sheriff's department should seek applicants who are
handicapped.

3. Duties. After an applicant has qualified under
subsection 2, the sheriff's department shall deputize the
applicant as a volunteer parking enforcement specialist. A
volunteer parking enforcement specialist shall:

A. Issue parking citations, tickets or oral warnings to
operators of motor vehicles parked in violation of any
handicapped parking restriction in private parking lots,
pursuant to agreements entered into under section 3009,
subsection 1, paragraph D; and

E. Make referrals to a law enforcement agency when proper
and appropriate.

1 §472. Municipal volunteer parking enforcement programs

3 1. Programs established. Each municipal police department,
5 with the approval of the municipal officers, may establish a
7 program or contract with the sheriff to carry out a program to
9 deputize volunteer parking enforcement specialists to enforce
11 handicapped parking restrictions in private lots within the
13 municipality, pursuant to enforcement agreements entered into
15 between the police department and the owners of those lots under
17 section 3009, subsection 1, paragraph D.

19 2. Qualifications. To qualify as a volunteer parking
21 enforcement specialist, an applicant:

23 A. Must be at least 18 years of age;

25 B. Must successfully complete a criminal history check to
27 standards officially adopted by the police department; and

29 C. Must successfully complete an examination and training
31 program, as established in section 473, except that the
33 police department may conduct the local orientation.

35 The police department should seek applicants who are handicapped.

37 3. Duties. After an applicant has qualified under
39 subsection 2, the police department shall deputize the applicant
41 as a volunteer parking enforcement specialist. A volunteer
43 parking enforcement specialist shall:

45 A. Issue parking citations, tickets or oral warnings to
47 operations of motor vehicles parked in violation of any
49 handicapped parking restriction in private parking lots,
51 pursuant to agreements entered into under section 3009,
53 subsection 1, paragraph D; and

55 B. Make referrals to a law enforcement agency when proper
57 and appropriate.

59 §473. Training and examination

61 1. Training manual. An applicant for the position of
63 parking enforcement specialist shall be provided with a copy of a
65 self-paced study guide and training manual approved by the
67 Commissioner of Public Safety. The manual shall include, but is
69 not limited to, instruction in:

71 A. What a ticket or citation is and how to issue one
73 correctly;

1 B. Reporting and referring cases to a law enforcement
3 officer or agency when appropriate and avoiding
 confrontation;

5 C. Communication and public relation skills that emphasize
7 positive public relations and community education; and

9 D. Basic first aid.

11 2. Examination. The Commissioner of Public Safety shall
13 devise the examination for parking enforcement specialists. The
 sheriff's department shall offer examinations as needed.

15 3. Local orientation. Upon successful completion of the
17 examination, applicants shall be given an orientation program by
 the sheriff's department on local ordinances and procedures.

19 **Sec. 12. 30-A MRSA c. 3, sub-c. I, art. 5,** as enacted by PL 1987,
 c. 737, Pt. A, §2, and Pt. C, §106, is repealed.

21 **Sec. 13. 30-A MRSA §2001, sub-§8,** as enacted by PL 1987, c.
23 737, Pt. A, §2, and Pt. C, §106, is amended to read:

25 **8. Municipality.** "Municipality" means a city or town,
 except as provided in chapter 225.

27 **Sec. 14. 30-A MRSA §2001, sub-§12,** as enacted by PL 1987, c.
29 737, Pt. A, §2, and Pt. C, §106, is amended to read:

31 **12. Municipal year.** "Municipal year" means a
 municipality's fiscal year as determined by the municipal
33 officers under section 708 5651.

35 **Sec. 15. 30-A MRSA §2253, sub-§2,** as enacted by PL 1987, c.
 737, Pt. A, §2, and Pt. C, §106, is amended to read:

37 **2. Limitations.** Any A public self-funded pool may not
39 provide for hospital, medical, surgical or dental benefits to the
 employees of the member political subdivisions in the pool except
41 when those benefits arise from the obligations and
 responsibilities of the pool in providing automobile insurance
43 coverage and protection against other liability and loss
 associated with the ownership of motor vehicles.

45 **Sec. 16. 30-A MRSA §2503, sub-§3, ¶F,** as enacted by PL 1987, c.
47 737, Pt. A, §2, and Pt. C, §106, is amended to read:

49 **F.** If a majority of the voters who vote on a referred
 ordinance vote against-it for its repeal, it is considered
51 repealed upon certification of the election results.

1 **Sec. 17. 30-A MRSA §2521, sub-§§3 and 4**, as enacted by PL 1987,
c. 737, Pt. A, §2, and Pt. C, §106, are amended to read:

3
4 3. Petition of 3 voters, if no selectmen. When a town,
5 once organized, is without selectmen, a ~~notary-public~~ justice of
6 the peace may call a meeting on the written petition of any 3
7 voters.

9 4. Petition by voters, if selectmen refuse. If the
selectmen unreasonably refuse to call a town meeting, a ~~notary~~
11 public justice of the peace may call the meeting on the written
petition of a number of voters equal to at least 10% of the
13 number of votes cast in the town at the last gubernatorial
election, but in no case less than 10.

15 **Sec. 18. 30-A MRSA §2526, sub-§9, ¶A**, as enacted by PL 1987,
17 c. 737, Pt. A, §2 and Pt. C, §106, is amended to read:

19 A. Unless the oath is administered in the clerk's presence,
the person who administers it shall give the official or
21 deputy sworn a certificate which shall be returned to the
clerk for filing. The certificate must state:

- 23 (1) The name of the official or deputy sworn;
25 (2) ~~His~~ The official or deputy's office;
27 (3) The name of the person who administered the oath;
29 and
31 (4) The date when the oath was taken.

33 **Sec. 19. 30-A MRSA §2528, sub-§4, ¶B**, as enacted by PL 1987, c.
35 737, Pt. A, §2, and Pt. C, §106, is amended to read:

37 B. At the end of the list of candidates for each office,
there shall be left as many blank spaces as there are
39 vacancies to be filled in which a voter may write in the
name and municipality of residence of any person for whom
41 the voter desires to vote. A sticker may not be used to
vote for a write-in candidate in any municipal election
43 other than a primary election.

45 **Sec. 20. 30-A MRSA §2528, sub-§5**, as enacted by PL 1987, c.
737, Pt. A, §2, and Pt. C, §106, is amended to read:

47 5. Referendum questions. By order of the municipal
officers or on the written petition of a number of voters equal
49 to at least 10% of the number of votes cast in the town at the
last gubernatorial election, but in no case less than 10, the
51 municipal officers shall have a particular article placed on the
next ballot printed or shall call a special town meeting for its

1 consideration. A petition or order under this subsection is
3 subject to the filing provisions governing nomination papers
under subsection 4.

5 The municipal officers shall hold a public hearing on the subject
7 of the article at least 10 days before the day for voting on the
9 article. At least 7 days before the date set for the hearing,
11 the municipal officers shall give notice of the public hearing by
13 having a copy of the proposed article, together with the time and
place of hearing, posted in the same manner required for posting
a warrant for a town meeting under section 2523. The municipal
officers shall make a return on the original notice stating the
manner ~~of~~ of notice and the time it was given.

15 A. The requirement for public hearing is not a prerequisite
17 to the valid issuance of any bond, note or other obligation
of a municipality authorized to borrow money by vote under
any such particular article.

19 B. If a particular article to be voted on by secret ballot
21 requests an appropriation of money by the municipality, the
23 article, when printed in the warrant and on the ballot, must
be accompanied by a recommendation of the municipal officers.

25 (1) If by town meeting vote or charter provision, a
27 budget committee has been established to review
proposed town expenditures, the recommendations of the
29 budget committee shall be printed in addition to those
of the municipal officers.

31 (2) If the action affects the school budget, a
33 recommendation by the school board shall be printed in
addition to those of the municipal officers and the
35 budget committee, if any.

37 **Sec. 21. 30-A MRSA §2528, sub-§6, ¶B,** as enacted by PL 1987, c.
737, Pt. A, §2, and Pt. C, §106, is amended to read:

39 B. At the end of the list of candidates for each office,
41 there shall be left as many blank spaces as there are
vacancies to be filled in which a voter may write in the
43 name and municipality of residence of any person for whom
the voter desires to vote. A sticker may not be used to
45 vote for a write-in candidate in any municipal election
other than a primary election.

47 **Sec. 22. 30-A MRSA §2554, sub-§2,** as enacted by PL 1987, c.
49 737, Pt. A, §2, and Pt. C, §106, is amended to read:

51 2. **Write-in votes.** In any city election, a voter may write
in the name and municipality of residence of any person for whom
the voter desires to vote in the blank space provided at the end

1 of the list of candidates for office. A sticker may not be used
to vote for a write-in candidate in any city election other than
3 a primary election.

5 Sec. 23. 30-A MRSA §2605, sub-§§5 and 6 are enacted to read:

7 5. Former municipal and county officials. This subsection
applies to former municipal and county officials.

9
11 A. No former municipal or county official may, for anyone
13 other than the municipality or county, knowingly act as an
15 agent or attorney, or participate in a proceeding before a
municipal or county government body for one year after
termination of the official's employment or term of office
with that government body in connection with any proceeding:

17 (1) In which the specific issue was pending before the
19 municipal or county official and was directly within
the responsibilities of that official; and

21 (2) Which was completed at least one year before the
23 termination of that official's employment or term of
office.

25 B. No former municipal or county official may, for anyone
27 other than the municipality or county, knowingly act as an
29 agent or attorney, or participate in a proceeding before a
31 municipal or county government body at any time after
termination of the official's employment or term of office
with that government body in connection with any proceeding:

33 (1) In which the specific issue was pending before the
35 municipal or county official and was directly within
the responsibilities of that official; and

37 (2) Which was pending within one year of the
39 termination of the municipal or county official's
employment or term of office.

41 C. This subsection may not be construed to prohibit former
43 municipal or county officials from doing personal business
with the municipality or county. This subsection does not
limit the application of Title 17-A, chapter 25.

45 For the purpose of this subsection, a municipal or county
47 government body includes an agency, board, commission, authority,
49 committee, legislative body, department or other governmental
entity of a municipality or county.

51 6. Avoidance of appearance of conflict of interest. Every
municipal and county official shall attempt to avoid the

1 appearance of a conflict of interest by disclosure or by
2 abstention.

3

4 **Sec. 24. 30-A MRSA §2671, sub-§2, ¶F**, as enacted by PL 1987, c.
5 737, Pt. A, §2, and Pt. C, §106, is amended to read:

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F. As provided for in section 2675 2674.

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8 **Sec. 25. 30-A MRSA §2691, sub-§3, ¶C**, as enacted by PL 1987,
9 c. 737, Pt. A, §2, and Pt. C, §106, is amended to read:

10

11 C. The board may provide, by regulation which shall be
12 recorded by the secretary, for any matter relating to the
13 conduct of any hearing, provided that the ~~chairman-waives-~~
14 chair may waive any regulation upon good cause shown.

15

16 **Sec. 26. 30-A MRSA §2701, sub-§1, ¶B**, as enacted by PL 1987, c.
17 737, Pt. A, §2, and Pt. C, §106, is amended to read:

18

19 B. Municipal records pertaining to an identifiable employee
20 and containing the following:

21

22 (1) Medical information of any kind, including
23 information pertaining to diagnosis or treatment ~~of~~ of
24 mental or emotional disorders;

25

26 (2) Performance evaluations and personal references
27 submitted in confidence;

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29 (3) Information pertaining to the credit worthiness of
30 a named employee;

31

32 (4) Information pertaining to the personal history,
33 general character or conduct of members of an
34 employee's immediate family; and

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36 (5) Complaints, charges or accusations of misconduct,
37 replies to those complaints, charges or accusations and
38 any other information or materials that may result in
39 disciplinary action. If disciplinary action is taken,
40 the final written decision relating to that action is
41 no longer confidential after it is completed. The
42 decision shall state the conduct or other facts on the
43 basis of which disciplinary action is being imposed and
44 the conclusions of the acting authority as to the
45 reasons for that action; and

46

47 **Sec. 27. 30-A MRSA §3007, sub-§2**, as enacted by PL 1987, c.
48 737, Pt. A, §2, and Pt. C, §106, is amended to read:

49

50 2. Buildings, structures, mobile homes, travel trailers and
51 equipment. The following provisions apply to any ordinance

1 enacted by a municipality concerning buildings, structures,
3 mobile homes, travel trailers intended to be used for human
habitation or related equipment.

5 A. Any building, structure, mobile home or travel trailer
7 intended to be used for human habitation and travel trailer
parking facility or equipment existing in violation of such
an ordinance is a nuisance.

9
11 **Sec. 28. 30-A MRSA §3007, sub-§3, ¶B,** as enacted by PL 1987, c.
737, Pt. A, §2, and Pt. C, §106, is amended to read:

13 B. If the owner or lessee does not install effective roof
15 guards within 14 days after notice is sent, the owner or
lessee is ~~strictly~~ absolutely liable for all injury caused
17 by failure to do so.

19 **Sec. 29. 30-A MRSA §3009, sub-§1, ¶D,** as enacted by PL 1987,
c. 737, Pt. A, §2, and Pt. C, §106, is repealed and the following
21 enacted in its place:

23 D. The following provisions apply to the establishment and
policing of parking spaces for handicapped persons.

25 (1) Owners of private off-street parking shall arrange
27 for private enforcement or shall enter into agreements
with local or county law enforcement agencies for the
29 policing of spaces dedicated for handicapped persons'
vehicles, under which agreements unauthorized vehicles
31 will be tagged. Where service facilities are
established on the Maine Turnpike and on the interstate
33 highway system in the State, the State Police shall
enforce any handicapped parking restriction at those
35 facilities.

37 Under these agreements, public law enforcement
officials may ensure that parking spaces designated for
39 the handicapped are used appropriately by handicapped
persons, whether the designated handicapped parking
41 spaces are located on public lots or on private lots
open to the public.

43 Handicapped parking restrictions in private lots may
45 also be enforced by county or municipal volunteer
parking enforcement specialists as provided in sections
47 471 and 472.

49 (2) Any vehicle or motorcycle parked in a parking
space clearly marked as a handicapped parking space
51 that does not bear a special registration plate or
placard issued under Title 29, sections 252, 252-A and
252-C, or a similar plate issued by another state,

1 shall be cited for a forfeiture of not less than \$50.
3 "Clearly marked" includes painted signs on pavement and
 vertical standing signs which are visible in existing
5 weather conditions.

7 (3) An owner of private off-street parking who fails
 to arrange for private enforcement or to enter into an
9 agreement with a law enforcement agency commits a civil
 violation for which a forfeiture of not less than \$50
11 may be adjudged.

13 **Sec. 30. 30-A MRSA §3101, 1st ¶,** as enacted by PL 1987, c. 737,
Pt. A, §2, and Pt. C, §106, is amended to read;

15 A municipality may acquire real estate or easements for any
17 public purpose use by using the condemnation procedure for town
ways, as provided in Title 23, chapter 304, subject to the
19 following provisions. The limitations set forth in this section
do not apply to any taking authorized by any other law.

21 **Sec. 31. 30-A MRSA §3156,** as enacted by PL 1987, c. 737, Pt.
A, §2, and Pt. C, §106, is amended to read:

23 **§3156. Fire aid to other municipalities**

25 Unless otherwise provided by charter or ordinance, the
27 municipal officers may authorize the municipal fire department to
aid in extinguishing fires in other municipalities. Municipal
29 and volunteer firefighters when assisting other municipalities
have the same privileges and immunities as when acting in their
31 own municipality. Any municipality may compensate an aiding
municipality or volunteer fire association for damage to the
33 aiding department or association's property and to any
firefighter or to the firefighter's widow surviving spouse or
35 dependents because of injury or death sustained in the course of
rendering aid to that municipality.

37 **Sec. 32. 30-A MRSA §3506, sub-§2,** as enacted by PL 1987, c.
39 737, Pt. A, §2, and Pt. C, §106, is amended to read:

41 2. Meetings. The directors shall meet at least 4 times a
year or more often if required by the bylaws, and upon the call
43 of the president. The president shall call any other meetings
that are requested in writing directed to the president and
45 signed by at least 1/3 of the members of the board of directors.

47 **Sec. 33. 30-A MRSA §3605, sub-§4, ¶B,** as enacted by PL 1987, c.
737, Pt. A, §2, and Pt. C, §106, is amended to read:

49 B. The lack of compliance is due to the landlord's failure
51 to provide normal and adequate repair and maintenance.

1 The board or the administrator may refuse to grant a rent
3 decrease under this section, if it is determined that a
 tenant is behind in the payment of rent.

5 **Sec. 34. 30-A MRSA §3605, sub-§5,** as enacted by PL 1987, c.
7 737, Pt. A, §2, and Pt. C, §106, is amended to read:

9 **5. Termination procedure.** The board or administrator may
11 adjust or eliminate rent controls if it is determined that the
13 need for continuing rental levels no longer exists because of
15 sufficient construction of new rental units or because the demand
16 for rental units has been otherwise met. Any maximum rental
17 level removed under this subsection shall be reimposed or
18 adjusted and reimposed upon a finding by the board or
19 administrator that a substantial shortage of rental units exists
 in the municipality and that the reimposition of rent control is
 necessary in the public interest. Any action under this
 subsection is subject to ~~the hearing and notice requirements of~~
 appeal under section 3606.

21 **Sec. 35. 30-A MRSA §3834, sub-§2,** as enacted by PL 1987, c.
23 737, Pt. A, §2, and Pt. C, §106, is amended to read:

25 **2. Penalty.** Notwithstanding Title 17-A, section 4-A,
26 whoever refuses or fails to leave any such place when requested
27 to do so by the owner, manager, clerk, agent or ~~servant~~ employee
28 of the owner or manager is guilty of a Class D crime and shall be
29 punished by a fine of not more than \$1,000 or by imprisonment for
 not more than 11 months, or both.

31 **Sec. 36. 30-A MRSA §3851, sub-§2, ¶B,** as enacted by PL 1987, c.
33 737, Pt. A, §2, and Pt. C, §106, is amended to read:

35 **B.** Every keeper of an inn, hotel or boardinghouse is liable
36 for any guest's loss of the articles or property listed in
37 subsection 1 after those articles have been accepted for
38 deposit, if the loss is caused by the theft or negligence of
39 the keeper or any of the ~~servants~~ keeper's employees.

41 **Sec. 37. 30-A MRSA §3853,** as enacted by PL 1987, c. 737, Pt.
42 A, §2, and Pt. C, §106, is amended to read:

43 **§3853. Check or receipt for property delivered for**
44 **safekeeping**

45 Every guest and every person intending to be a guest of any
46 hotel, inn or boardinghouse in this State, upon delivering any
47 baggage or other articles of property of the guest to the
48 proprietor of the hotel, inn or boardinghouse or to the ~~servants~~
49 proprietor's employees for safekeeping elsewhere than in the room
50 assigned to that guest, shall demand, and the hotel or inn
51 proprietor shall give, a check or receipt for the baggage or

1 other property to evidence the fact of the delivery. No
3 proprietor is liable for the loss of or injury to the baggage or
5 other property of the guest, unless the guest has actually
7 delivered the baggage or other property to the proprietor or the
servants ~~employees~~ for safekeeping, or unless the loss or injury
occurs through the negligence of the proprietor or ~~of--the~~
~~servants--of~~ employees in the hotel or inn.

9 **Sec. 38. 30-A MRSA §3854, first ¶,** as enacted by PL 1987, c.
11 737, Pt. A, §2, and Pt. C, §106, is amended to read:

13 The liability of the keeper of any inn, hotel or
15 boardinghouse for loss of or injury to personal property placed
17 by guests under the keeper's care, other than that described in
19 sections 3851 to 3853, shall be that of a depository for hire,
except that if the loss or injury is caused by fire not
intentionally produced by the keeper or servants employees, the
keeper is not liable.

21 **Sec. 39. 30-A MRSA §3862, sub-§2, ¶B,** as enacted by PL 1987, c.
23 737, Pt. A, §2, and Pt. C, §106, is amended to read:

25 B. Mail a copy of the notice addressed to the guest or
27 boarder at the registered place of residence entered in the
register of the inn, hotel or boardinghouse.

29 **Sec. 40. 30-A MRSA §4103, sub-§3, ¶¶A and B,** as enacted by PL
1987, c. 737, Pt. A, §2, and Pt. C, §106, are amended to read:

31 A. The licensing authority may not issue any permit for a
33 building or use for which the applicant is required to
obtain a license under Title 38, section 413, until the
applicant has obtained that license.

35 B. The licensing authority may not issue any permit for a
37 building or use within a land subdivision, as defined in
39 section ~~455~~ 4401, subsection 4, unless that subdivision has
been approved in accordance with ~~that-section~~ chapter 187,
suchapter IV.

41 **Sec. 41. 30-A MRSA §4103, sub-§6,** as enacted by PL 1987, c.
43 737, Pt. A, §2 and Pt. C, §106, is repealed and the following
enacted in its place:

45 6. Appeal to Superior Court. An appeal may be taken from
47 the decision of the municipal officers or the board of appeals as
provided in section 2691, subsection 3, paragraph G.

49 **Sec. 42. 30-A MRSA §4104, sub-§2,** as enacted by PL 1987, c.
51 737, Pt. A, §2 and Pt. C, §106, is amended to read:

53 2. **Liability.** After the expiration of the 30-day period,
the owner or lessee is ~~strictly~~ absolutely liable for all injury

1 caused by failure to correct any conditions cited in the order
2 under subsection 1, and the building inspector shall order the
3 building vacated.

5 **Sec. 43. 30-A MRSA §4215, sub-§2,** as enacted by PL 1987, c.
7 737, Pt. A, §2 and Pt. C, 106, is amended to read:

9 2. **Permit for seasonal conversion.** Before converting a
11 seasonal dwelling which is located in the shoreland zoning area,
13 as defined in Title 38, section 435, to a year-round or principal
15 dwelling, a conversion permit must be obtained from the local
17 plumbing inspector. A seasonal conversion permit shall not be
approved if a holding tank is used as a means of waste water
disposal or storage. The inspector shall issue a permit for
conversion of a seasonal dwelling to a year-round or principal
dwelling if one of the following conditions is met:

19 A. A subsurface waste water disposal application, completed
21 after July 1, 1974, exists indicating that the dwelling's
23 waste water disposal system substantially complies with
departmental rules and applicable municipal ordinances,
provided that the disposal system was installed with the
required permit and certificate of approval;

25 B. A replacement for an existing waste water disposal
27 system has been constructed so that it substantially
29 complies with departmental rules and applicable municipal
ordinances;

31 C. The dwelling unit's waste water is connected to an
approved sanitary sewer system; or

33 D. A variance has been granted under this paragraph. The
35 owner of a seasonal dwelling, upon application, shall be
37 granted a variance from the requirements of this subsection
if, based upon the site evaluation, the plumbing inspector
39 finds that in the event of a malfunction of the existing
41 system a replacement subsurface waste water system can be
43 installed which will be in substantial compliance with
departmental rules and applicable municipal ordinances and
that the new system will not be likely to endanger the
quality of the adjacent water bodies or of adjacent private
water supplies.

45 (1) The applicant for a variance shall have a notice
47 documenting the finding of the plumbing inspector
49 recorded in the appropriate registry of deeds and shall
51 send a copy of that notice by certified mail, return
receipt requested, to each owner of an abutting lot.
The department shall prescribe the form of the notice
to be used. The notice shall include a site plan
showing:

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- (a) The exact location of the replacement system;
- (b) The approximate location of lot lines; and
- (c) The exact location of existing wells serving the lot on which the replacement system will be located and those located on abutting lots.

(2) After the notice required by subparagraph (1) is recorded, an abutting landowner may not install a well on the landowner's property in a location which would prevent the installation of the replacement septic system. The owner of the lot on which the replacement system would be installed may not erect any structure on the proposed site of the replacement system or conduct any other activity which would prevent the use of the designated site for the replacement system.

(3) In the event of a malfunction of a system for which a variance has been granted, the owner of the converted seasonal dwelling shall obtain a permit and repair or replace the existing subsurface disposal system to bring the system into substantial compliance with departmental rules and applicable municipal ordinances and ensure that the system will not endanger the quality of adjacent water bodies or adjacent private water supplies. No variance for a new, expanded or replacement subsurface disposal system may be approved within the shoreland zoning area which is less restrictive than the requirements of this paragraph or rules adopted to carry out this paragraph. ~~A seasonal conversion permit shall not be approved if a holding tank is used as a means of waste water disposal or storage.~~

Sec. 44. 30-A MRS §4216, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, is repealed and the following enacted in its place:

§4216. Transfers of shoreland property

Any person transferring property on which a subsurface waste water disposal system is located within the shoreland area, as defined in Title 38, section 435, shall provide the transferee with a written statement by the transferor as to whether the system has malfunctioned during the 180 days preceding the date of transfer.

Sec. 45. 30-A MRS §4221, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, is amended to read:

1 1. Appointment, compensation, removal. In every
3 municipality, the municipal officers shall appoint one or more
inspectors of plumbing, who need not be residents of the
5 municipality for which they are appointed. Plumbing inspectors
shall be appointed ~~under section 2526, subsection 9~~ for a term of
7 one year and shall be sworn and the appointment recorded as
8 provided in section 2526, subsection 9. An individual properly
9 appointed as plumbing inspector and satisfactorily performing the
duties may continue in that capacity after the term has expired
11 until replaced. The municipal officers shall notify the
department of the appointment of a plumbing inspector in writing
within 30 days of the appointment.

13
14 Compensation of plumbing inspectors shall be determined by the
15 municipal officers and shall be paid by the respective
municipalities.

17
18 The municipal officers may remove a plumbing inspector for cause,
19 after notice and hearing.

21 **Sec. 46. 30-A MRSA sub-pt. 6-A** is enacted to read:

23 SUBPART 6-A

25 PLANNING AND LAND USE REGULATION

27 CHAPTER 187

29 PLANNING AND LAND USE REGULATION

31
32 SUBCHAPTER I

33
34 GENERAL PROVISIONS

37
38 §4301. Definitions

39
40 As used in this chapter, unless the context otherwise
41 indicates, the following terms have the following meanings.

43 1. Affordable housing. "Affordable housing" means decent,
44 safe and sanitary dwellings, apartments or other living
45 accommodations for households which earn an income at or below
46 80% of the median household income as determined by the
47 Department of Economic and Community Development. Affordable
48 housing includes, but is not limited to:

49 A. Government assisted housing;

50 B. Housing for low-income and moderate-income families;

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C. Manufactured housing;

D. Multi-family housing; and

E. Group and foster care facilities.

2. Coastal areas. "Coastal areas" means all municipalities and unorganized townships contiguous to tidal waters and all coastal islands. The inland boundary of the coastal area is the inland line of any coastal town line.

3. Comprehensive plan. "Comprehensive plan" means a document or interrelated documents containing the elements established under section 4311, subsections 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

4. Conditional zoning. "Conditional zoning" means the process by which the municipal legislative body may rezone property to permit the use of that property subject to conditions not generally applicable to other properties similarly zoned.

5. Contract zoning. "Contract zoning" means the process by which the property owner, in consideration of the rezoning of that person's property, agrees to the imposition of certain conditions or restrictions not imposed on other similarly zoned properties.

6. Development. "Development" means a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

7. Implementation program. "Implementation program" means that component of a local growth management program which includes the policies and ordinances or other land use regulations which carry out the purposes and general policy statements and strategies of the comprehensive plan in a manner consistent with the goals and guidelines of subchapter II.

8. Land use ordinance. "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs or delineates allowable uses of land and the standards for those uses.

9. Local growth management program. "Local growth management program" means a document containing the components described in section 4311, including the implementation program, which is consistent with the goals and guidelines established by subchapter II.

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B. These same natural resources and traditional patterns of development have defined the quality of life which the citizens of the State treasure and seek to protect;

C. The pace of land speculation and development has accelerated and outstripped the capacity of the State and municipalities to manage this growth under existing state and local laws;

D. This unplanned growth threatens the integrity of the State's natural resource base, the ability of local government and State Government to provide necessary public services, the affordability of decent housing, the long-term economic viability of the State's economy and the quality of life presently enjoyed by Maine's citizens;

E. The most effective land use planning can only occur at the local level of government and comprehensive plans and land use ordinances developed and implemented at the local level are the key in planning for Maine's future;

F. Continued application of the current reactive, case-by-case system of land use regulation is detrimental to the public health, safety and welfare;

G. The State must take appropriate measures to protect and manage certain areas and natural resources which are of statewide significance and concern; and

H. The State has a vital interest in ensuring that a comprehensive system of land use planning and growth management is established as quickly as possible which, while building on the strong foundation of local land use planning, also protects unique aspects of the State's heritage and environment, encourages appropriate uses of the State's natural resources, guides sound economic development and ensures prosperity for Maine citizens in all regions of the State.

2. Legislative purpose. The Legislature declares that it is the purpose of this Act to:

A. Establish, in each municipality of the State, local comprehensive planning and land use management according to the schedule contained in this subchapter and consistent with the goals and policies of the State;

B. Provide municipalities with the tools and resources to effectively plan for and manage future development within their jurisdictions with a maximum of local initiative and flexibility;

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C. Encourage, through state and regional technical and financial assistance and review, local land use ordinances, tools and policies that are based on local comprehensive plans that are prospective and inclusive of all matters determined by the Legislature to be in the best interests of the State;

D. Incorporate regional considerations into local planning and decision making so as to ensure consideration of regional needs and the regional impact of development;

E. Create a strong partnership between State Government and local government, while clarifying the respective roles of each, to improve land use planning and management;

F. Provide for continued direct state regulation of development proposals that occur in areas of statewide concern, that directly impact natural resources of statewide significance or that by their scale or nature otherwise affect vital state interests;

G. Encourage the widest possible involvement by the citizens of each municipality in all aspects of the planning and implementation process, in order to ensure that the plans developed by municipalities and reviewed by the State have had the benefit of citizen input; and

H. Assure predictable, timely and cost-effective land use decision making that is coordinated and consistent between State Government and local governments and that minimizes unnecessary duplication.

3. State goals. The Legislature hereby establishes a set of state goals to provide overall direction and consistency to the planning and regulatory actions of all state and municipal agencies affecting natural resource management, land use and development. The Legislature declares that, in order to promote and protect the health, safety and welfare of the citizens of the State, it is in the best interests of the State to achieve the following goals:

A. To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;

B. To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development;

1 C. To promote an economic climate which increases job
2 opportunities and overall economic well-being;

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4 D. To encourage and promote affordable, decent housing
5 opportunities for all Maine citizens;

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7 E. To protect the quality and manage the quantity of the
8 State's water resources, including lakes, aquifers, great
9 ponds, estuaries, rivers and coastal areas;

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11 F. To protect the State's other critical natural resources,
12 including without limitation, wetlands, wildlife and
13 fisheries habitat, sand dunes, shorelands, scenic vistas and
14 unique natural areas;

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16 G. To protect the State's marine resources industry, ports
17 and harbors from incompatible development and to promote
18 access to the shore for commercial fishermen and the public;

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20 H. To safeguard the State's agricultural and forest
21 resources from development which threatens those resources;

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23 I. To preserve the State's historic and archeological
24 resources; and

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26 J. To promote and protect the availability of outdoor
27 recreation opportunities for all Maine citizens, including
28 access to surface waters.

29
30 4. Limitation on state rule-making authority. This section
31 shall not be construed to grant any separate regulatory authority
32 to any state agency beyond that necessary to implement this
33 subchapter.

34 **§4305. Transition; savings clause**

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36 Except as otherwise provided in this section, any
37 comprehensive plan or land use regulation or ordinance adopted or
38 amended by a municipality before the applicable date established
39 under section 4315 shall remain in effect until amended or
40 repealed subject to this subchapter.

41
42 Any zoning, subdivision, site review or impact fee
43 regulation or ordinance adopted or amended before the applicable
44 date established under section 4315 and not consistent with a
45 comprehensive plan adopted according to this subchapter is void
46 one year after the applicable date established under section 4315.

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48 Any other land use regulation or ordinance adopted or
49 amended before the applicable date established under section 4315
50 and not consistent with a local growth management program adopted
51 according to this subchapter is void after January 1, 1998.

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3 ARTICLE 2. LOCAL GROWTH MANAGEMENT PROGRAMS

5 §4306. Local comprehensive planning

7 There is established a program of local growth management to accomplish the goals of this subchapter.

9 §4307. Exception

11 This article and section 4315, subsection 1, do not apply to municipalities within the jurisdiction of the Maine Land Use Regulation Commission.

15 §4308. Local authority for growth management

17 Through the exercise of its home rule authority, subject to the express limitations and requirements of this subchapter, every municipality shall:

21 1. Planning. Plan for its future development and growth;

23 2. Growth management program. Adopt and amend local growth management programs, including comprehensive plans and implementation programs, consistent with this subchapter; and

25 3. Other. Do all other things necessary to carry out the purposes of this subchapter.

29 §4309. Local responsibility for growth management

31 This section governs a municipality's responsibility for the preparation or amendment of its local growth management program. Where procedures for the adoption of comprehensive plans and ordinances are governed by other provisions of this Title or municipal charter or ordinance, the municipality may modify the procedural requirements of this section as long as a broad range of opportunity for public comment and review is preserved.

33 1. Growth management program required. Pursuant to the schedule established in section 4315, each municipality shall prepare a local growth management program in accordance with section 4311 and which is consistent with the goals, guidelines and other provisions of this subchapter, or shall amend its existing comprehensive plan and existing land use ordinances to comply with this subchapter.

37 2. Local planning committee. The municipal officers of a municipality or combination of municipalities shall designate and establish a local planning committee.

1 A. The municipal officers may designate any existing
3 planning board or district established under subchapter IV,
5 or a former similar provision, as the local planning
7 committee. Planning boards established under former Title
 30, section 4952, subsection 1, continue to be governed by
 those provisions until they are superseded by municipal
 charter or ordinance.

9 B. The local planning committee shall develop and maintain
11 a comprehensive plan and shall develop an initial proposed
13 zoning ordinance or an initial revision of an existing
 zoning ordinance. In performing these duties, the local
 planning committee shall:

15 (1) Hold public hearings and use other methods to
17 solicit and strongly encourage citizen input; and

19 (2) Prepare the comprehensive plan and proposed zoning
21 ordinance and make recommendations to the municipal
23 reviewing authority and municipal legislative body
 regarding the adoption and implementation of the
 program or amended program.

25 3. Citizen participation. In order to encourage citizen
27 participation in the development of a local growth management
29 program, municipalities shall adopt local growth management
31 programs only after soliciting and considering a broad range of
33 public review and comment. The intent of this subsection is to
 provide for the broad dissemination of proposals and
 alternatives, opportunity for written comments, open discussions,
 information dissemination and consideration of and response to
 public comments.

35 4. Meetings to be public. The local planning committee
37 shall conduct all of its meetings in open, public session with
 prior notice posted in one or more conspicuous places designed to
 provide public notice.

39 5. State review. Each municipality shall submit its
41 proposed comprehensive plan and zoning ordinance or its amended,
43 existing comprehensive plan and existing zoning ordinance, to the
 office according to the schedule established under section 4315
 for review.

45 A. At least 60 days before any public hearing required in
47 subsection 8, the local planning committee shall forward its
49 proposed comprehensive plan to the office and to any
 applicable regional council for review and comment.

51 B. At least 60 days before the initial adoption of any
 zoning ordinance or any revision under section 4312, the
 local planning committee or municipal reviewing authority,

1 as appropriate, shall forward its proposed ordinance to the
3 office and to any applicable regional council for review and
5 comment. Notice, hearing and other procedural requirements
 for adoption are governed by applicable provisions of this
 Title, municipal charter or ordinance.

7 6. Comments sent to municipality. The office shall submit
9 its comments and suggested revisions prepared as provided in
11 section 4315, subsection 3, to the municipality within 60 days
 after receiving the municipality's proposed comprehensive plan or
 zoning ordinance.

13 7. Comments and revisions. The local planning committee or
15 municipal reviewing authority shall consider and may adopt any
17 comments and suggested revisions received from the office within
19 the time limits established by this subchapter. The comments and
 suggested revisions received from the office shall be made
 available for public inspection with the proposed comprehensive
 plan or zoning ordinance as required in subsection 8.

21 8. Public hearing required. The local planning committee
23 shall hold at least one public hearing on its proposed
 comprehensive plan.

25 A. Notice of any public hearing shall be published in a
27 newspaper of general circulation in the municipality at
29 least 2 times. The date of the first publication must be at
31 least 30 days before the hearing. This notice shall also
 contain a statement that the comments have been received
 from the office and will be available for distribution
 before, and for discussion at, the public hearing.

33 B. A copy of the proposed comprehensive plan shall be made
35 available for public inspection at the municipal office or
 other convenient location with regular public hours at least
 30 days before the hearing.

37 9. Adoption. A comprehensive plan or land use ordinance is
39 deemed to have been adopted as part of a local growth management
41 program when it has been accepted by the municipality's
 legislative body.

43 §4310. Cooperative municipal growth management activities

45 This section governs cooperative local growth management
47 efforts conducted by 2 or more municipalities.

49 1. Within municipality. A municipality shall exercise its
51 land use planning and management authority over the total land
 area within its jurisdiction.

1 2. Agreement. Any combination of contiguous municipalities
2 may conduct joint planning and regulatory programs to meet the
3 requirements of this subchapter upon adoption of a written
4 comprehensive planning and enforcement agreement by the municipal
5 legislative bodies involved. The municipalities must agree:

7 A. On procedures for joint action in the preparation and
8 adoption of comprehensive plans and land use regulations;

9 B. On the manner of representation on any such joint land
10 use body; and

11 C. On the amount of contribution from each municipality for
12 any costs incurred in the development, implementation and
13 enforcement of the plan and land use ordinances.

14 3. Requirements. The agreement must be in writing,
15 approved by the municipal legislative bodies and forwarded to the
16 office.

17 §4311. Local growth management program

18 A local growth management program shall include at least a
19 comprehensive plan, as described in subsections 1 to 4, and an
20 implementation program as described in subsection 5.

21 1. Inventory and analysis. A comprehensive plan shall
22 include an inventory and analysis section addressing state goals
23 under this subchapter and issues of regional or local
24 significance the municipality considers important. The inventory
25 shall be based on information provided by the State, regional
26 councils and other relevant local sources. The analysis shall
27 include 10-year projections of local and regional growth in
28 population and residential, commercial and industrial activity;
29 the projected need for public facilities; and the vulnerability
30 of and potential impacts on natural resources.

31 The inventory and analysis section shall include, but is not
32 limited to:

33 A. Economic and demographic data describing the
34 municipality and the region in which it is located;

35 B. Significant water resources such as lakes, aquifers,
36 estuaries, rivers and coastal areas and, where applicable,
37 their vulnerability to degradation;

38 C. Significant or critical natural resources, such as
39 wetlands, wildlife and fisheries habitats, significant plant
40 habitats, coastal islands, sand dunes, scenic areas,
41 shorelands, heritage coastal areas as defined under Title 5,
42 section 3316, and unique natural areas;

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D. Marine-related resources and facilities such as ports, harbors, commercial moorings, commercial docking facilities and related parking, and shell fishing and worming areas;

E. Commercial forestry and agricultural land;

F. Existing recreation, park and open space areas and significant points of public access to shorelands within a municipality;

G. Existing transportation systems, including the capacity of existing and proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities;

H. Residential housing stock, including affordable housing;

I. Historical and archeological resources;

J. Land use information describing current and projected development patterns; and

K. An assessment of capital facilities and public services necessary to support growth and development and to protect the environment and health, safety and welfare of the public and the costs of those facilities and services.

2. Policy development. A comprehensive plan shall include a policy development section which relates the findings contained in the inventory and analysis section to the state goals. The policies shall:

A. Promote the state goals under this subchapter;

B. Address any conflicts between state goals under this subchapter;

C. Address any conflicts between regional and local issues; and

D. Address the State's coastal policies.

3. Implementation strategy. A comprehensive plan shall include an implementation strategy section which contains a timetable for the implementation program, including land use ordinances, ensuring that the goals established under this subchapter are met. These implementation strategies must be consistent with state law and shall actively promote policies developed during the planning process. The timetable shall identify significant ordinances to be included in the implementation program. The strategies shall guide the subsequent adoption of policies, programs and land use

1 ordinances. In developing its strategies and subsequent
2 policies, programs and land use ordinances, each municipality
3 shall employ the following guidelines consistent with the goals
4 of this subchapter:

5 A. Identify and designate at least 2 basic types of
6 geographic areas; growth areas and rural areas.

7
8 (1) Growth areas are those areas suitable for orderly
9 residential, commercial and industrial development
10 forecast over the next 10 years. Each municipality
11 shall:

12 (a) Establish standards for these developments;

13 (b) Establish timely permitting procedures;

14 (c) Ensure that needed public services are
15 available within the growth area; and

16 (d) Prevent inappropriate development in natural
17 hazard areas, including flood plains and areas of
18 high erosion.

19
20 (2) Rural areas are those areas where protection
21 should be provided for agricultural, forest, open space
22 and scenic lands within the municipality. Each
23 municipality shall adopt land use policies and
24 ordinances to discourage incompatible development.

25
26 These policies and ordinances may include, without
27 limitation: density limits; cluster or special zoning;
28 acquisition of land or development rights; or performance
29 standards;

30
31 B. Develop a capital investment plan for financing the
32 replacement and expansion of public facilities and services
33 required to meet projected growth and development;

34
35 C. Protect, maintain and, when warranted, improve the water
36 quality of each water body pursuant to Title 38, chapter 3,
37 subchapter I, article 4-A;

38
39 D. Ensure that its land use policies and ordinances are
40 consistent with applicable state law regarding critical
41 natural resources. A municipality may adopt ordinances more
42 stringent than applicable state law;

43
44 E. Ensure the preservation of access to coastal waters
45 necessary for commercial fishing, commercial mooring,
46 docking and related parking facilities. Each coastal
47 municipality shall discourage new development that is
48

1 incompatible with uses related to the marine resources
2 industry;

3
4 F. Ensure the protection of agricultural and forest
5 resources. Each municipality shall discourage new
6 development that is incompatible with uses related to the
7 agricultural and forest industry;

8
9 G. Ensure that its land use policies and ordinances
10 encourage the siting and construction of affordable housing
11 within the community. The municipality shall seek to
12 achieve a level of 10% of new residential development, based
13 on a 5-year historical average of residential development in
14 the municipality, meeting the definition of affordable
15 housing. Municipalities are encouraged to seek creative
16 approaches to assist in the development of affordable
17 housing, including, but not limited to, cluster zoning,
18 reducing minimum lot and frontage sizes and increasing
19 densities;

20
21 H. Ensure that the value of historical and archeological
22 resources is recognized and that protection is afforded to
23 those resources that merit it; and

24
25 I. Encourage the availability of and access to traditional
26 outdoor recreation opportunities, including, without
27 limitation, hunting, boating, fishing and hiking. Each
28 municipality shall identify and encourage the protection of
29 undeveloped shoreland and other areas identified in the
30 local planning process as meriting such protection.

31
32 4. Regional coordination program. A regional coordination
33 program shall be developed with other municipalities to manage
34 shared resources and facilities, such as rivers, aquifers,
35 transportation facilities and others. This program shall provide
36 for consistency with the comprehensive plans of other
37 municipalities for these resources and facilities.

38
39 5. Implementation program. An implementation program shall
40 be adopted that is consistent with the strategies in subsection
41 3. A zoning ordinance shall be adopted within one year of the
42 adoption of a comprehensive plan, with the remainder of the
43 strategies adopted according to the timetable set in the plan.

44 **§4312. Monitoring and revision**

45
46 A municipality shall periodically review and revise its
47 local growth management program in a timely manner to account for
48 changes caused by growth and development. A municipality shall
49 update its program at least once every 5 years in accordance with
50 this section. The municipality shall submit any comprehensive
51 updates to the local growth management program to the

1 plan and zoning ordinance revised under this section to the
3 office for review as provided in section 4315, subsection 4.

5 ARTICLE 3. STATE ROLE IN GROWTH MANAGEMENT

7 §4313. State duties

9 There is established a program of local growth management
11 assistance and review to promote the preparation and
13 implementation of local growth management programs and to provide
15 technical and financial assistance to accomplish this purpose.
The program shall also encourage all local growth management
programs and state agency activities to be consistent with the
State's goals and guidelines established by this subchapter.

17 1. Review agency designated. The Office of Comprehensive
19 Land Use Planning in the Department of Economic and Community
Development shall carry out this article and ensure that the
objectives of this subchapter are achieved.

21 2. Biennial progress report. The office shall prepare
23 progress reports on local and state growth management efforts.
25 These reports shall be submitted to the joint standing committee
27 of the Legislature having jurisdiction over appropriations and
29 financial affairs and the joint standing committee of the
Legislature having jurisdiction over natural resources for their
review. The first report shall be submitted on or before January
1, 1990; the 2nd report on January 1, 1991; and biennially
thereafter on or before January 1st.

31 A. In preparing the report, the office shall survey state
33 agencies and municipalities for growth management activities
conducted under this subchapter. The office shall provide
35 data describing:

37 (1) The level of comprehensive planning activity at
the state, regional and local level;

39 (2) The implementation of local growth management
41 programs, including both regulatory and nonregulatory
approaches; and

43 (3) The costs incurred by the State and municipalities
45 through these efforts.

47 B. The office shall include in the report a summary of
49 experience to date in the technical and financial assistance
program, the review and comment program and the voluntary
51 certification program. This summary shall include a
quantitative and qualitative analysis of these programs.

1 C. The office shall include in the report any
3 recommendations it may have for statutory changes in this
 subchapter or other relevant areas of law. These
5 recommendations shall include a proposal for the
 appropriations needed over the following one-year, 2-year
7 and 5-year periods to accomplish the objectives of this
 subchapter.

9 3. Planning Advisory Council. There is established a
11 Planning Advisory Council composed of 7 members. The office
 shall consult with the council on the development of all rules,
13 guidelines and reports for the implementation of this subchapter.

15 A. The Governor shall appoint the members of the council,
 selecting them on the basis of their knowledge of planning,
17 local government, land conservation and land development.

19 B. Members shall serve for staggered 4-year terms. Initial
 members shall have terms as follows: Three members for
21 2-year terms; 3 members for 3-year terms; and one member for
 a 4-year term. A member may serve no more than 2
23 consecutive 4-year terms.

25 C. Members shall not be compensated but shall be reimbursed
 for all expenses directly related to their participation in
27 council business.

29 D. Four members constitute a quorum for the conduct of
 business by the council.

31 E. The council shall elect a chairman from among its
 members.

33 F. The council shall report by January 1, 1989, and every 2
35 years thereafter, to the Governor and the Legislature on any
 changes that may be required to accomplish the purposes of
37 this subchapter.

39 4. Provision of natural resource and other planning
 information. The office shall develop and supply to all
41 municipalities available natural resource and other planning
 information for use in the preparation of local growth management
43 programs. By July 1, 1990, the office shall complete an
 inventory of the State's natural resources sufficient to ensure
45 adequate identification and protection of critical natural
 resources of statewide significance.

47 A. The office shall make maximum use of existing
49 information available from other state agencies including,
 but not limited to:

51 (1) The Department of Conservation;

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- (2) The Department of Inland Fisheries and Wildlife;
- (3) The Department of Marine Resources;
- (4) The Department of Environmental Protection;
- (5) The State Planning Office; and
- (6) The Department of Economic and Community Development.

B. The office may contract with regional councils to develop the necessary planning information at a regional level and with other state agencies as necessary to provide support for local planning efforts.

5. Rule-making authority. The office may adopt rules, with the advice of the Planning Advisory Council, necessary to carry out the purposes of this subchapter, subject to Title 5, chapter 375, subchapter II.

§4314. State planning review program

1. Coordination. Each state agency with regulatory or other authority affecting the goals established in this subchapter shall submit to the office before January 1, 1990, a written report which addresses how each agency has incorporated the goals of this subchapter into its planned activities. This report shall be revised as necessary but at least once every 2 years. After January 1, 1990, these agencies shall conduct their respective activities in a manner consistent with the goals established under this subchapter.

2. State agencies. Without limiting the application of this section to other state agencies, the following agencies shall comply with this section:

- A. Department of Conservation;
- B. Department of Economic and Community Development;
- C. Department of Environmental Protection;
- D. Department of Agriculture, Food and Rural Resources;
- E. Department of Inland Fisheries and Wildlife;
- F. Department of Marine Resources;
- G. Department of Transportation;

1 H. Finance Authority of Maine; and

3 I. Maine State Housing Authority.

5 §4315. State review of local programs

7 Subject to the availability of state assistance under
9 section 4316, municipalities shall submit their growth management
 plans to the office for review as provided in this section.

11 1. Review schedule. This subsection provides review
13 deadlines for municipalities.

15 A. The following municipalities must submit their
17 comprehensive plans to the office for review by the
19 following dates:

21 (1) By January 1, 1991, those municipalities which
23 have experienced population growth of 10% or more
25 between 1980 and 1987 and which have total populations
27 in excess of 500 persons, based on population estimates
29 provided by the State Planning Office;

31 (2) By January 1, 1993, those municipalities which
33 have experienced population growth of 5% or more
35 between 1980 and 1987, based on population estimates
37 provided by the State Planning Office; and

39 (3) All other municipalities by January 1, 1996.

41 B. Each municipality shall submit for review a zoning
43 ordinance proposed as part of its implementation program
45 within one year after it submits its comprehensive plan
47 under this section. Other components of the municipality's
49 implementation program not submitted for review shall be
51 adopted in accordance with the timetable provided in the
 municipality's comprehensive plan.

C. The office shall revise the schedule deadlines under
 paragraph A for a municipality based on the availability of
 state assistance and the municipality's rank in the
 priorities set forth in section 4316, subsection 1. Nothing
 in this subsection prevents a municipality from submitting
 its plan or other program component in advance of this
 schedule.

2. Review standard. The office shall review any
 comprehensive plan and zoning ordinance submitted to it for
 consistency with the goals and guidelines established in this
 subchapter.

1 3. Review procedure. The office shall follow the following
2 procedure in reviewing local growth management programs.

3
4 A. The office shall solicit written comments on any
5 proposed comprehensive plan or zoning ordinance from
6 regional councils, state agencies, all municipalities
7 contiguous to the municipality submitting a comprehensive
8 plan or zoning ordinance and any interested residents of the
9 municipality or of contiguous municipalities. The comment
10 period shall extend for 45 days after the office receives
11 the proposal.

12 (1) Each state agency reviewing the proposal shall
13 designate a person or persons responsible for
14 coordinating the agency's review of the proposal.

15
16 B. Each regional council shall review and submit written
17 comments on the proposal of any municipality within its
18 planning region. The comments shall be submitted to the
19 office and shall contain an analysis of:

20 (1) How the proposal addresses identified regional
21 needs; and

22 (2) Whether the proposal is consistent with those of
23 other municipalities which may be affected by the
24 proposal.

25
26 C. The office shall prepare all written comments from all
27 sources in a form to be forwarded to the municipality.

28
29 D. The office shall send all written comments on the
30 proposal to the municipality within 60 days after receiving
31 its proposal. The office shall also forward its comments
32 and suggested revisions to any applicable regional council.

33
34 E. If warranted, the office shall issue findings
35 specifically describing the deficiencies in the submitted
36 plan or ordinance and the recommended measures for remedying
37 the deficiencies.

38
39 4. Updates; amendment of comprehensive plans and zoning
40 ordinances. Each municipality shall submit any comprehensive
41 plans and zoning ordinances revised under section 4312 to the
42 office for review in the same manner as provided for the review
43 of new programs. The office shall provide an expedited review
44 procedure for those submissions which represent amendments to
45 local growth management programs reviewed by it after January 1,
46 1989. After the initial review, municipalities shall file copies
47 of any amendment to a zoning ordinance with the office within 30
48 days after adopting the amendment.
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1 5. Voluntary certification of local growth management
2 programs. Any municipality may at any time request a certificate
3 of consistency for its local growth management program. The
4 office, upon request, shall review the program and base its
5 certification decision on the program's consistency with the
6 goals and guidelines established in this subchapter.

7
8 A. The office shall solicit written comments on any
9 proposed local growth management program from regional and
10 state agencies, all municipalities contiguous to the
11 municipality submitting the proposed program and any
12 interested residents of the municipality or contiguous
13 municipalities.

14
15 B. Any regional council commenting on a proposed program or
16 program component shall determine whether the proposed
17 program or program component is compatible with those of
18 other municipalities which may be affected by the proposal
19 and with regional needs identified by the regional council.

20
21 C. Within 90 days after receiving the municipal request,
22 the office shall issue a certificate of consistency or
23 request revisions to the proposed program. If the same
24 local growth management program or program component has
25 been previously reviewed by the office under subsection 3,
26 denial of certification or requested revisions must be based
27 on written comments received or prepared by the office at
28 that time.

29
30 D. If the office requests revisions to the proposed
31 program, it shall provide the municipality with findings
32 specifically describing the deficiencies in the submitted
33 program and the recommended measures for remedying the
34 deficiencies.

35
36 E. The office shall provide ample opportunity for the
37 municipality submitting a local growth management program to
38 respond to and correct any identified deficiencies in the
39 program.

40
41 F. When a municipality receives a certificate of
42 consistency, it is eligible for all benefits and incentives
43 conditioned on the certification of a local growth
44 management program.

45
46 G. The office shall provide an expedited review and
47 certification procedure for those submissions which
48 represent minor amendments to local growth management
49 programs certified by it after January 1, 1989.

50
51 H. The office's decision on certification constitutes final
52 agency action.

1
3 §4316. State technical and financial assistance

5 There is established a program of technical and financial
7 assistance and incentives to regional councils and municipalities
9 to encourage and facilitate the adoption and implementation of
11 local growth management programs throughout the State. The
13 office shall administer the program.

15 1. Municipal assistance priorities. With assistance from
17 regional councils and municipalities, the office shall develop a
19 priority list and establish funding levels for planning and
21 technical assistance grants to municipalities. Priority for
23 assistance shall be based on a municipality's:

25 A. Scheduled comprehensive plan development under section
27 4315, subsection 1; and

29 B. Population growth rates, seasonal population estimates,
31 commercial and industrial development rates, the existence
33 and quality of a comprehensive plan and other relevant
35 factors.

37 The office shall submit biennial budget requests for this section
39 sufficient to meet the statutory schedule established under
41 section 4315, subsection 1.

43 2. Municipal planning assistance. The office shall develop
45 and administer a grant program to provide direct financial
47 assistance to municipalities in the preparation of comprehensive
49 plans under this subchapter. The office shall establish
51 provisions for municipal matching funds, not to exceed 25%, to
conduct activities under this section. Grants may be expended
for any purpose directly related to the preparation of a
municipal comprehensive plan as the municipality and the office
may agree, including, without limitation:

A. The conduct of surveys, inventories and other data
gathering activities;

B. The hiring of planning and other technical staff;

C. The retention of planning consultants;

D. Contracts with regional councils for planning and
related services; and

E. Other related purposes.

3. Municipal technical assistance. The office shall
establish a program of technical assistance using its own staff,
the staff of other state agencies and the resources of regional

1 councils to help municipalities develop local growth management
2 programs. By January 1, 1990, the office shall develop a set of
3 model land use ordinances and other mechanisms consistent with
4 the goals and guidelines of this subchapter.

5
6 4. Municipal implementation assistance. The office shall
7 develop and administer a matching grant program to provide direct
8 financial and technical assistance to municipalities for the
9 implementation and administration of local growth management
10 programs certified under section 4315, subsection 5. The maximum
11 municipal cost share may not exceed 25%. The grants may be
12 expended for any purpose directly related to the implementation
13 of a local growth management program and the administration and
14 enforcement of related land use ordinances adopted as part of a
15 certified growth management program. Eligible activities
16 include, but are not limited to:

17 A. Assistance in the development of ordinances;

18 B. Retention of technical and legal expertise for
19 permitting activities; and

20 C. The updating of local growth management programs or
21 components of the program.

22
23 5. Regional council assistance. The office shall develop
24 and administer a program to develop regional education and
25 training programs, regional policies to address state goals and
26 regional assessments. These assessments may include, but are not
27 limited to, public infrastructure, inventories of agricultural
28 and commercial forest lands, housing needs, recreation and open
29 space needs, and projections of regional growth and economic
30 development. The office shall establish guidelines to ensure
31 methodological consistency among the State's regional councils.
32 The office shall also develop and administer a series of
33 contracts with regional councils to support the involvement of
34 the regional councils in the office's review of local growth
35 management programs.

36
37 6. Enforcement assistance program. The office shall
38 administer a program of training and financial assistance for
39 municipal code enforcement officers. For a period of up to 12
40 months for any municipal code enforcement officer, the program
41 shall provide funding for educational expenses leading to
42 certification under section 4451 and salary reimbursement while
43 in training.

44
45 7. Municipal legal defense fund. The office shall develop
46 and administer a municipal legal defense fund to assist
47 municipalities with legal expenses related to the enforcement and
48 defense of land use ordinances adopted as part of a certified
49 local growth management program in accordance with this
50 subchapter.

1 subchapter. Grants shall be targeted to cases of statewide
2 significance.

3
4 8. Eligibility for other state aid. After the applicable
5 deadline date established in section 4315, subsection 1, a state
6 agency responsible for administering any grant and assistance
7 program described in paragraph A shall award funds to a
8 municipality only when the municipality has adopted and
9 implemented a certified local growth management program or has,
10 at a minimum, adopted a certified comprehensive plan and
11 implemented certified components of the implementation program
12 that are directly related to the purposes for which the grant or
13 assistance is provided.

14 A. State grants and assistance in the following areas are
15 subject to this subsection:

16
17 (1) Assistance in the enforcement of local growth
18 management programs including the municipal legal
19 defense fund and technical and financial assistance in
20 the administration and enforcement of local land use
21 ordinances;

22
23 (2) Assistance in the acquisition of land by the
24 municipality for conservation, natural resource
25 protection, open space or recreational facilities under
26 Title 5, chapter 353; and

27
28 (3) Multi-purpose community development block grants.

29
30 9. Other state grants and assistance. Except for the
31 programs specified in subsection 8, state agencies responsible
32 for administering grant and direct or indirect financial
33 assistance programs to municipalities designed to accommodate or
34 encourage additional growth and development; to improve, expand
35 or construct public facilities; to acquire land for conservation,
36 recreation or resource protection; or to assist in planning or
37 managing for specific economic and natural resource concerns
38 shall allocate funds only to a municipality with an adopted
39 comprehensive plan and implementation program which includes
40 statements of policy or program guidelines directly related to
41 the purposes for which the grant or financial assistance is
42 provided. State agencies shall consider the content of the plan,
43 policies and guidelines in awarding financial assistance to a
44 municipality.

45
46 SUBCHAPTER III

47
48 LAND USE REGULATION

49
50 §4351. Home Rule Limitations

1 This subchapter provides express limitations on municipal
2 home rule authority.

3 §4352. Zoning ordinances

4 A municipal zoning ordinance may provide for any form of
5 zoning consistent with this chapter, subject to the following
6 provisions.

7 1. Public participation required. The public shall be
8 given an adequate opportunity to be heard in the preparation of a
9 zoning ordinance.

10 2. Relation to comprehensive plan. A zoning ordinance must
11 be pursuant to and consistent with a comprehensive plan adopted
12 by the municipal legislative body.

13 3. Zoning map required. A zoning map describing each zone
14 established or modified must be adopted as part of the zoning
15 ordinance or incorporated in the ordinance. Any conflict between
16 the zoning map and a description by metes and bounds shall be
17 resolved in favor of the description by metes and bounds.

18 4. Exemption for public service corporations. Real estate
19 used or to be used by a public service corporation is wholly or
20 partially exempt from an ordinance only when on petition, notice
21 and public hearing the Public Utilities Commission determines
22 that the exemption is reasonably necessary for public welfare and
23 convenience.

24 5. Effect on local governments. County and municipal
25 governments and districts are subject to any zoning ordinance.

26 6. Effect on State. Any zoning ordinance is advisory with
27 respect to the State.

28 7. Petition for rezoning; bond. Any zoning ordinance may
29 provide that if a person petitions for rezoning of an area for
30 the purpose of development in accordance with an architect's plan
31 the area may not be rezoned unless the petitioner posts a
32 performance bond equal to at least 25% of the estimated cost of
33 the development. The bond shall become payable to the
34 municipality if the petitioner fails to begin construction in a
35 substantial manner and in accordance with the plan within one
36 year of the effective date of the rezoning.

37 9. Conditional and contract rezoning. A zoning ordinance
38 may include provisions for conditional or contract zoning. All
39 rezoning under this subsection must:

40 A. Be consistent with the local growth management program
41 adopted under this chapter;

1
3 B. Establish rezoned areas which are consistent with the
existing and permitted uses within the original zones; and

5 C. Only include conditions and restrictions which relate to
7 the physical development or operation of the property.

9 The municipal reviewing authority shall conduct a public hearing
11 before any property is rezoned under this subsection. Notice of
13 this hearing shall be posted in the municipal office at least 14
15 days before the public hearing. Notice shall also be published
17 at least 2 times in a newspaper having general circulation in the
19 municipality. The date of the first publication must be at least
21 7 days before the hearing. Notice shall also be sent to the
23 owners of all property abutting the property to be rezoned at the
25 owners' last known addresses. This notice shall contain a copy
27 of the proposed conditions and restrictions with a map indicating
29 the property to be rezoned.

31 §4353. Zoning adjustment

33 Any municipality which adopts a zoning ordinance shall
35 establish a board of appeals subject to this section.

37 1. Jurisdiction; procedure. The board of appeals shall
39 hear appeals from any action or failure to act of the official or
41 board responsible for enforcing the zoning ordinance, unless only
43 a direct appeal to Superior Court has been provided by municipal
45 ordinance. The board of appeals is governed by section 2691,
47 except that section 2691, subsection 2, does not apply to boards
49 existing on September 23, 1971.

51 2. Powers. In deciding any appeal, the board may:

A. Interpret the provisions of an ordinance called into
question;

B. Approve the issuance of a special exception permit or
conditional use permit in strict compliance with the
ordinance except that, if the municipality has authorized
the planning board, agency or office to issue these permits,
an appeal from the granting or denial of such a permit may
be taken directly to Superior Court if required by local
ordinance; and

C. Grant a variance in strict compliance with subsection 4.

3. Parties. The board shall reasonably notify the
petitioner, the planning board, agency or office and the
municipal officers of any hearing. These persons shall be made
parties to the action. All interested persons shall be given a

1 reasonable opportunity to have their views expressed at any
2 hearing.

3
4 4. Variance. The board may grant a variance only when
5 strict application of the ordinance to the petitioner and the
6 petitioner's property would cause undue hardship. The term
7 "undue hardship" as used in this subsection means:

8
9 A. The land in question cannot yield a reasonable return
10 unless a variance is granted;

11
12 B. The need for a variance is due to the unique
13 circumstances of the property and not to the general
14 conditions in the neighborhood;

15
16 C. The granting of a variance will not alter the essential
17 character of the locality; and

18
19 D. The hardship is not the result of action taken by the
20 applicant or a prior owner.

21
22 Under its home rule authority a municipality may, in a zoning
23 ordinance, adopt additional limitations on the granting of a
24 variance, including but not limited to, a provision that a
25 variance may be granted only for a use permitted in a particular
26 zone.

27
28 5. Variance recorded. If the board grants a variance under
29 this section, a certificate indicating the name of the current
30 property owner, identifying the property by reference to the last
31 recorded deed in its chain of title and indicating the fact that
32 a variance, including any conditions on the variance, has been
33 granted and the date of the granting, shall be prepared in
34 recordable form. This certificate must be recorded in the local
35 registry of deeds within 30 days of final approval of the
36 variance or the variance is void. The variance is not valid
37 until recorded as provided in this subsection.

38 §4354. Impact fees

39
40 A municipality may enact an ordinance under its home rule
41 authority requiring the construction of off-site capital
42 improvements or the payment of impact fees instead of the
43 construction. After the applicable deadlines established under
44 section 4315, subsection 1, any impact fee ordinance must have
45 been adopted as part of a certified local growth management
46 program.

47
48 1. Construction or fees may be required. The requirements
49 may include construction of capital improvements or impact fees
50 instead of capital improvements including the expansion or
51

1 replacement of existing infrastructure facilities and the
2 construction of new infrastructure facilities.

3 A. For the purposes of this subsection, infrastructure
4 facilities include, but are not limited to:

5 (1) Waste water collection and treatment facilities;

6 (2) Municipal water facilities;

7 (3) Solid waste facilities;

8 (4) Fire protection facilities;

9 (5) Roads and traffic control devices; and

10 (6) Parks and other open space or recreational areas.

11 2. Restrictions. Any ordinance that imposes or provides
12 for the imposition of impact fees must meet the following
13 requirements.

14 A. The amount of the fee must be reasonably related to the
15 development's share of the cost of infrastructure
16 improvements made necessary by the development.

17 B. Funds received from impact fees must be segregated from
18 the municipality's general revenues. The municipality shall
19 expend the funds solely for the purposes for which they were
20 collected.

21 C. The ordinance must establish a reasonable schedule under
22 which the municipality is required to use the funds in a
23 manner consistent with the capital investment component of
24 the comprehensive plan.

25 D. The ordinance must establish a mechanism by which the
26 municipality may refund impact fees, or a portion of impact
27 fees, actually paid that exceed the municipality's actual
28 costs or that were not expended according to the schedule
29 under this subsection.

30 E. The ordinance must be adopted as part of and consistent
31 with a local growth management program, including the
32 component regarding capital investment, meeting the
33 requirements of this chapter.

34 **§4355. Application fees**

35 Any application fee charged by a municipality for an
36 application for any land use permit issued by the municipality
37 may not exceed the reasonable cost of processing, review,
38

1 regulation and supervision of the application by the municipality
2 and its consultants and the administration of any requirement for
3 a certificate of compliance with any permit conditions.

5 **§4356. Moratoria**

7 Any moratorium adopted by a municipality on the processing
8 or issuance of development permits or licenses must meet the
9 following requirements.

11 **1. Necessity.** The moratorium must be needed:

13 A. To prevent a shortage or an overburden of public
14 facilities that would otherwise occur during the effective
15 period of the moratorium or that is reasonably foreseeable
16 as a result of any proposed or anticipated development; or

17 B. Because the application of existing comprehensive plans,
18 land use ordinances or regulations or other applicable laws,
19 if any, is inadequate to prevent serious public harm from
20 residential, commercial or industrial development in the
21 affected geographic area.

23 **2. Definite term.** The moratorium must be of a definite
24 term of not more than 180 days. The moratorium may be extended
25 for additional 180-day periods if the municipality adopting the
26 moratorium finds that:

29 A. The problem giving rise to the need for the moratorium
30 still exists; and

31 B. Reasonable progress is being made to alleviate the
32 problem giving rise to the need for the moratorium.

35 **3. Extension by selectmen.** In municipalities where the
36 municipal legislative body is the town meeting, the selectmen may
37 extend the moratorium in compliance with subsection 2 after
38 notice and hearing.

39 **§4357. Community living arrangements**

41 **1. Legislative intent.** It is the intent of the Legislature
42 that persons seeking to establish a community-living facility in
43 a single-family residential zone are not prohibited on the basis
44 of the disability served. It is also the intent of the
45 Legislature that community-living facilities for mentally
46 handicapped and developmentally disabled persons are not
47 prohibited from single-family residential zones in a
48 municipality. Municipal ordinances or actions which have the
49 effect of prohibiting these community-living facilities from
50 single-family residential zones, particularly by establishing
51 criteria for single-family residential zones in excess of the

1 criteria in subsections 4 and 5, are a violation of legislative
2 intent.

3 2. Definitions. As used in this section, unless the
4 context indicates otherwise, the following terms have the
5 following meanings.

6
7 A. "Board of appeals" means the board of appeals
8 established by a municipality to hear appeals related to
9 enforcement of the zoning ordinances.

10
11 B. "Community-living facility" means a housing facility for
12 8 or fewer mentally handicapped or developmentally disabled
13 persons which is approved, authorized, certified or licensed
14 by the State. A community-living facility may include a
15 group home, foster home or intermediate care facility.

16
17 C. "Single-family residential zone" means a residential
18 zone designated by a municipality for single-family housing
19 except as provided in this section. If there are no
20 residential zones designated or considered by a municipality
21 as single-family residential zones, all residential zones in
22 the municipality in which community-living facilities are
23 not a permitted use are deemed to be single-family
24 residential zones.

25
26 3. Permitted or conditional community-living use;
27 definition. In order to implement the policy of this State that
28 mentally handicapped or developmentally disabled persons shall
29 not be excluded by municipal zoning ordinances from the benefits
30 of normal residential surroundings, a community-living facility
31 shall be deemed a permitted or conditional single-family
32 residential use of property for the purposes of zoning.

33
34 4. Hearing. The municipality shall hold a public hearing
35 within 60 days of receipt of an application to establish a
36 community-living use within a single-family residential zone,
37 unless a community-living use is a permitted use within the
38 single-family zone. The failure to hold the public hearing
39 required by this subsection within the 60-day period constitutes
40 approval of the application unless the time period is extended by
41 mutual agreement of the parties.

42
43 A. The public hearing shall be conducted by the board of
44 appeals and interested parties shall be notified. The
45 notice period and procedure for zoning appeals, as
46 established by the municipality, must meet the notice
47 requirements of this section.

48
49 B. The board of appeals shall receive public comment on the
50 proposed community-living facility. The board may modify or
51

1 disapprove the application only upon a finding of one or
2 more of the following:

3 (1) The proposed use would create or aggravate a
4 traffic hazard;

5 (2) The proposed use would hamper pedestrian
6 circulation;

7 (3) The proposed use would not permit convenient
8 access to commercial shopping facilities, medical
9 facilities, public transportation, fire protection or
10 police protection;

11 (4) The proposed use would not comply with applicable
12 building, housing, plumbing and other safety codes,
13 including municipal minimum lot size and building
14 set-back requirements for new construction; or

15 (5) The proposed use would not comply with the density
16 requirements of subsection 5.

17 5. Density. Density regulation of community-living uses is
18 intended to permit the location of these uses within a
19 municipality while ensuring that they will not become overly
20 concentrated in neighborhoods to the detriment of either the
21 neighborhoods or those residing in the community-living uses.

22 No state agency may approve, authorize, certify or license a
23 community-living use nor may the board of appeals, pursuant to an
24 authorized public hearing, approve an application for a
25 community-living use, if:

26 A. A proposed community-living use would be located within
27 1,500 feet of an existing community-living use; or

28 B. A proposed community-living use would result in the
29 excessive concentration of these uses within the zone or
30 municipality.

31 The board of appeals may waive density regulations for adjacent
32 community-living uses providing essential components of a single
33 program.

34 6. Appeals. Any decision by the board of appeals under
35 this section may be appealed in accordance with section 2691,
36 subsection 3, paragraph G.

37 7. Applicability. Except for the density requirements of
38 subsection 5, this section does not apply to:

1 A. Community-living uses authorized, certified or licensed
2 before July 13, 1982;

3 B. Community-living uses for which an application was made
4 before July 13, 1982; or

5 C. Facilities licensed by the Department of Human Services
6 under Title 22, section 8101, subsections 1 to 3, subsection
7 4, paragraph A and subsection 5.

8 8. Repeal of designation. If a municipality repeals the
9 designation of single-family residential zones, community-living
10 facilities located in the other residential zones before
11 September 29, 1987 are not required to meet the criteria of
12 subsections 4 and 5.

13 §4358. Regulation of manufactured housing

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

17 A. "Manufactured housing" means a structural unit or units
18 designed for occupancy and constructed in a manufacturing
19 facility and transported, by the use of its own chassis or
20 an independent chassis, to a building site. The term
21 includes any type of building which is constructed at a
22 manufacturing facility and transported to a building site
23 where it is used for housing and may be purchased or sold by
24 a dealer in the interim. For purposes of this section, 2
25 types of manufactured housing are included. Those 2 types
26 are:

27 (1) Those units constructed after June 15, 1976,
28 commonly called "newer mobile homes," which the
29 manufacturer certifies are constructed in compliance
30 with the United States Department of Housing and Urban
31 Development standards, meaning structures transportable
32 in one or more sections, which in the traveling mode
33 are 14 body feet or more in width and are 750 or more
34 square feet, and which are built on a permanent chassis
35 and designed to be used as dwellings, with or without
36 permanent foundations, when connected to the required
37 utilities including the plumbing, heating, air
38 conditioning or electrical systems contained in the
39 unit;

40 (a) This term also includes any structure which
41 meets all the requirements of this subparagraph,
42 except the size requirements and with respect to
43 which the manufacturer voluntarily files a
44 certification required by the Secretary of the
45 Department of Housing and Urban Development.

1 United States Department of Housing and Urban
2 Development and complies with the standards
3 established under the National Manufactured
4 Housing Construction and Safety Standards Act of
5 1974, United States Code, Title 42, Section 5401,
6 et seq.; and

7
8 (2) Those units commonly called "modular homes," which
9 the manufacturer certifies are constructed in
10 compliance with the National Manufactured Housing
11 Construction and Safety Standards Act of 1974 and
12 regulations adopted under that Act, meaning structures,
13 transportable in one or more sections, which are not
14 constructed on a permanent chassis and are designed to
15 be used as dwellings on foundations when connected to
16 required utilities, including the plumbing, heating,
17 air-conditioning or electrical systems contained in the
18 unit.

19
20 B. "Mobile home park" means a parcel of land under unified
21 ownership approved by the municipality for the placement of
22 manufactured housing.

23
24 C. "Mobile home subdivision or development" means a parcel
25 of land approved by the municipal reviewing authority under
26 subchapter IV for the placement of manufactured houses on
27 individually owned lots.

28
29 D. "Permanent foundation" means all of the following:

30
31 (1) A full, poured concrete or masonry foundation;

32
33 (2) A poured concrete frost wall or a mortared masonry
34 frost wall, with or without a concrete floor;

35
36 (3) A reinforced, floating concrete pad for which the
37 municipality may require an engineer's certification if
38 it is to be placed on soil with high frost
39 susceptibility; and

40
41 (4) Any foundation which, pursuant to the building
42 code of the municipality, is permitted for other types
43 of single-family dwellings.

44
45 E. "Pitched, shingled roof" means a roof with a pitch of 2
46 or more vertical units for every 12 horizontal units of
47 measurement and which is covered with asphalt or fiberglass
48 composition shingles or other materials, but specifically
49 excludes corrugated metal roofing material.

50
51 2. Location of manufactured housing. Municipalities shall
permit manufactured housing to be placed or erected on individual

1 house lots in a number of locations on undeveloped lots where
2 single-family dwellings are allowed, subject to the same
3 requirements as single-family dwellings, except as otherwise
4 provided in this section.

5
6 A. For the locations required by this section, municipal
7 ordinances may not require that manufactured housing on
8 individual lots be greater than 14 feet in width, although
9 municipalities may establish design criteria, including, but
10 not limited to, a pitched, shingled roof; a permanent
11 foundation; and exterior siding that is residential in
12 appearance, provided that:

13 (1) The requirements do not have the effect of
14 circumventing the purposes of this section; and

15
16 (2) The design requirements may not be used to prevent
17 the relocation of any manufactured housing, regardless
18 of its date of manufacture, that is legally sited
19 within the municipality as of August 4, 1988.

20
21 B. Providing one or more zones or locations where mobile
22 home parks or mobile home subdivisions or developments are
23 allowed does not constitute compliance with this section.

24
25 C. This section does not prohibit municipalities from
26 establishing controls on manufactured housing which are less
27 restrictive than are permitted by this section.

28
29 D. Municipalities shall not prohibit manufactured housing,
30 regardless of its date of manufacture, solely on the basis
31 of a date of manufacture before June 14, 1976, or the
32 failure of a unit to have been manufactured in accordance
33 with the National Manufactured Housing Construction and
34 Safety Standards Act of 1974, United States Code, Title 42,
35 Chapter 70. Municipalities may apply the design standards
36 permitted by this section to all manufactured housing,
37 regardless of its date of manufacture, and may apply
38 reasonable safety standards to manufactured housing built
39 before June 15, 1976, or not built in accordance with the
40 National Manufactured Housing Construction and Safety
41 Standards Act of 1974, United States Code, Title 42, Chapter
42 70.

43
44 3. Regulation of mobile home parks. This subsection
45 governs a municipality's regulation of mobile home parks.

46
47 A. A municipality shall not enact or enforce any ordinance
48 which requires the minimum size of lots within a mobile home
49 park to be any larger than that which is required by the
50 Manufactured Housing Board by rule under Title 10, section
51 9005.

1
3 Municipalities shall not enact or enforce any ordinance
5 concerning the construction of private roads within mobile
7 home parks which is more restrictive than the standards
9 established by the National Fire Protection Association
11 standard 501A and the American National Standards Institute
13 standard 225.1.

15 B. Notwithstanding any provision in this subsection, a
17 person developing or expanding a mobile home park has the
19 burden of proving that development will not pollute a public
21 water supply or aquifer or violate any state law relating to
23 land development, subdivision or use.

25 C. A municipality shall permit mobile home parks to expand
27 and to be developed in a number of environmentally suitable
29 locations in the municipality with reasonable consideration
31 being given to permit existing mobile home parks to expand
33 in their existing locations. A municipality may not select
35 a location for a mobile home park development which is not
37 reasonably suitable because of:

39 (1) Prior lot division;

41 (2) Locational setting within the municipality;

43 (3) Natural features; or

45 (4) Other similar factors.

47 This paragraph is effective January 1, 1990.

49 4. Certification of payment of sales tax. No municipality
51 may allow the construction or location of any new manufactured
53 housing within the municipality by any person other than a dealer
licensed by the State with a sales tax certificate, without:

37 A. A bill of sale indicating the name, address, dealer
39 registration number and sales tax certificate number of the
41 person who sold or provided the manufactured housing to the
43 buyer locating the housing in the municipality; or

45 B. If no such bill of sale is presented, evidence of
47 certification of payment of the sales tax in accordance with
49 Title 36, section 1760, subsection 40, and Title 36, section
51 1952-B.

53 In municipalities which require any type of permit for
manufactured housing, the permit is deemed to be not approved or
valid until payment of the sales tax has been certified.

55 §4359. State policy relating to municipal commercial
57 landfill facilities moratoria

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A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres shall not be counted as a lot, except:

(1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435; or

(2) When a municipality or the municipal reviewing authority has by ordinance or regulation elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435.

D. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality, unless the intent of that gift is to avoid the objectives of this subchapter, or a division accomplished by the transfer of any interest in land to the owner of abutting land, does not create a lot or lots for the purposes of this definition.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

1 F. In determining the number of dwelling units in a
2 structure, the provisions of this subsection regarding the
3 determination of the number of lots apply, including
4 exemptions from the definition of a subdivision of land.

5
6 G. Notwithstanding the provisions of this subsection,
7 leased dwelling units are not subject to subdivision review
8 if the units are otherwise subject to municipal review at
9 least as stringent as that required under this subchapter.

10
11 H. Nothing in this subchapter may be construed to prevent a
12 municipality from enacting an ordinance under its home rule
13 authority which expands the definition of subdivision to
14 include the division of a structure for commercial or
15 industrial use or which otherwise regulates land use
16 activities.

17
18 5. New structure or structures. "New structure or
19 structures" includes any structure for which construction begins
20 on or after September 23, 1988. The area included in the
21 expansion of an existing structure is deemed to be a new
22 structure for the purposes of this subchapter.

23
24 6. Tract or parcel of land. "Tract or parcel of land"
25 means all contiguous land in the same ownership, provided that
26 lands located on opposite sides of a public or private road are
27 considered each a separate tract or parcel of land unless the
28 road was established by the owner of land on both sides of the
29 road.

30
31 7. Outstanding river segments. In accordance with Title
32 12, section 402, outstanding river segments include:

33
34 A. The Aroostook River from the Canadian border to the
35 Masardis and T.10, R.6, W.E.L.S. town line, excluding the
36 segment in T.9, R.5, W.E.L.S.;

37
38 B. The Carrabassett River from the Kennebec River to the
39 Carrabassett Valley and Mt. Abram Township town line;

40
41 C. The Crooked River from its inlet into Sebago Lake to the
42 Waterford and Albany Township town line;

43
44 D. The Damariscotta River from the Route 1 bridge in
45 Damariscotta to the dam at Damariscotta Mills;

46
47 E. The Dennys River from the Route 1 bridge to the outlet
48 of Meddybemps Lake, excluding the western shore in Edmunds
49 Township and No. 14 Plantation;

50
51 F. The East Machias River, including the Maine River, from
1/4 of a mile above the Route 1 bridge to the East Machias

1 and T.18, E.D., B.P.P. town line, from the T.19, E.D.,
3 B.P.P. and Wesley town line to the outlet of Crawford Lake,
5 and from the No. 21 Plantation and Alexander town line to
the outlet of Pocomoonshine Lake, excluding Hadley Lake,
Lower Mud Pond and Upper Mud Pond;

7 G. The Fish River from the bridge at Fort Kent Mills to the
9 Fort Kent and Wallagrass Plantation town line, from the
11 T.16, R.6, W.E.L.S. and Eagle Lake town line to the Eagle
13 Lake and Winterville Plantation town line, and from the
T.14, R.6, W.E.L.S. and Portage Lake town line to the
Portage Lake and T.13, R.7, W.E.L.S. town line, excluding
Portage Lake;

15 H. The Kennebago River from its inlet into Cupsuptic Lake
17 to the Rangeley and Lower Cupsuptic Township town line;

19 I. The Kennebec River from Thorns Head Narrows in North
21 Bath to the Edwards Dam in Augusta, excluding Perkins
23 Township, and from the Route 148 bridge in Madison to the
Caratunk and The Forks Plantation town line, excluding the
western shore in Concord Township, Pleasant Ridge Plantation
and Carrying Place Township and excluding Wyman Lake;

25 J. The Machias River from the Route 1 bridge to the
27 Northfield and T.19, M.D., B.P.P. town line;

29 K. The Mattawamkeag River from the Penobscot River to the
31 Mattawamkeag and Kingman Township town line, and from the
Reed Plantation and Bancroft town line to the East Branch in
Haynesville;

33 L. The Narraguagus River from the ice dam above the
35 railroad bridge in Cherryfield to the Beddington and
Devereaux Township town lines, excluding Beddington Lake;

37 M. The Penobscot River, including the Eastern Channel, from
39 Sandy Point in Stockton Springs to the Veazie Dam and its
41 tributary the East Branch of the Penobscot from the
Penobscot River to the East Millinocket and Grindstone
Township town line;

43 N. The Piscataquis River from the Penobscot River to the
45 Monson and Blanchard Plantation town line;

47 O. The Pleasant River from the bridge in Addison to the
49 Columbia and T.18, M.D., B.P.P. town line, and from the
T.24, M.D., B.P.P. and Beddington town line to the outlet of
Pleasant River Lake;

51 P. The Rapid River from the Magalloway Plantation and Upton
town line to the outlet of Pond in the River;

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O. The Saco River from the Little Ossipee River to the New Hampshire border;

R. The St. Croix River from the Route 1 bridge in Calais to the Calais and Baring Plantation town line, from the Baring Plantation and Baileyville town line to the Baileyville and Fowler Township town line, and from the Lambert Lake Township and Vanceboro town line to the outlet of Spednik Lake, excluding Woodland Lake and Grand Falls Flowage;

S. The St. George River from the Route 1 bridge in Thomaston to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Round Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond;

T. The St. John River from the Van Buren and Hamlin Plantation town line to the Fort Kent and St. John Plantation town line, and from the St. John Plantation and St. Francis town line to the Allagash and St. Francis town line;

U. The Sandy River from the Kennebec River to the Madrid and Township E town line;

V. The Sheepscot River from the railroad bridge in Wiscasset to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China;

W. The West Branch Pleasant River from the East Branch in Brownville to the Brownville and Williamsburg Township town line; and

X. The West Branch Union River from the Route 181 bridge in Mariaville to the outlet of Great Pond in the Town of Great Pond.

§4402. Exceptions

This subchapter does not apply to:

1. Previously approved subdivisions. Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with laws then in effect;

2. Previously existing subdivisions. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law; or

1 3. Previously recorded subdivisions. A subdivision, a plan
2 of which had been legally recorded in the proper registry of
3 deeds before September 23, 1971.

5 §4403. Municipal review and regulation

7 This section governs municipal review of proposed
8 subdivisions.

9
10 1. Municipal reviewing authority. The municipal reviewing
11 authority shall review all requests for subdivision approval. On
12 all matters concerning subdivision review, the municipal
13 reviewing authority shall maintain a permanent record of all its
14 meetings, proceedings and correspondence.

15
16 2. Regulations; review procedure. The municipal reviewing
17 authority may, after a public hearing, adopt, amend or repeal
18 additional reasonable regulations governing subdivisions which
19 shall control until amended, repealed or replaced by regulations
20 adopted by the municipal legislative body. The municipal
21 reviewing authority shall give at least 7 days' notice of this
22 hearing.

23 A. The regulations may provide for a multi-stage
24 application or review procedure consisting of no more than 3
25 stages:

26 (1) Preapplication sketch plan;

27 (2) Preliminary plan; and

28 (3) Final plan.

29
30 Each stage must meet the time requirements of subsections 4
31 and 5.

32
33 3. Application; notice; completed application. This
34 subsection governs the procedure to be followed after receiving
35 an application for a proposed subdivision.

36 A. When an application is received, the municipal reviewing
37 authority shall give a dated receipt to the applicant and
38 shall notify by mail all abutting property owners of the
39 proposed subdivision, specifying the location of the
40 proposed subdivision and including a general description of
41 the project.

42 B. Within 30 days after receiving an application, the
43 municipal reviewing authority shall notify the applicant in
44 writing either that the application is complete or, if the
45 application is incomplete, the specific additional material
46 needed to complete the application.

1
3 C. After the municipal reviewing authority has determined
5 that a complete application has been filed, it shall notify
7 the applicant and begin its full evaluation of the proposed
9 subdivision.

11 4. Public hearing; notice. If the municipal reviewing
13 authority decides to hold a public hearing on an application for
15 subdivision approval, it shall hold the hearing within 30 days
17 after receiving a complete application. The municipal reviewing
19 authority shall have notice of the date, time and place of the
21 hearing:

23 A. Given to the applicant; and

25 B. Published, at least 2 times, in a newspaper having
27 general circulation in the municipality in which the
29 subdivision is proposed to be located. The date of the
31 first publication must be at least 7 days before the hearing.

33 5. Decision; time limits. The municipal reviewing
35 authority shall, within 30 days of a public hearing or, if no
37 hearing is held, within 60 days of receiving a complete
39 application or within any other time limit that is otherwise
41 mutually agreed to, issue an order:

43 A. Denying approval of the proposed subdivision;

45 B. Granting approval of the proposed subdivision; or

47 C. Granting approval upon any terms and conditions that it
49 considers advisable to:

51 (1) Satisfy the criteria listed in section 4404;

(2) Satisfy any other regulations adopted by the
reviewing authority; and

(3) Protect and preserve the public's health, safety
and general welfare.

53 6. Burden of proof; findings of fact. In all instances,
55 the burden of proof is upon the person proposing the
57 subdivision. In issuing its decision, the reviewing authority
59 shall make findings of fact establishing that the proposed
61 subdivision does or does not meet the criteria described in
63 subsection 5.

65 7. Conditioned on variance. If the initial approval or any
67 subsequent amendment of a subdivision is based in part on the
69 granting of a variance, the subdivider must comply with section
71 4406, subsection 1, paragraph B.

1 8. Aesthetic, cultural and natural values. The proposed
3 subdivision will not have an undue adverse effect on the scenic
5 or natural beauty of the area, aesthetics, historic sites or rare
7 and irreplaceable natural areas or any public rights for physical
9 or visual access to the shoreline;

11 9. Conformity with local ordinances and plans. The
13 proposed subdivision conforms with a duly adopted subdivision
15 regulation or ordinance, comprehensive plan, development plan or
17 land use plan, if any. In making this determination, the
19 municipal reviewing authority may interpret these ordinances and
21 plans;

23 10. Financial and technical capacity. The subdivider has
25 adequate financial and technical capacity to meet the standards
27 of this section;

29 11. Surface waters; outstanding river segments. Whenever
31 situated entirely or partially within 250 feet of any pond, lake,
33 river or tidal waters, the proposed subdivision will not
35 adversely affect the quality of that body of water or
37 unreasonably affect the shoreline of that body of water.

39 A. When lots in a subdivision have frontage on an
41 outstanding river segment, the proposed subdivision plan
43 must require principal structures to have a combined lot
45 shore frontage and setback from the normal high-water mark
47 of 500 feet.

49 (1) To avoid circumventing the intent of this
51 provision, whenever a proposed subdivision adjoins a
shoreland strip narrower than 250 feet which is not
lotted, the proposed subdivision shall be reviewed as
if lot lines extended to the shore.

(2) The frontage and set-back provisions of this
paragraph do not apply either within areas zoned as
general development or its equivalent under shoreland
zoning, Title 38, chapter 3, subchapter I, article 2-B,
or within areas designated by ordinance as densely
developed. The determination of which areas are
densely developed must be based on a finding that
existing development met the definitional requirements
of section 4401, subsection 1, on September 23, 1983;

12. Ground water. The proposed subdivision will not, alone
or in conjunction with existing activities, adversely affect the
quality or quantity of ground water; and

13. Flood areas. The subdivider will determine, based on
the Federal Emergency Management Agency's Flood Boundary and
Floodway Maps and Flood Insurance Rate Maps, whether the

1 subdivision is in a flood-prone area. If the subdivision, or any
3 part of it, is in such an area, the subdivider shall determine
5 the 100-year flood elevation and flood hazard boundaries within
7 the subdivision. The proposed subdivision plan must include a
9 condition of plat approval requiring that principal structures in
11 the subdivision will be constructed with their lowest floor,
13 including the basement, at least one foot above the 100-year
15 flood elevation.

17 **§4405. Access to direct sunlight**

19 The municipal reviewing authority may, to protect and ensure
21 access to direct sunlight for solar energy systems, prohibit,
23 restrict or control development through subdivision regulations.
25 The regulations may call for subdivision development plans
27 containing restrictive covenants, height restrictions, side yard
29 and set-back requirements or other permissible forms of land use
31 controls.

33 **§4406. Enforcement; prohibited activities**

35 The Attorney General, the municipality or the planning board
37 of any municipality may institute proceedings to enjoin a
39 violation of this subchapter.

41 1. Sales or other conveyances. No person may sell, lease,
43 develop, build upon or convey for consideration, or offer or
45 agree to sell, lease, develop, build upon or convey for
47 consideration any land or dwelling unit in a subdivision which
49 has not been approved by the municipal reviewing authority of the
51 municipality where the subdivision is located and recorded in the
proper registry of deeds.

A. No register of deeds may record any subdivision plat or
plan which has not been approved under this subchapter.
Approval for the purpose of recording must appear in writing
on the plat or plan. All subdivision plats and plans
required by this subchapter must contain the name and
address of the person under whose responsibility the
subdivision plat or plan was prepared.

B. Whenever the initial approval or any subsequent
amendment of a subdivision is based in part on the granting
of a variance from any applicable subdivision approval
standard, that fact shall be expressly noted on the face of
the subdivision plan to be recorded in the registry of deeds.

(1) In the case of an amendment, if no amended plan is
to be recorded, a certificate shall be prepared in
recordable form and recorded in the registry of deeds.
This certificate shall:

1 (a) Indicate the name of the current property
 owner;

3 (b) Identify the property by reference to the
5 last recorded deed in its chain of title; and

7 (c) Indicate the fact that a variance, including
 any conditions on the variance, has been granted
9 and the date of the granting.

11 (2) The variance is not valid until recorded as
13 provided in this paragraph. Recording must occur
 within 30 days of the final subdivision approval or the
15 variance is void.

17 C. No building inspector may issue any permit for a
 building or use within a land subdivision unless the
19 subdivision has been approved under this subchapter.

21 D. Any person who sells, leases, develops, builds upon, or
 conveys for consideration, offers or agrees to sell, lease,
23 develop, build upon or convey for consideration any land or
 dwelling unit in a subdivision which has not been approved
25 under this subchapter shall be penalized in accordance with
 section 4452.

27 2. Permanent marker required. No person may sell or convey
 any land in an approved subdivision unless at least one permanent
29 marker is set at one lot corner of the lot sold or conveyed. The
 term "permanent marker" includes, but is not limited to, the
31 following:

33 A. A granite monument;

35 B. A concrete monument;

37 C. An iron pin; or

39 D. A drill hole in ledge.

41 3. Utility installation. No public utility, water
 district, sanitary district or any utility company of any kind
43 may install services to any lot or dwelling unit in a
 subdivision, unless written authorization attesting to the
45 validity and currency of all local permits required under this
 chapter has been issued by the appropriate municipal officials.
47 Following installation of service, the company or district shall
 forward the written authorization to the municipal officials
49 indicating that installation has been completed.

51 §4407. Revisions to existing plat or plan

1 Any application for subdivision approval which constitutes a
2 revision or amendment to a subdivision plan which has been
3 previously approved shall indicate that fact on the application
4 and shall identify the original subdivision plan being revised or
5 amended.

7 1. Recording. If a subdivision plat or plan is presented
8 for recording to a register of deeds and that plat or plan is a
9 revision or amendment to an existing plat or plan, the register
10 shall:

11 A. Indicate on the index for the original plat or plan that
12 it has been superseded by another plat or plan;

15 B. Reference the book and page or cabinet and sheet on
16 which the new plat or plan is recorded; and

17 C. Ensure that the book and page or cabinet and sheet on
18 which the original plat or plan is recorded is referenced on
19 the new plat or plan.

21 SUBCHAPTER V

23 ENFORCEMENT OF LAND USE REGULATIONS

25 §4451. Training and certification for code 26 enforcement officers

27 1. Certification required; exceptions. Beginning January
28 1, 1993, a municipality may not employ any individual to perform
29 the duties of a code enforcement officer who is not certified by
30 the office, except that:

31 A. An individual has 12 months after beginning employment
32 to be trained and certified as provided in this section; and

33 B. Whether or not any extension is available under
34 paragraph A, the office may waive this requirement for up to
35 one year if the certification requirements cannot be met
36 without imposing a hardship on the municipality employing
37 the individual.

38 2. Penalty. Any municipality that violates this section
39 commits a civil violation for which a forfeiture of not more than
40 \$100 may be adjudged. Each day in violation constitutes a
41 separate offense.

42 3. Training and certification of code enforcement
43 officers. In cooperation with the Vocational-Technical Institute
44 System and the Department of Human Services, the office shall
45 establish a continuing education program for individuals engaged
46 in the profession.

1 in code enforcement. This program shall provide basic and
3 advanced training in the technical and legal aspects of code
5 enforcement necessary for certification, including, but not
7 limited to:

9 A. Plumbing inspection;

11 B. Soils and site evaluation;

13 C. Electrical inspection;

15 D. State and federal environmental requirements;

17 E. Zoning ordinances;

19 F. Court techniques; and

21 G. Other enforcement information.

23 4. Examination. The office shall conduct at least one
25 examination each year to examine candidates for certification or
27 recertification at a time and place designated by it. The office
29 may conduct additional examinations to carry out the purposes of
31 this subchapter.

33 5. Certification standards. The office shall establish by
35 rule the qualifications, conditions and licensing standards and
37 procedures for the certification and recertification of
39 individuals as code enforcement officers. A code enforcement
41 officer need only be certified in the areas of actual job
43 responsibilities. The rules established under this subsection
45 shall identify standards for each of the areas of training under
47 subsection 3, in addition to general standards that apply to all
49 code enforcement officers.

51 6. Certification; terms; revocation. The office shall
53 certify individuals as to their competency to successfully
55 enforce ordinances and other land use regulations and permits
57 granted under those ordinances and regulations and shall issue
59 certificates attesting to the competency of those individuals to
61 act as code enforcement officers. Certificates are valid for 5
63 years unless revoked by the Administrative Court.

65 A. The Administrative Court may revoke the certificate of a
67 code enforcement officer, in accordance with Title 4,
69 chapter 25, when it finds that:

71 (1) The code enforcement officer has practiced fraud
73 or deception;

75 (2) Reasonable care, judgment or the application of a
77 duly trained and knowledgeable code enforcement

1 officer's ability was not used in the performance of
2 the duties of the office; or

3 (3) The code enforcement officer is incompetent or
4 unable to perform properly the duties of the office.

5 B. Code enforcement officers whose certificates are
6 invalidated under this subsection may be issued new
7 certificates provided that they are newly certified as
8 provided in this section.

9 7. Other professions unaffected. This subchapter shall not
10 be construed to affect or prevent the practice of any other
11 profession.

12 §4452. Enforcement of land use laws and ordinances

13 1. Enforcement. A municipal official, such as a municipal
14 code enforcement officer, local plumbing inspector or building
15 inspector, who is designated by ordinance or law with the
16 responsibility to enforce a particular law or ordinance set forth
17 in subsection 5, may:

18 A. With the consent of the property owner, occupant or
19 agent, enter any property or building at reasonable hours to
20 inspect the property or structure for compliance with the
21 laws or ordinances set forth in subsection 5;

22 B. Issue a summons to any person who violates a law or
23 ordinance which the official is authorized to enforce; and

24 C. When specifically authorized by the municipal officers,
25 represent the municipality in District Court in the
26 prosecution of alleged violations of ordinances or laws
27 which the official is authorized to enforce.

28 2. Liability for violations. Any person, including, but
29 not limited to, a landowner, the landowner's agent or a
30 contractor who violates any of the laws or ordinances set forth
31 in subsection 5 is liable for the penalties set forth in
32 subsection 3.

33 3. Civil penalties. The following provisions apply to
34 violations of the laws and ordinances set forth in subsection 5.
35 All monetary penalties are civil penalties.

36 A. The minimum penalty for starting construction or
37 undertaking a land use activity without a required permit is
38 \$100, and the maximum penalty is \$2,500.

39 B. The minimum penalty for a specific violation is \$100,
40 and the maximum penalty is \$2,500.

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C. The violator may be ordered to correct or abate the violations. When the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction will:

- (1) Result in a threat or hazard to public health or safety;
- (2) Result in substantial environmental damage; or
- (3) Result in a substantial injustice.

D. If the municipality is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule.

E. In setting a penalty, the court shall consider, but is not limited to, the following:

- (1) Prior violations by the same party;
- (2) The degree of environmental damage that cannot be abated or corrected;
- (3) The extent to which the violation continued following a municipal order to stop; and
- (4) The extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.

F. The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for a violation of the same law or ordinance.

G. The penalties for violations of waste discharge licenses issued by the municipality pursuant to Title 38, section 413, subsection 8, is as prescribed in Title 38, section 349.

4. Proceedings brought for benefit of municipality. All proceedings arising under locally administered laws and ordinances shall be brought in the name of the municipality. All fines resulting from those proceedings shall be paid to the municipality.

1 5. Application. This section applies to the enforcement of
2 land use laws and ordinances or rules which are administered and
3 enforced primarily at the local level, including:

5 A. The plumbing and subsurface waste water disposal rules
6 adopted by the Department of Human Services under Title 22,
7 section 42, including the land area of the State which is
8 subject to the jurisdiction of the Maine Land Use Regulation
9 Commission;

11 B. Laws pertaining to public water supplies, Title 22,
12 sections 2642, 2647 and 2648;

13 C. Local ordinances adopted pursuant to Title 22, section
14 2642;

17 D. Laws administered by local health officers pursuant to
18 Title 22, chapters 153 and 263;

19 E. Laws pertaining to fire prevention and protection, which
20 require enforcement by local officers pursuant to Title 25,
21 chapter 313;

23 F. Laws pertaining to the construction of public buildings
24 for the physically disabled pursuant to Title 25, chapter
25 331;

27 G. Local land use ordinances adopted pursuant to section
28 3001;

31 H. Local building codes adopted pursuant to sections 3001
32 and 3007;

33 I. Local housing codes adopted pursuant to sections 3001
34 and 3007;

37 J. Local ordinances regarding automobile junkyards pursuant
38 to chapter 183, subchapter I;

39 K. Local ordinances regarding electrical installations
40 pursuant to chapter 185, subchapter II;

43 L. Local ordinances regarding regulation and inspection of
44 plumbing pursuant to chapter 185, subchapter III;

45 M. Local ordinances regarding malfunctioning subsurface
46 waste water disposal systems pursuant to section 3428;

49 N. The subdivision law and local subdivision ordinances
50 adopted pursuant to section 3001 and subdivision regulations
51 adopted pursuant to section 4403;

1 O. Local zoning ordinances adopted pursuant to section 3001
and in accordance with section 4352;

3
5 P. Waste water discharge licenses issued pursuant to Title
38, section 413, subsection 8; and

7 Q. Shoreland zoning ordinances adopted pursuant to Title
38, sections 435 to 447, including those which were
9 state-imposed.

11 CHAPTER 189

13 RIVER CORRIDOR COMMISSIONS

15 §4461. River corridor commissions encouraged

17 1. Findings. The Legislature finds that:

19 A. The effectiveness of local governments in implementing
21 their responsibilities under shoreland zoning can be
23 enhanced by coordination and cooperation among
 municipalities;

25 B. River corridor commissions have proven their
27 effectiveness as one mechanism to bring about such
 coordination and cooperation;

29 C. Additional river corridor commissions are not likely to
 be formed without state encouragement and incentives; and

31 D. Such cooperation serves state interests as stated in
33 Title 12, section 402 and Title 38, chapter 3, subchapter I,
 article 2-B.

35 2. Purpose. It is the policy of the State to encourage the
37 formation of river corridor commissions. The purpose of this law
is to:

39 A. Clarify the procedures for forming river corridor
41 commissions;

43 B. Delegate authority to the Commissioner of Conservation
45 to approve acceptable proposals to form the river corridor
 commissions;

47 C. Grant additional powers to those river corridor
49 commissions beyond those provided for in chapter 115; and

51 D. Provide a portion of the funding for the operation of
 the river corridor commissions.

1 §4462. Definitions

3 As used in this chapter, unless the context otherwise
4 indicates, the following terms have the following meanings.

5 1. Commission. "Commission" means a river corridor
6 commission granted approval by the commissioner under section
7 4603 and authorized by Title 5, chapter 379, or as established
8 under Title 38, chapter 6.

9 2. Commissioner. "Commissioner" means the Commissioner of
10 Conservation.

11 3. Department. "Department" means the Department of
12 Conservation.

13 §4463. Approval of river corridor commissions

14 The commissioner may grant commission status and all the
15 privileges and powers enjoyed by the commissions, as specified in
16 this chapter, when the commissioner finds that:

17 1. Occupation of shoreland by 2 or more municipalities.
18 Two or more municipalities, which collectively occupy enough of
19 the shoreland on a river segment to be effective in managing the
20 shorelands of the river, have entered into an agreement under
21 chapter 115, which satisfies the requirements of section 4604;

22 2. Comprehensive plan. The same municipalities have
23 prepared a comprehensive plan which satisfies the requirements of
24 section 4605;

25 3. Ordinance. The same municipalities have prepared an
26 ordinance to implement the comprehensive plan which satisfies the
27 requirements of section 4606; and

28 4. Other commissions. No other commission exists on the
29 same river, or the distance between the proposed and existing
30 commissions makes the formation of one larger commission
31 impractical.

32 §4464. Interlocal agreement

33 In addition to the requirements of section 2203, the
34 interlocal agreement must be consistent with rules adopted by the
35 commissioner under the Maine Administrative Procedure Act, Title
36 5, chapter 375. These rules may include, but are not limited to:

37 1. Minimum duration. The minimum duration of the agreement;

38 2. Members; appointment. How members may be appointed;

1 3. Municipal responsibilities for financing. What the
2 municipalities' responsibilities for financing the commission
3 are; and

4 4. Withdrawal. How and under what circumstances
5 municipalities may withdraw from the commission.

6
7 §4465. Comprehensive plan

8 The comprehensive plan must be consistent with rules adopted
9 by the commissioner under the Maine Administrative Procedure Act,
10 Title 5, chapter 375. These rules may include, but are not
11 limited to:

12 1. Resources; problems. What resources or problems the
13 plan must address;

14 2. Information; analyses. Information and analyses the
15 plan must contain; and

16 3. Specificity; clarity. The degree of specificity and
17 clarity sought in the plan.

18 §4466. Ordinance

19 The ordinance to implement the plan must be at least as
20 restrictive as the State's guidelines for municipal shoreland
21 zoning ordinances and shall supersede existing shoreland zoning
22 ordinances. The ordinance must contain adequate procedures for
23 processing permit requests and for considering appeals of a
24 decision made by the commission.

25 §4467. Powers of a river corridor commission

26 Notwithstanding section 2203, subsection 8, an approved
27 commission may:

28 1. Amendment to comprehensive plan. Amend the
29 comprehensive plan, after notice and hearing on the proposed
30 amendment in accordance with the Maine Administrative Procedure
31 Act, Title 5, chapter 375;

32 2. Adoption of rules or ordinances. Adopt and amend rules
33 or ordinances covering an area up to 500 feet from the normal
34 high-water mark necessary to implement the comprehensive plan,
35 after notice and hearing on the proposed amendment or adoption,
36 in accordance with the Maine Administrative Procedure Act, Title
37 5, chapter 375;

38 3. Issuance of permits. Issue permits, subject to
39 reasonable conditions for activities requiring permits, or may
40 deny permits under ordinances and rules adopted by the commission;

1
3 4. Fees. Assess fees for permit or variance applications,
or for any publications of the commission;

5 5. Suit. Sue and be sued; and

7 6. Enforcement. Enforce the rules or ordinances of the
9 commission by instituting any lawful action, injunction or other
11 proceeding to prevent, restrain, correct or abate any violation
of its rules or ordinances, and may impose fines as permitted
under Title 38, chapter 3, subchapter I, article 2-A.

13 §4468. Commission budget; financing; staff

15 The commission shall prepare and submit to the commissioner
17 a biennial budget sufficient to cover its operating and other
19 expenses. Provided the commission continues to satisfy the
21 requirements of section 4603, the commissioner shall request
23 funds to match the funds raised by the commission. In no event
25 may the state contribution exceed \$25,000 for any one commission
27 in any year. The commission may accept contributions of any type
from any source to assist it in carrying out its assigned tasks,
and make any agreements with respect to the administration of
those funds, not inconsistent with the purpose of this law, that
are required as conditions precedent to receiving the funds,
federal or otherwise. Staff of the commission are not considered
employees of the State.

29 §4469. Appeals to Superior Court

31 Except where otherwise specified by law, any party or person
33 aggrieved by any order or decision of the commission may, within
35 30 days after notice of the filing of that order or decision,
appeal to the Superior Court by filing a notice of appeal stating
the grounds for appeal. The appeal shall be taken under Title 5,
section 11001.

37
39 Sec. 47. 30-A MRSA Sub-pt. 7, as enacted by PL 1987, c. 737,
Pt. A, §2, and Pt. C, §106, is repealed.

41 Sec. 48. 30-A MRSA §4702, sub-§8, as enacted by PL 1987, c.
43 737, Pt. A, §2 and Pt. C, §106, is amended to read:

45 8. Home improvement note. "Home improvement note" means an
47 interest bearing obligation, secured in whole or in part by a
49 mortgage, insurance or otherwise as may be agreed upon by the
Maine State Housing Authority from time to time, made to improve
or rehabilitate single-family or multi-unit residential housing
in the State, including, without limitation, the replacement,
51 removal or rehabilitation of malfunctioning waste water treatment
systems.

1 **Sec. 49. 30-A MRSA §4722, sub-§1, ¶L**, as enacted by PL 1987, c.
737, Pt. A, §2 and Pt. C, §106, is amended to read:

3
4 L. Contract with any financial institution to make mortgage
5 loans on behalf of the Maine State Housing Authority. The
6 mortgage loans shall be made under one or more mortgage loan
7 programs governed by standards established in accordance
8 with the Maine Administrative Procedure Act, Title 5,
9 chapter 375. The Maine State Housing Authority may, without
10 contracting with a financial institution, make mortgage
11 loans only with respect to the following:

13 (1) To protect the security or likelihood of repayment
14 of any mortgage loan held by the Maine State Housing
15 Authority when such a loan is not made within 10
16 business days of application through the originating
17 financial institution on terms and conditions
18 comparable to terms and conditions available from the
19 Maine State Housing Authority; or

21 (2) In one or more areas of the State, to the extent
22 that no financial institution, after both initial and
23 such successive reasonable opportunities as the Maine
24 State Housing Authority may provide, has contracted
25 with the Maine State Housing Authority to participate
26 in a mortgage loan program.

27 The Maine State Housing Authority may make mortgage loans,
28 construction loans, grants, noninterest-bearing loans,
29 deferred payment loans, unsecured loans and other similar
30 types of loans to state public bodies or other public
31 instrumentalities and private nonprofit corporations without
32 contracting with a financial institution. Any mortgage loan
33 made under this paragraph does not pledge the faith and
34 credit of the State. Any bonds issued by the Maine State
35 Housing Authority to finance mortgage loans authorized by
36 this paragraph are subject to the limitations of sections
37 4905 and 4907;

39 **Sec. 50. 30-A MRSA c. 201, sub-c. III-A** is enacted to read:

41 SUBCHAPTER III-A

43 AFFORDABLE HOUSING PROGRAM

45 §4751. Purpose

47 The State is experiencing severe shortages of affordable
48 housing in various parts of the State. The affordable housing
49 shortage is also contributing to an increasing class of working
50 poor people and creating severe hardships for a significant
51 number of the State's citizens. Municipalities feel the impact

1 of the affordable housing shortage and find it difficult to deal
2 with the problem with their inadequate resources. By working
3 together, sharing resources and using more comprehensive
4 measures, the State and its municipalities can more effectively
5 address the shortage of affordable housing and the many other
6 problems stemming from this housing shortage.

7
8 §4752. Housing component of comprehensive plans

9
10 Any comprehensive plan developed chapter 187, subchapter II,
11 shall provide for the development of affordable housing for
12 low-income and moderate-income households. A municipality may
13 cooperate with neighboring municipalities to develop a regional
14 comprehensive plan in lieu of a municipal plan. Any comprehensive
15 plan developed under chapter 187, subchapter II, shall include
16 municipal or regional strategies to effectively reduce the cost
17 of housing or provide for the construction of affordable housing,
18 including zoning measures, use of municipally owned land and
19 other similar measures.

20 1. Provide technical assistance and information. The Maine
21 State Housing Authority and any municipal housing authority shall
22 provide technical assistance and information to municipalities
23 requesting assistance in the development of affordable housing
24 provisions for comprehensive plans to include the formulation of
25 measures to effectively address the shortage of affordable
26 housing for low-income and moderate-income households.

27
28 2. Land and buildings of political subdivisions. Each
29 municipality shall report to the Bureau of Public Improvements
30 any municipally owned land or buildings and any land or buildings
31 within the jurisdiction of any other political subdivisions,
32 except school administrative districts, that may be suitable for
33 the construction, reconstruction or rehabilitation of affordable
34 housing for low-income and moderate-income households.

35
36 A. School administrative districts shall report to the
37 Bureau of Public Improvements any land and buildings owned
38 by or within the jurisdiction of the district that may be
39 suitable for the construction, reconstruction or
40 rehabilitation of affordable housing for low-income and
41 moderate-income households.

42
43 B. The Maine State Housing Authority shall adopt rules
44 under the Maine Administrative Procedure Act, Title 5,
45 chapter 375, which establish standards by which land and
46 buildings are deemed suitable for the construction,
47 reconstruction or rehabilitation of affordable housing for
48 low-income and moderate-income households to be used by
49 municipalities and school administrative districts under
50 this section.

1 §4753. Coordination of resources and programs

3 The Maine State Housing Authority, municipal housing
5 authorities, municipalities and the Department of Economic and
7 Community Development shall cooperate in the coordination of
 resources and programs and the development of housing for
 low-income and moderate-income households.

9 1. Matching of resources. The Maine State Housing
11 Authority may match the resources provided by municipalities
13 according to ratios established by the Maine State Housing
 Authority by rule in accordance with the Maine Administrative
 Procedure Act, Title 5, chapter 375.

15 A. Municipal resources may consist of land, buildings,
17 equipment, personnel, zoning provisions, money and any other
19 resources considered by the Maine State Housing Authority to
 effectively help to provide affordable housing to low-income
 and moderate-income households.

21 B. Any municipality and the Maine State Housing Authority
23 may use resources provided by the private sector, any
25 private nonprofit organization or any other public sector
 organization for the purpose established in this subchapter.

27 §4754. Purchase and acquire property; construct housing

29 The Maine State Housing Authority or any municipal housing
31 authority may purchase or acquire property to preserve or provide
 affordable housing to low-income and moderate-income people and
 provide for the management and maintenance of this property.

33 1. Construction. The Maine State Housing Authority or any
35 municipal housing authority may construct or reconstruct housing
 for low-income and moderate-income households.

37 2. Rehabilitation. The Maine State Housing Authority or
39 any municipal housing authority may rehabilitate buildings as a
41 means of providing affordable housing to low-income and
 moderate-income households.

43 3. State-owned property. The Maine State Housing Authority
45 may use surplus state-owned property pursuant to this subchapter
 and subchapter XI and Title 5, section 1742, subsection 23, to
 achieve the purpose of this article.

47 4. Property. For the purpose of this subchapter, property
49 includes land, buildings, structures and equipment.

51 §4755. Provide property

1 The Maine State Housing Authority may provide surplus state
3 property below market value pursuant to this subchapter and
5 subchapter XI and Title 5, section 1742, subsection 23, to any
7 person, firm or organization that agrees to construct,
9 reconstruct or rehabilitate affordable housing for low-income and
11 moderate-income households and maintain this property for this
13 purpose in a written contract with the Maine State Housing
15 Authority.

17 **§4756. Rules**

19 The Maine State Housing Authority shall adopt rules in
21 accordance with the Maine Administrative Procedure Act, Title 5,
23 chapter 375, to implement this subchapter, including eligibility
25 standards for financing under this subchapter.

27 **Sec. 51. 30-A MRSA §4832, sub-§1,** as enacted by PL 1987, c.
29 737, Pt. A, §2 and Pt. C, §106, is amended to read:

31 1. Participation requirements. The Except as provided in
33 paragraph A, the Maine State Housing Authority may not
35 participate in the making of construction loans unless a
37 financial institution in the State agrees to participate in the
39 loan at least to the extent of 15% of the principal amount of the
41 loan. Notwithstanding any other provisions of law, financial
43 institutions in the State may act as required by this subchapter.

45 A. The Maine State Housing Authority may make construction
47 loans to state public bodies or other public
49 instrumentalities and private nonprofit corporations without
51 the participation of a financial institution.

53 **Sec. 52. 30-A MRSA §4852, sub-§2,** as enacted by PL 1987, c.
55 737, Pt. A, §2 and Pt. C, §106, is repealed and the following
57 enacted in its place:

59 2. Use of money. Money in the fund may be used as provided
61 in this subsection.

63 A. Money in the Housing Opportunities for Maine Fund may be
65 applied to:

67 (1) Reduce the rate of interest on or the principal
69 amount of such mortgage loans as the Maine State
71 Housing Authority determines;

73 (2) Reduce payments by persons of low-income for the
75 rental of single-family or multi-unit residential
77 housing;

- 1 (3) Make mortgage loans and such other types of loans
3 or grants as the Maine State Housing Authority
 determines;
- 5 (4) Fund reserve funds for, pay capitalized interest
7 on, pay costs of issuance of or otherwise secure and
 facilitate the sale of the Maine State Housing
9 Authority's bonds issued under this subchapter;
- 11 (5) Pay the administrative costs of state public
 bodies or other public instrumentalities and private,
13 nonprofit corporations directly associated with housing
 projects; and
- 15 (6) Otherwise make the costs of single-family or
17 multi-unit residential housing affordable by persons of
 low-income.

19 B. Notwithstanding the requirements of section 4702,
21 subsection 10, mortgage loans made or assisted with money
 from the fund may be secured by a mortgage which does not
23 constitute a first lien.

25 C. If any money in the Housing Opportunities for Maine Fund
 is used in conjunction with or as part of the issuance of
27 any mortgage purchase bonds and the proceeds of the bonds
 are allocated by the Maine State Housing Authority to assist
29 in the acquisition of housing, the Maine State Housing
 Authority may require that the purchaser of the housing make
31 a minimum down payment in an amount determined by the Maine
 State Housing Authority; except that any such requirement
33 shall not apply to mortgage loans insured or guaranteed by
 the United States Veterans Administration, the Federal
35 Housing Administration or any other agency of the Federal
 Government that allows for a lesser down payment than that
37 required by the Maine State Housing Authority. The Maine
 State Housing Authority may not limit the maximum down
 payment that may be required.

39 D. Money in the fund may be provided to 3rd parties to
41 provide reasonable administrative support and planning funds
43 for the development or specific creation of new housing
 units or the rehabilitation of dilapidated or substandard
45 existing housing units.

47 **Sec. 53. 30-A MRSA §4907, sub-§1, as enacted by PL 1987, c.**
 737, Pt. A, §2 and Pt. C, §106, is amended to read:

49 1. Limitations on amount of outstanding principal. The
51 Maine State Housing Authority may not at any time have an
 aggregate principal amount outstanding, in excess of \$635,000,000
 \$885,000,000 of mortgage purchase bonds secured by the Housing

1 Reserve Fund or a Capital Reserve Fund to which section 4906,
2 subsection 3, paragraph A applies. Mortgage purchase bonds of
3 the Maine State Housing Authority secured by capital reserve
4 funds to which section 4906, subsection 3, paragraph A does not
5 apply, bond or mortgage insurance, direct or indirect contract
6 with the United States, purchase or repurchase agreement of
7 guaranty with a banking or other financial organization or other
8 credit arrangements securing the bonds may be issued up to
9 \$100,000,000 per calendar year in an aggregate principal amount
10 not to exceed \$300,000,000.

11 **Sec. 54. 30-A MRSA c. 201, sub-c. IX-B** is enacted to read:

12 SUBCHAPTER IX-B

13 OVERBOARD DISCHARGE ASSISTANCE PROGRAM

14 §4926. Overboard Discharge Assistance Fund

15
16
17
18 1. Creation. The Overboard Discharge Assistance Fund is
19 established under the jurisdiction of the Maine State Housing
20 Authority. For the purposes of this subchapter, "authority"
21 means the Maine State Housing Authority.

22
23
24 2. Sources of fund. The following shall be paid into the
25 fund:

26
27 A. All money appropriated for inclusion in the fund;

28
29 B. Subject to any pledge, contract or other obligation, any
30 money which the authority receives in repayment of loans or
31 advances from the fund;

32
33 C. Subject to any pledge, contract or other obligation, all
34 interest, dividends or other income from investment of the
35 fund; and

36
37 D. Any other money, including federal money, deposited in
38 the fund to implement this subchapter.

39
40
41 3. Application of fund. The authority may apply money in
42 the fund for purposes authorized by this subchapter. Money in
43 the fund not needed currently for purposes of this subchapter may
44 be deposited with the authority to the credit of the fund or may
45 be invested in such a manner as is provided by law.

46
47 4. Accounts within fund. The authority may divide the
48 funds into such separate accounts as the authority determines
49 necessary or convenient for carrying out this subchapter.

1 5. Revolving fund. The fund shall be a nonlapsing
2 revolving fund. All money in the fund shall be continuously
3 applied by the authority to carry out this subchapter.

5 §4927. Maine Overboard Discharge Assistance Program

7 The Maine Overboard Discharge Assistance Program shall
8 provide assistance to homeowners whose homes are serviced by
9 substandard or malfunctioning waste water treatment systems,
10 including straight pipe discharges, individual overboard
11 discharge systems, subsurface waste water disposal systems,
12 septic tanks, leach fields and cesspools, which systems result in
13 direct discharges of domestic pollutants to the surface waters of
14 the State.

15 1. Operation. The authority shall administer the Maine
16 Overboard Discharge Assistance Program which may be operated in
17 conjunction with other programs of the authority and in
18 cooperation with the Department of Environmental Protection.
19 Other programs of the authority may be used to supplement or be
20 used in conjunction with the Maine Overboard Discharge Assistance
21 Program to achieve the purpose of this subchapter.

22 A. Money in the fund may be used as security for or be
23 applied in payment of principal, interest, fees and other
24 charges due on loans made or insured under this program.

25 B. Money in the fund may be used as grants to assist
26 homeowners who qualify for grant assistance under this
27 program.

28 2. Provisions governing use of money. The fund shall be
29 administered subject to this section. Priority shall be given to
30 homeowners who are or are likely to be in noncompliance with the
31 state waste classification program, Title 38, chapter 3, article
32 4-A and who do not have access to adequate capital or credit to
33 remove, rehabilitate or replace the waste water treatment
34 system. For purposes of this subchapter, homeowner includes the
35 owner of a mobile home or manufactured housing unit and the owner
36 of rental housing.

37 A. The authority, by rules adopted in accordance with the
38 Maine Administrative Procedure Act, Title 5, chapter 375,
39 shall establish priorities of assistance to homeowners.
40 These priorities shall be based on:

41 (1) The assets of the homeowner;

42 (2) The availability of credit or assistance or income
43 from other sources, including financial institutions,
44 investments, trust funds and other similar sources;
45

1 (3) The degree of environmental or public health
2 hazard;

3 (4) The immediacy of the need for assistance; and

4 (5) Any other variables considered important by the
5 authority.

6 B. Grants, not to exceed \$5,000 per homeowner household,
7 may be provided to a homeowner if:

8 (1) The grant is essential to providing housing to the
9 homeowner; and

10 (2) The income of the homeowner is insufficient to
11 repay any loan or portion of a loan.

12 C. Loans from the fund shall not exceed \$10,000 per
13 homeowner household at rates of interest not to exceed 8%
14 per year.

15 D. Loans from the fund may be made for periods of up to 30
16 years. If a homeowner cannot repay a loan in full within
17 the 30-year period, the authority may extend the repayment
18 period if the authority determines that the loan can be
19 repaid during the extension period. The authority may waive
20 the payment of interest on any loan or portion of a loan for
21 which the interest payment will be an undue hardship on a
22 household.

23 E. Money in the fund may be used to reduce interest rates
24 on loans provided by financial institutions located in this
25 State to homeowners who meet the eligibility requirements of
26 this program.

27 F. The program shall be directed primarily at households
28 without access to adequate capital or credit and which meet
29 the eligibility requirements of this program.

30 G. The program shall be directed secondarily at eliminating
31 overboard discharges into shellfish growing areas designated
32 by the Department of Marine Resources.

33 3. Loan insurance. The authority may insure payments due
34 under a loan or lease and may pledge money in the fund as
35 security for such loan or lease, which may be in addition to or
36 in lieu of insurance provided under other provisions of this
37 chapter. Loans or leases shall not constitute any debt or
38 liability on the part of the authority or the State, except to
39 the extent specifically provided by contract executed by the
40 authority.

1 4. Use of loans and grants. Loans and grants provided in
2 this subchapter may be used for refinancing mortgages, or the
3 payment of interest or a portion of the interest on loans.

4 5. Procedures. The authority may adopt rules in accordance
5 with the Maine Administrative Procedure Act, Title 5, chapter
6 375, to implement the program.

7
8
9 **§4928. Bonds; issuance; separability of provisions**

10
11 The authority may issue bonds from time to time to carry out
12 the purposes of this subchapter. These bonds shall be secured in
13 such manner as the authority may by resolution provide. The
14 bonds shall be known as overboard discharge assistance bonds.
15 The authority to issue the bonds under this subchapter
16 constitutes a complete, additional and alternative method for the
17 issuance of bonds from that authority provided in any other
18 subchapter in this chapter. No limitation or restriction as to
19 use of proceeds or total authorized amount of obligations
20 outstanding stated in this subchapter may apply to bonds issued
21 under any other subchapter of this chapter, nor may restrictions
22 or limitations recited in other subchapters apply to bonds issued
23 under this subchapter. Sections 4901 to 4907 do not apply to
24 bonds issued under this subchapter. All other provisions of this
25 chapter apply to bonds issued under this subchapter.

26
27 The authority shall not have, in the aggregate principal
28 amount outstanding, overboard discharge assistance bonds in
29 excess of \$10,000,000. In computing the total amount of bonds of
30 the authority which may at any time be outstanding, the amount of
31 the outstanding bonds refunded or to be refunded from the
32 proceeds of the sale of new bonds or by exchange of new bonds
33 shall be excluded.

34
35 **Sec. 55. 30-A MRSA §4934, sub-§1-A is enacted to read:**

36
37 1-A. Application. The Housing Mortgage Insurance Program
38 may be made available to persons who have not financed housing
39 through a program of the Maine State Housing Authority.

40
41 **Sec. 56. 30-A MRSA §4934, sub-§4 is enacted to read:**

42
43 4. Surplus revenues. Any revenues in excess of the money
44 required to insure housing mortgages under this subchapter shall
45 first be used to repay any loans from the General Fund. After
46 repayment to the General Fund, any surplus money may be allocated
47 to the Housing Opportunities for Maine Program.

48
49 **Sec. 57. 30-A MRSA § 4951, sub-§1, as enacted by PL 1987, c.**
50 **737, Pt. A, §2 and Pt. C, §106, is amended to read:**
51

1 **1. Study of the inventory of state-owned land.** The Maine
3 State Housing Authority, following completion of the inventory of
state-owned land pursuant to Title 5, section 1742, subsection
5 23, shall determine sites that will be suitable for the
construction of affordable housing to meet the needs of the
7 State, particularly housing for low-income persons and
middle-income households.

9 **Sec. 58. 30-A MRS §4952** is enacted to read:

11 **§4952. Surplus land in trust**

13 The Maine State Housing Authority and the Department of
15 Administration shall develop a procedure by which state-owned
land and structures determined to be surplus and useable or
17 needed for the furtherance of the development of affordable
housing for low-income and moderate-income households shall be
19 held in trust for this purpose and may not be sold or used for
other purposes, except with the approval of the Commissioner of
21 Administration and the Director of the Maine State Housing
Authority.

23 **1. Procedure.** The procedure established under this section
25 shall include provisions for the expeditious transfer of title to
surplus land and structures to the Maine State Housing Authority
27 to be used for affordable housing for low-income and
moderate-income households. Transfer of title to specific
29 parcels of land and structures shall occur after the Maine State
Housing Authority prepares plans for housing projects for these
31 specific parcels or structures.

33 **2. Transfer of surplus property.** Any transfer to the trust
of surplus land and buildings under this section must be approved
35 by law.

37 **3. Surplus property removed from trust.** Before removing
any surplus property from the trust, the Maine State Housing
39 Authority shall hold a hearing within the municipality in which
the municipality in which the property is located. The hearing
41 shall be conducted in accordance with the notice provisions of
Title 5, section 8053.

43 **4. Report to Legislature.** The Maine State Housing
45 Authority shall report to the joint standing committee of the
Legislature having jurisdiction over housing matters by the 3rd
47 Wednesday in January of each First Regular Session with respect
to the implementation and impact of this section.

49 **Sec. 59. 30-A MRS c. 201, sub-c. XII** is enacted to read:

1
3
SUBCHAPTER XII

5
7
PRESERVATION OF MODERATE-INCOME AND LOW-INCOME
HOUSING CONSTRUCTED WITH FEDERAL
ASSISTANCE

9
§4971. Purpose

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25
The State is experiencing severe shortages of affordable housing in various parts of the State. The affordable housing shortage is contributing to an ever-increasing class of working poor people and creating severe hardships for a significant number of Maine citizens.

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25
The housing shortage problem may soon be intensified by the conversion of moderate-income and low-income rental housing units into housing for higher income persons and families. Many moderate-income and low-income rental housing units were constructed with federal assistance nearly 20 years ago with an agreement that the mortgagee may pay the mortgage after 20 years and not be subject to any of the restrictions in the initial agreement. As the mortgagees pay the mortgages, it is essential for the State to preserve as much of this housing as possible at affordable costs for the citizens of the State.

27
§4972. Definition

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35
For the purpose of this subchapter, "low-income rental housing" means residential housing projects in which a majority of the units are subject to federal income eligibility restrictions and the rents within the projects are controlled by a federal agency pursuant to a regulatory or rental assistance agreement.

37
§4973. Notification of intent to sell

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45
Any person who has a controlling interest in any low-income housing may not sell, transfer title or take other action in regard to the property which would result in the termination of financial assistance designed to make a rental unit affordable to low-income or moderate-income people, without providing notice, as outlined in subsection 1, to the Maine State Housing Authority and the municipal housing authority, if any, in the region where the property is located, as provided in this section.

47
49
51
1. Notice. The notice shall be made to the Maine State Housing Authority and the local housing authority serving the area, if any, when the owner enters into a contract for the sale or transfer or takes other action in regard to the property. This notice shall include a copy of any contract of sale.

53
2. Right of first refusal. The Maine State Housing Authority has the right of first refusal to purchase the

1 property. The authority shall hold the right of first refusal
2 for not more than 30 days from receipt of the notice required by
3 this section. Failure to respond to the notice of first refusal
4 in 30 days constitutes a waiver of that right of first refusal by
5 the authority. By stating in writing its intention to pursue its
6 right of first refusal during the 30-day period, the authority
7 has an additional 60 days, beginning on the date of the
8 termination of the first refusal period, to buy or to produce a
9 buyer for the property. This additional 60-day period may be
10 extended by mutual agreement between the authority and the owner
11 of the property.

13 A. Nothing in this section prevents an owner of the
14 property from withdrawing the property from the market and
15 revoking the notice required by subsection 1 at any time
16 before the 90-day period expires or until the authority
17 provides its notice of taking by eminent domain. The
18 withdrawal or revocation extinguishes any right of first
19 refusal held by the Maine State Housing Authority.

21 3. Exceptions. The Maine State Housing Authority shall not
22 possess any right of first refusal when a bona fide buyer, by
23 contract with the seller, agrees to maintain the property as
24 low-income housing. The notice provisions of this section apply
25 to this subsection.

27 **§4974. Purchase property; construct housing**

29 The Maine State Housing Authority or any municipal housing
30 authority may purchase or acquire property to preserve or provide
31 affordable housing to moderate-income and low-income people and
32 provide for the management and maintenance of this property.

33 1. Construction. The Maine State Housing Authority or any
34 municipal housing authority may construct or reconstruct housing
35 for moderate-income and low-income households.

37 2. Rehabilitation. The Maine State Housing Authority or
38 any municipal housing authority may rehabilitate buildings to
39 provide affordable housing to moderate-income and low-income
40 households.

43 **§4975. Provide financing**

45 The Maine State Housing Authority or any municipal housing
46 authority may provide low interest or no interest financing to
47 any person who agrees to construct, reconstruct, rehabilitate or
48 purchase property to provide housing for moderate-income and
49 low-income households.

51 **§4976. Conversion of property**

1 Any owner of low-income rental housing who prepays the
2 mortgage and any person who purchases low-income rental housing
3 and who intends to convert the facility from low-income rental
4 housing to any other use, including other residential uses, shall
5 allow the current tenants to remain in the units for 6 months
6 from the date of prepayment or transfer of title, at the rents
7 charged to the tenants before mortgage prepayment or transfer of
8 title or at the rents provided under the assistance program to
9 which the housing is subject if such assistance is not
10 terminated, or the owner may relocate the tenants to comparable
11 units with comparable rents in accordance with the procedure
12 established by rules of the Maine State Housing Authority.

13
14 1. Rules. The Maine State Housing Authority, pursuant to
15 the Maine Administrative Procedure Act, Title 5, chapter 375,
16 shall adopt rules with respect to relocation standards to be
17 applied under this section. These standards shall include, but
18 are not limited to, assistance with moving expenses and rental
19 assistance payments necessary to maintain comparable rents for
20 the displaced tenants.

21 §4977. Rules

22
23 The Maine State Housing Authority may adopt rules in
24 accordance with the Maine Administrative Procedure Act, Title 5,
25 chapter 375, to implement this subchapter.

26 §4978. Penalty

27
28 Any person who fails to give notice as provided in this
29 subchapter commits a civil violation for which a penalty of not
30 less than \$2,500 may be adjudged.

31 §4979. Repeal

32 This subchapter is repealed on August 1, 1989.

33
34 Sec. 60. 30-A MRSA §5253, sub-§1, ¶E, as enacted by PL 1987, c.
35 737, Pt. A, §2 and Pt. C, §106, is repealed and the following
36 enacted in its place:

37 E. The designation of captured assessed value of property
38 within a tax increment financing district is subject to the
39 following limitations.

40 (1) The Commissioner of Economic and Community
41 Development shall adopt any rules necessary to allocate
42 or apportion the designation of captured assessed value
43 of property within tax increment financing districts in
44 accordance with these limitations.

1 (2) Fifteen percent of the project costs for the
2 development program must be incurred within 9 months of
3 the designation of the tax increment financing district
4 by the Commissioner of Economic and Community
5 Development. The development program must be completed
6 within 5 years of the designation of the tax increment
7 financing district by the Commissioner of Economic and
8 Community Development.

9
10 **Sec. 61. 30-A MRSA §5254, sub-§1, ¶A, as enacted by PL 1987,**
11 **c. 737, Pt. A, §2 and Pt. C, §106, is repealed.**

12 **Sec. 62. 30-A MRSA §5656 is enacted to read:**

13 §5656. State funds

14
15 Effective July 1, 1989, each municipality shall accept funds
16 provided by the Legislature only upon an affirmative vote of its
17 legislative body. Those municipalities holding a town meeting
18 shall include a separate article on the warrant for each category
19 of state funding which shall read as follows: "Shall the town
20 vote to accept (category of funding) as provided by the Maine
21 State Legislature?" The town shall indicate an estimate of the
22 amount to be received for each category of state funding on the
23 warrant, but it does not have to be part of the article. Those
24 funds not accepted by any municipality shall remain with the
25 State.

26
27 **Sec. 63. 30-A MRSA §5772, sub-§9 is enacted to read:**

28
29 9. Interest or dividend exemption from state taxation.
30 Interest or dividends paid on general obligation securities
31 issued under this section are exempt from taxation within the
32 State, whether or not such income is subject to taxation under
33 the United States Internal Revenue Code, as amended.

34 **Sec. 64. 30-A MRSA §5903, sub-§3-A is enacted to read:**

35
36 3-A. Capital reserve fund. "Capital reserve fund" means
37 any capital reserve fund created or established as provided in
38 section 6006, subsection 1-A.

39 **Sec. 65. 30-A MRSA §5903, sub-§§6-A and 6-B are enacted to**
40 **read:**

41
42 6-A. Median household income. "Median household income"
43 means the income computed based on the most current census
44 information available, as provided by the State Planning Office.

45
46 6-B. Municipal bond. "Municipal bond" means a bond or note
47 or evidence of debt issued by a municipality and payable from
48 taxes or from rates, charges or assessments, but does not include
49

1 any bond or note or evidence of debt issued under chapter 213 or
2 Title 10, chapter 110, subchapter IV.

3 **Sec. 66. 30-A MRSA §5903, sub-§7-A** is enacted to read:

4 **7-A. Municipality.** "Municipality" means any city, town,
5 special district, county, plantation or municipal village
6 corporation within the State.

7 **Sec. 67. 30-A MRSA §5903, sub-§9,** as enacted by PL 1987, c.
8 737, Pt. A, §2, and Pt. C, §106, is amended to read:

9 **9. Required debt service reserve.** "Required debt service
10 reserve" means the amount required to be on deposit in the
11 reserve fund as prescribed by section 6006, subsection 1.

12 **Sec. 68. 30-A MRSA §5903, sub-§9-A** is enacted to read:

13 **9-A. Required minimum reserve.** "Required minimum reserve"
14 means the amount required to be on deposit in a capital reserve
15 fund as prescribed by section 6006, subsection 1-A.

16 **Sec. 69. 30-A MRSA §5903, sub-§12** is enacted to read:

17 **12. Revolving loan fund.** "Revolving loan fund" means that
18 revolving loan fund created under section 6006-A.

19 **Sec. 70. 30-A MRSA §5953-A** is enacted to read:

20 **§5953-A. Loans from revolving loan fund**

21 **1. Loan application.** A municipality may apply for a loan
22 from the revolving loan fund, the proceeds of which shall be used
23 to acquire, design, plan, construct, enlarge, repair or improve a
24 publicly owned sewage system, sewage treatment plant or to
25 implement a related management program.

26 The bank may prescribe any application form or procedure required
27 of a municipality for a loan under this section. The application
28 shall include any information that the bank determines necessary
29 for the purpose of implementing this section and section 6006-A.

30 **2. Loan; loan agreements.** Loans are subject to this
31 subsection.

32 **A.** The bank may make loans from the revolving loan fund to
33 a municipality for one or more of the purposes set forth in
34 subsection 1. Each of the loans shall be made subject to
35 the following conditions.

36 (1) The total amount of loans outstanding at any one
37 time from the revolving loan fund may not exceed the

1 balance of the fund, provided that the proceeds of
3 bonds or notes of the bank deposited in the fund and
5 binding financial commitments of the United States to
 deposit money in the fund are included in determining
 the fund balance.

7 (2) The loan shall be evidenced by a municipal bond,
9 payable by the municipality over a term not to exceed
11 20 years with annual principal and interest payments
 commencing not later than one year after the project
 being financed is completed.

13 (3) The rate of interest charged for the loans shall
15 be at or below market interest rates.

17 (4) Subject to the limitations of subparagraph (3),
19 the rate of interest charged for the loans made to
21 municipalities under this section or the manner of
23 determining the rate of interest shall be established
 from time to time by direction of the bank, taking into
 consideration the current average rate on outstanding
 marketable obligations, as well as the policies of the
 Department of Environmental Protection.

25 B. Loans made to a municipality by the bank under this
27 section shall be evidenced by and made in accordance with
29 the terms and conditions specified in a loan agreement to be
31 executed by the bank and the municipality. The loan
33 agreement shall specify the terms and conditions of
 disbursement of loan proceeds. The loan agreement shall
 state the term and interest rate of the loan, the scheduling
 of loan repayments and any other terms and conditions
 determined necessary or desirable by the bank.

35 3. Eligibility certification. No loan to a municipality
37 may be made under this section until:

39 A. The applicant certifies to the bank that it has secured
41 all permits, licenses and approvals necessary to construct
 the improvements to be financed by the loan;

43 B. The applicant demonstrates to the bank that it has
45 established a rate, charge or assessment schedule which will
47 generate annually sufficient revenue to pay, or has
49 otherwise provided sufficient assurances that it will pay,
51 the principal of and interest on the municipal bond or other
 debt instrument which evidences the loan made by the bank to
 the municipality under this section and to pay reasonably
 anticipated costs of operating and maintaining the financed
 project and the system of which it is a part;

1 C. The applicant certifies to the bank that it has created
3 a dedicated source of revenue, which may constitute general
5 revenues of the applicant through a general obligation
7 pledge of the applicant, for repayment of the loan;

9 D. The applicant and the project to be financed by the
11 proceeds of the loan have been designated by the Department
13 of Environmental Protection as eligible to participate in a
15 construction or implementation program funded wholly or in
17 part by the State and from the proceeds of the revolving
19 loan fund;

21 E. The Department of Environmental Protection certifies to
23 the bank that any management program to be financed complies
25 with all applicable state and federal laws and all rules and
27 regulations adopted under those laws; and

29 F. The Department of Environmental Protection certifies to
31 the bank that the loan eligibility priority, established
33 under section 6006-A, subsection 3, entitles the applicant
35 to immediate financing or assistance under this section.

37 **Sec. 71. 30-A MRS §5959** is enacted to read:

39 **§5959. Regulations; reports**

41 1. Rules. The Department of Environmental Protection and
43 the bank may adopt rules and policies necessary to implement
45 sections 5953-A and 6006-A to ensure the self-sustaining nature
47 of the fund created under section 6006-A and also to ensure
49 compliance with the Federal Water Pollution Control Act, Title VI.

51 2. Contractual authority; reports. The Department of
53 Environmental Protection and the bank may enter into agreements
55 and shall provide notice as provided in this subsection.

57 A. The Department of Environmental Protection and the bank
59 may enter into agreements on behalf of the State with
61 agencies of the United States as may be necessary to obtain
63 grants and awards in furtherance of the stated purposes for
65 which the revolving loan fund created under section 6006-A
67 is established and take all other actions necessary to
69 comply with the Federal Water Pollution Control Act, Title
71 VI, provided that notice of each of the agreements is made
73 in a timely fashion to the Governor.

75 B. Annually, the Department of Environmental Protection and
77 the bank shall notify the Governor of the amount of the fund
79 created under section 6006-A anticipated to be available for
81 the next fiscal year.

1 C. The bank is designated by the State as the
3 instrumentality empowered to administer the revolving loan
5 fund in conjunction with the Department of Environmental
7 Protection to accept capitalization grants made under the
9 Federal Water Pollution Control Act, Title VI and to manage
11 the revolving loan fund in accordance with that Act.

13 **Sec. 72. 30-A MRSA §6003, sub-§1, ¶A-1** is enacted to read:

15 A-1. The making of deposits to the revolving loan fund;

17 **Sec. 73. 30-A MRSA §6003, sub-§2**, as enacted by PL 1987, c.
19 737, Pt. A, §2 and Pt. C, §106, is amended to read:

21 2. Bonds as general obligation bonds; additional security.
23 Except as expressly provided otherwise in this chapter or by the
25 bank, every issue of bonds shall be general obligations of the
27 bank payable out of any revenues or funds of the bank, subject
29 only to any agreements with the holders of particular bonds
31 pledging any particular revenues or funds. Bonds that are not
33 general obligations of the bank shall be special obligations of
35 the bank payable solely from any revenues or funds of the bank
37 pledged for that purpose and subject only to any agreements with
39 the holders of particular notes and bonds pledging any particular
41 revenues or funds. General--obligation Any bonds may be
43 additionally secured by a pledge of any grants, subsidies,
45 contributions, funds or money from the Federal Government, the
47 State, any governmental unit, any person or a pledge of any
49 income or revenues, funds or money of the bank from any source.

51 **Sec. 74. 30-A MRSA §6003, sub-§9** is enacted to read:

53 9. Taxation of interest. The bank may covenant and
55 consent, at or before the issuance of its bonds or notes, to the
57 inclusion of interest on any of its bonds or notes, under the
59 United States Internal Revenue Code of 1986 or any subsequent
61 corresponding internal revenue law of the United States, in the
63 gross income of the holders of any such bonds or notes to the
65 same extent and in the same manner that the interest on bills,
67 bonds, notes or other obligations of the United States is
69 includable in the gross income of the holders of the bonds or
71 notes under the United States Internal Revenue Code or any such
73 subsequent law.

75 **Sec. 75. 30-A MRSA §6006, sub-§1, ¶¶A and B**, as enacted by PL
77 1987, c. 737, Pt. A, §2, and Pt. C, §106, are amended to read:

79 A. Money in the reserve fund shall be held and applied
81 solely to the payment of the interest on and principal of
83 bonds secured by the reserve fund and sinking fund payments
85 mentioned in this chapter with respect to bonds secured by
87 the reserve fund as the interest, principal and sinking fund

1 payments become due and payable; and for the retirement of
3 bonds, including the payment of any redemption premium
5 required to be paid when any bonds are redeemed or retired
7 if the withdrawal would reduce the amount in the reserve
fund to an amount less than the required debt service
reserve, except for:

9 (1) Payment of interest then due and payable on bonds;

11 (2) Payment of the principal of bonds then maturing
and payable;

13 (3) Sinking fund payments mentioned in this chapter
15 with respect to bonds;

17 (4) The retirement of bonds in accordance with the
19 terms of any contract between the bank and its
bondholders; and

21 (5) The payment for which other money of the bank is
23 not then available for payment of interest, principal
or sinking fund payments or the retirement of bonds in
25 accordance with the terms of any such contract.

27 B. As used in this chapter, "required debt service reserve"
means, as of any date of computation, the amount or amounts
29 required to be on deposit in the reserve fund as provided by
resolution of the bank. The required debt service reserve
31 shall be, as of any date of computation, an aggregate amount
equal to at least the largest amount of money, required by
33 the terms of all contracts between the bank and ~~its~~
holders of bonds secured by the reserve fund, to
be raised in the then current or any succeeding calendar
35 year for:

37 (1) The payment of interest on and maturing principal
39 of that portion of outstanding bonds secured by the
reserve fund, the proceeds of which were applied solely
41 to the purchase of municipal securities; and

43 (2) Sinking fund payments required by the terms of any
such contracts to sinking funds established for the
45 payment or redemption of those bonds.

47 **Sec. 76. 30-A MRS §6006, sub-§1-A** is enacted to read:

49 1-A. Capital reserve fund. This subsection applies to
capital reserve funds.

1 A. The bank may establish and maintain one or more special
3 funds called "capital reserve funds" in which there shall be
 deposited:

5 (1) All money appropriated by the State for the
7 purpose of those funds;

9 (2) All proceeds of bonds required to be deposited in
11 those funds by the terms of any contract between the
 bank and its bondholders or any resolution of the bank
 with respect to the proceeds of bonds;

13 (3) Any other money or funds of the bank which it
15 determines to deposit in those funds; and

17 (4) Any other money made available to the bank only
19 for the purposes of the fund from any other source or
 sources.

21 B. Money in any capital reserve fund shall be held and
 applied solely:

23 (1) To pay the interest on and principal of bonds
25 secured by the capital reserve fund and sinking fund
27 payments mentioned in this chapter with respect to
 bonds secured by the capital reserve fund as the
 interest and principal becomes due and payable; and

29 (2) To retire bonds secured by the capital reserve
31 fund, including the payment of any redemption premium
33 required to be paid when any such bonds are redeemed or
 retired before maturity.

35 C. The minimum amount of any capital reserve fund shall be
37 equal to the amounts required under the resolutions pursuant
39 to which the bonds secured by the capital reserve fund are
41 issued. These amounts are referred to in this chapter as
43 the "required minimum reserve." With respect to bonds
45 secured by a capital reserve fund for which the resolution
47 authorizing the issuance of those bonds states that the
49 provisions of subsection 6 apply, the required minimum
51 reserve shall be, as of any date of computation, an
 aggregate amount equal to at least the largest amount of
 money required by the terms of all contracts between the
 bank and its bondholders of the bonds to be raised in the
 then current or any succeeding calendar year for the payment
 of interest on and maturing principal of that portion of the
 outstanding bonds, the proceeds of which were applied solely
 to the purchase of municipal securities or municipal bonds
 and sinking fund payments required by the terms of any such
 contracts to sinking funds established for the payment or
 redemption of the bonds, all calculated on the assumption

1 that the bonds will cease to be outstanding after the date
3 of the computation because of the payment of the bonds at
5 their respective maturities and the payments of the required
7 money to sinking funds and the application thereof in
9 accordance with the terms of all such contracts to the
11 retirement of the bonds.

13 D. Money in any capital reserve fund shall not be withdrawn
15 if the withdrawal would reduce the amount in the capital
17 reserve fund to an amount less than the required minimum
19 reserve for all such bonds issued and to be issued which
21 will be secured by the capital reserve fund, except for:

23 (1) Payment of interest then due and payable on bonds
25 secured by the capital reserve fund and the principal
27 of bonds secured by the capital reserve fund, then
29 maturing and payable, and sinking fund payments
31 required by the terms of any such contracts to sinking
33 funds established for the payment or redemption of the
35 bonds;

37 (2) The retirement of bonds secured by the capital
39 reserve fund in accordance with the terms of any
41 contract between the bank and its bondholders; and

43 (3) The payments on account of which interest or
45 principal or sinking fund payments or retirement of
47 bonds secured by the capital reserve fund other money
49 of the bank are not then available in accordance with
51 the terms of any such contract.

Sec. 77. 30-A MRSA §6006, sub-§§2 to 6, as enacted by PL 1987,
c. 737, Pt. A, §2 and Pt. C, §106, are repealed and the following
enacted in their place:

2. **Transfer.** Money in the reserve fund at any time in
excess of the required debt service reserve, whether by reason of
investment or otherwise, may be withdrawn at any time by the bank
and transferred to any other fund or account of the bank.

Money in any capital reserve fund at any time in excess of the
required minimum reserve, whether by reason of investment or
otherwise, may be withdrawn at any time by the bank and
transferred to any other fund or account of the bank.

3. **Investment.** Money at any time in the reserve fund or
any capital reserve fund may be invested in the same manner as
permitted for investment of funds belonging to the State or held
in the treasury.

4. **Reserve.** Notwithstanding any other provision of this
chapter, the bank may not issue any bonds to be secured by the

1 reserve fund or by a capital reserve fund for which the
2 resolution authorizing the issuance of those bonds states that
3 subsection 6 applies unless:

5 A. If the bonds are to be secured by the reserve fund,
6 there is in the reserve fund the required debt service
7 reserve for all bonds then issued and outstanding which are
8 secured by the reserve fund and the bonds to be issued which
9 will be secured by the reserve fund; or

11 B. If the bonds are to be secured by a capital reserve fund
12 for which the resolution authorizing the issuance of the
13 bonds states that subsection 6 applies, there is in the
14 capital reserve fund the required minimum reserve for all
15 bonds secured by the capital reserve fund then issued and
16 outstanding and the bonds to be issued which will be secured
17 by the capital reserve fund.

19 Nothing in this chapter prevents the bank from satisfying this
20 requirement by depositing so much of the proceeds of the bonds to
21 be issued, upon their issuance, as is needed to achieve the
22 required debt service reserve or required minimum reserve, as
23 applicable. The bank may at any time issue its bonds or notes
24 for the purpose of providing any amount necessary to increase the
25 amount in the reserve fund to the required debt service reserve,
26 to increase the amount in any capital reserve fund to the
27 required minimum reserve or to meet any higher or additional
28 reserve as may be fixed by the bank with respect to such fund.

29 5. Restoration. In order to ensure the maintenance of the
30 required debt service reserve in the reserve fund, there shall be
31 annually appropriated and paid to the bank for deposit in the
32 fund, the sum, if any, certified by the chair of the bank to the
33 Governor. On or before December 1st of each year, the chair
34 shall make and deliver to the Governor a certificate stating the
35 sum, if any, required to restore the reserve fund to an amount
36 equal to the required debt service reserve and the sum or sums so
37 certified shall be appropriated and paid to the bank during the
38 then current state fiscal year.

41 In order to ensure the maintenance of the required minimum
42 reserve in any capital reserve fund to which, at the direction of
43 the bank pursuant to the resolution establishing the capital
44 reserve fund, this provision applies, there shall be annually
45 appropriated and paid to the bank for deposit in the fund, the
46 sum, if any, certified by the chair of the bank to the Governor.
47 On or before December 1st of each year, the chair shall make and
48 deliver to the Governor a certificate stating the sum, if any,
49 required to restore the fund to an amount equal to the required
50 minimum reserve, and the sum or sums so certified shall be
51 appropriated and paid to the bank during the then current state
fiscal year.

1
3 6. Valuation. In computing the amount of the required debt
5 service reserve or the required minimum reserve, investments held
as a part of those reserves shall be valued in the manner
provided in the applicable bond resolution.

7 7. Exclusions. The bank may provide from time to time by
9 resolution for the issuance of its bonds or notes which are not
11 secured by the reserve fund or any capital reserve fund, as set
13 forth in the resolution authorizing its bonds or notes. The bank
15 may, pursuant to a resolution or other agreement, establish the
17 security for any of its bonds, including, but not limited to,
19 policies of insurance and letters of credit, as the bank in its
21 discretion determines necessary, desirable or convenient to
further the accomplishment of the purposes of the bank. The
security may, if so provided by a resolution or other agreement
of the bank, to the extent set forth in the resolution or
agreement, satisfy the provisions of the resolution or agreement
with respect to any required debt service reserve, required
minimum reserve or other reserve.

23 **Sec. 78. 30-A MRSA §6006-A is enacted to read:**

25 **§6006-A. Revolving loan fund**

27 **1. Establishment; administration.** A revolving loan fund is
established as provided in this section.

29 **A.** There is established in the custody of the bank a
31 special fund to be known as the revolving loan fund which
33 shall be used to provide loans to municipalities for
35 acquiring, designing, planning, constructing, enlarging,
repairing or improving publicly owned sewage systems and
sewage treatment plants as provided in Title 38, section
411, and for implementing related management programs.

37 **B.** The bank shall administer the revolving loan fund. The
39 fund shall be invested in the same manner as permitted for
41 investment of funds belonging to the State or held in the
43 State Treasury. The fund shall be established and held
separate and apart from any other funds or money of the
State or the bank and shall be used and administered
exclusively for the purpose of this section and section
5953-A. The fund shall consist of the following:

45 (1) Such sums as may be appropriated by the
47 Legislature or transferred to the fund from time to
49 time by the Treasurer of State;

51 (2) Principal and interest received from the repayment
of loans made from the fund;

- 1 (3) Capitalization grants and awards made to the State
3 or an instrumentality of the State by the United States
5 for any of the purposes for which the fund has been
 established. These amounts shall be paid directly into
 the fund without need for appropriation by the State;
- 7 (4) Interest earned from the investment of fund
 balances;
- 9 (5) Private gifts, bequests and donations made to the
11 State for any of the purposes for which the fund has
 been established;
- 13 (6) The proceeds of notes or bonds issued by the bank
15 for the purpose of deposit in the fund; and
- 17 (7) Other funds from any public or private source
19 received for use for any of the purposes for which the
 fund has been established.

21 2. Uses. The revolving loan fund may be used for one or
23 more of the following purposes:

- 25 A. To make loans to municipalities under this section and
 section 5953-A;
- 27 B. To make loans to refund bonds or notes of a municipality
29 issued after March 7, 1985 for the purpose of financing the
31 construction of any capital improvement or management
 program described in section 5953-A, subsection 1 and
 certified under section 5953-A, subsection 3;
- 33 C. To guarantee or insure, directly or indirectly, the
35 payment of notes or bonds issued or to be issued by a
37 municipality for the purpose of financing the construction
 of any capital improvement or management program described
 in section 5953-A, subsection 1 and certified under section
39 5953-A, subsection 3;
- 41 D. To guarantee or insure, directly or indirectly, funds
43 established by municipalities for the purpose of financing
 construction of any capital improvement described in section
 5953-A, subsection 1;
- 45 E. To invest available fund balances and to credit the net
47 interest income on those balances to the revolving loan fund;
- 49 F. To invest as a source of revenue or security for the
51 payment of principal and interest on general or special
 obligations of the bank if the proceeds of the sale of the
 obligations have been deposited in the fund, or as a source
 of revenue to subsidize municipal loan payment obligations;

1
3 G. To pay the costs of the bank and the Department of
5 Environmental Protection staff associated with the
7 administration of the revolving loan fund and projects
9 financed by it; provided that no more than the lesser of 2%
11 of the aggregate of the highest fund balances in any fiscal
13 year and 4% of any capitalization grants provided by the
15 United States for deposit in the revolving loan fund shall
17 be used for these purposes; and

19
21 H. To pay the costs required under the Federal Water
23 Pollution Control Act, Title VI.

25
27 3. Priorities for financial assistance. Periodically, and
29 at least annually, the Department of Environmental Protection
31 shall prepare and certify to the bank a project priority list of
33 those municipalities whose publicly owned projects are eligible
35 for financing or assistance under this section. The factors to
37 be considered in developing the priority list shall include, but
39 are not limited to:

41 A. Water supply protection;

43 B. Shellfishery protection;

45 C. Nuisance conditions;

47 D. Fisheries protection;

49 E. Facility needs; and

51 F. Median household income.

4. Eligibility for financial assistance. No financial
assistance for a project may be granted under this section until
the Department of Environmental Protection certifies to the bank
that the project is eligible for immediate financing under this
section and is on the priority list prepared under subsection 3.

5. Establishment of accounts. The bank may establish
accounts and subaccounts within the revolving fund as it
determines desirable to effectuate the purposes of this section,
including, but not limited to, accounts to segregate a portion or
portions of the revolving loan fund as security for bonds issued
by the bank for deposit in the revolving loan fund and to be
invested for the benefit of specified projects receiving
financial assistance from the revolving loan fund.

Sec. 79. 30-A MRSA §6007, sub-§1. ¶B, as enacted by PL 1987, c.
737, Pt. A, §2 and Pt. C, §106, is amended to read:

1 B. Any money which the bank transfers to the general fund
3 from the reserve fund or any capital reserve fund under
section 6006, subsection 2;

5 **Sec. 80. 30-A MRSA §6007, sub-§2**, as enacted by PL 1987, c.
7 737, Pt. A, §2 and Pt. C, §106, is amended to read:

9 2. Use of general fund. Any money in the general fund may,
subject to any contracts between the bank and its bondholders or
11 noteholders, be transferred to the reserve fund or any capital
reserve fund. If it is not so transferred, the money shall be
13 used to pay the principal of or interest on bonds or notes of the
bank when the principal or interest becomes due and payable,
15 whether at maturity or upon redemption, including the payment of
any premium upon redemption before maturity.

17 A. Any money available in the general fund may also be used
19 for:

21 (1) The purchase of municipal securities;

23 (2) The purchase or redemption of its bonds or notes.
Any such bonds purchased for retirement shall be
25 thereupon cancelled; and

27 (3) All other purposes of the bank including the
payment of its operating expenses.

29 (a) No amount may be expended for the bank's
operating expenses in any year out of the general
31 fund or from any account in that fund established
for that purpose, in excess of the amount provided
33 for the bank's operating expenses by the annual
budget for that year or any amendment of the
35 annual budget in effect at the time of the payment
or expenditure for operating expenses.

37 B. The bank may create and establish in the general fund
39 any accounts which in the opinion of the bank are necessary,
desirable or convenient for the purposes of the bank under
41 this chapter.

43 (1) The bank may establish an account in the general
fund for the purpose of paying its operating expenses.

45 **Sec. 81. 30-A MRSA §6101**, as enacted by PL 1987, c. 737, Pt.
47 A, §2 and Pt. C, §106, is amended to read:

49 **§6101. Membership**

51 The Board of Emergency Municipal Finance, as authorized by
Title 5, chapter 379, section 12004, subsection 8, and referred

1 to in this chapter as the "board," shall be composed of the 3
2 persons who hold the offices of the Commissioner of Finance,
3 Treasurer of State and State Tax Assessor. The successor of any
4 person to any of these offices immediately becomes a member of
5 the board and the person who formerly held that office ceases to
6 be such a member. The person holding the office of State Tax
7 Assessor is the chairman chair of the board. The members of the
8 board shall be compensated according to the provisions of Title
9 5, chapter 379.

11 **Sec. 82. 30-A MRSA §6303**, as enacted by PL 1987, c. 737, Pt.
12 A, §2, and Pt. C, §106, is repealed and the following enacted in
13 its place:

15 **§6303. Planning and land use regulation**

17 A village corporation may enact planning and land use
18 regulation ordinances, subject to the same guidelines and
19 standards which apply to municipalities under chapter 187. When
20 a conflict exists between a land use regulation ordinance of a
21 village corporation and an ordinance of the municipality of which
22 it is a part, the municipal ordinance prevails.

23
24 **Sec. 83. 30-A MRSA §7001, sub-§4**, as enacted by PL 1987, c.
25 737, Pt. A, §2 and Pt. C, §106, is amended to read:

27 **4. Organization meeting.** At the time and place appointed
28 for meetings for the organization of plantations under
29 subsections 2 and 3, a moderator shall be chosen by ballot by the
30 voters present to preside at the meeting. The person to whom the
31 warrant was directed shall preside until the moderator is chosen
32 and sworn by that person. A clerk, 3 assessors, treasurer and
33 school committee shall be chosen by ballot and sworn by the
34 moderator or a ~~notary-public~~ dedimus justice. Other plantation
35 officers may be chosen by ballot or other method agreed on by
36 vote of the meeting and shall be sworn by the moderator or a
37 ~~notary-public~~ dedimus justice.

39 **Sec. 84. 30-A MRSA §7059**, as enacted by PL 1987, c. 737, Pt.
40 A, §2, and Pt. C, §106, is repealed and the following enacted in
41 its place:

43 **§7059. Planning and land use regulation**

45 Plantations are subject to chapter 187 regarding planning
46 and land use powers and duties in the same manner as a town or
47 city, except as otherwise provided in chapter 187. Any planning
48 or land use ordinance related to buildings and equipment must
49 comply with section 7060.

1 **Sec. 85. 30-A MRSA §7060, sub-§1, ¶C**, as enacted by PL 1987,
2 c. 737, Pt. A, §2, and Pt. C, §106, is repealed and the following
3 enacted in its place:

5 C. Requiring persons, other than a dealer licensed by the
6 State with a sales tax certificate issued by the State Tax
7 Assessor, who intend to construct or locate new manufactured
8 housing in the plantation, as defined in section 4358,
9 subsection 1, to provide a bill of sale indicating the name,
10 address, dealer registration number and sales tax
11 certificate number of the firm, corporation or person who
12 sold or provided the manufactured housing to the buyer
13 locating the housing in the plantation. Any person without
14 a bill of sale must produce certification of payment of the
15 sales tax in accordance with Title 36, section 1760,
16 subsection 40 and section 1952-B.

17 In any plantation which requires a permit for manufactured
18 housing the permit is deemed not approved or valid until
19 payment of the sales tax has been certified with the
20 assessors or the Maine Land Use Regulation Commission.

23 **Sec. 86. 30-A MRSA §7060, sub-§2, ¶E**, as enacted by PL 1987, c.
24 737, Pt. A, §2, and Pt. C, §106, is repealed and the following
25 enacted in its place:

27 E. An appeal may be taken from any order issued by the
28 building inspector or from the licensing authority's refusal
29 to grant a permit.

31 (1) A person aggrieved by an order of the building
32 inspector or a permit applicant may appeal in writing
33 to the plantation assessors. At their next meeting
34 following receipt of the appeal, the plantation
35 assessors shall affirm, modify or set aside the
36 decision of the building inspector according to the
37 terms of the pertinent ordinance. They may permit a
38 variation from the terms of an ordinance when necessary
39 to avoid undue hardship, provided that there is no
40 substantial departure from the intent of the
41 ordinance. They may permit an exception to an
42 ordinance only when the terms of the exception have
43 been specifically set forth by the plantation. The
44 failure of the plantation assessors to issue a written
45 notice of their decision, directed to the applicant,
46 within 30 days from the filing of the appeal
47 constitutes a denial of the appeal. If a plantation
48 has by ordinance required that all such appeals be
49 taken to a board of appeals, the procedure shall be the
50 same as in appeals directed to the plantation
51 assessors, unless the plantation has provided otherwise.

1 (2) An appeal may be taken from the decision of the
2 plantation assessors or the board of appeals as
3 provided in section 2691, subsection 3, paragraph G.

5
6
7 **PART B**

9 **Sec. 1. 10 MRSA c. 951, sub-c. VII, first 3 lines,** are repealed and
10 the following enacted in their place:

11 CHAPTER 953

12 REGULATION OF MOBILE HOME PARKS;

13 LANDLORD AND TENANT

14
15 **Sec. 2. 10 MRSA §9091, first ¶,** as enacted by PL 1987, c. 737,
16 Pt. B, §1 and Pt. C, §106, is amended to read:

17 As used in this subchapter ~~chapter~~, unless the context
18 otherwise indicates, the following terms have the following
19 meanings.

20 **Sec. 3. 10 MRSA §9094,** as enacted by PL 1987, c. 737, Pt. B,
21 §1 and Pt. C, §106, is repealed and the following enacted in its
22 place:

23 §9094. Restrictions on sale or removal of mobile homes

24 1. Park acting as agent; advertising. No mobile home park
25 owner or operator may:

26 A. Exact a commission or fee with respect to the price
27 realized by the seller of the mobile home unless the park
28 owner or operator has acted as agent for the mobile home
29 owner in the sale under a written contract;

30 B. Require as a condition of tenancy or continued tenancy
31 that a mobile home owner designate the park owner or
32 operator or any other individual or agent to act as agent
33 for the mobile home owner in the sale of the mobile home; or

34 C. Restrict in any manner the reasonable advertising for
35 sale of any mobile home in that park, except that the mobile
36 home owner shall notify the park owner or operator before
37 placing a "for sale" sign or other form of advertising
38 within the mobile home park.

39 2. Rules. No mobile home park owner or operator may
40 require a mobile home to be removed from the park except pursuant
41 to a rule contained in the written copy of park rules given to
42 the owner or operator.

1 the tenant under section 9097, subsection 4. The rules shall
2 clearly describe the standards under which the park owner or
3 operator may require a tenant to remove a mobile home from the
4 park.

5
6 A. These standards shall specify, but are not limited to,
7 fair and reasonable rules governing the conditions of:

8 (1) Protective exterior coating or siding;

9 (2) Roof;

10 (3) Windows and doors;

11 (4) Plumbing, heating and electrical systems;

12 (5) Anchoring system;

13 (6) Skirting around the base;

14 (7) Steps and handrails;

15 (8) Porches, decks or other additions to the home and
16 the exterior structure;

17 (9) Width of home, if less than 11 feet, 6 inches;

18 (10) Aesthetic appearance;

19 (11) Smoke detectors wired into the electrical system;
20 and

21 (12) Other aspects of the structural safety or
22 soundness of the home.

23
24 B. The park owner or operator has the burden of proof to
25 show that the mobile home does not meet the standards of the
26 rules adopted under this subsection.

27
28 C. No aesthetic standard may be applied against the mobile
29 home if the standard relates to physical characteristics
30 such as size, except as provided in paragraph A,
31 subparagraph (9), original construction materials or color
32 which cannot be changed without undue financial hardship to
33 the mobile home owner.

34
35 D. Neither age of the mobile home nor the standards
36 established under the National Manufactured Housing
37 Construction and Safety Standards Act of 1974, United States
38 Code, Title 42, Chapter 70, shall by themselves be a
39 sufficient standard for a park owner or operator to require
40 removal of a mobile home.

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E. No mobile home park owner or operator may be liable for any claim or any damages of any kind arising from the presence in the park of a mobile home manufactured before June 15, 1976.

F. The Manufactured Housing Board, in conjunction with the State Fire Marshal, the Department of the Attorney General, representatives of the manufactured housing industry, representatives of mobile home park owners or operators and representatives of mobile home owners and tenants, shall develop recommendations concerning the standards for rules covered by this subsection. The recommendations shall include standards designed to ensure the safety of the mobile home and its occupants, while being objective and measurable to provide for enforcement. The recommendations shall be made to the joint standing committees of the Legislature having jurisdiction over legal affairs and business legislation by January 15, 1990.

G. This subsection is repealed January 15, 1991.

3. Buyer's right of rescission. The buyer of a mobile home located in a mobile home park may rescind the contract for the purchase of the mobile home within 30 days of execution of the contract if:

A. At the time of entering into the contract, the seller or the seller's agent represented to the buyer or the buyer's agent that the mobile home may remain in that mobile home park; and

B. The buyer is not permitted to keep the mobile home in that mobile home park or the buyer is not accepted as a tenant in that mobile home park.

Sec. 4. 10 MRSA §9097, sub-§1, ¶¶F and G, as enacted by PL 1987, c. 737, Pt. B, §1 and Pt. C, §106, are amended to read:

F. Condemnation or change of use of the mobile home park, provided that, in the case of change of use, one year's notice is given in writing to the tenant, unless at the beginning of the tenancy the tenant is given notice of the scheduled change of use;

G. Renovation or reconstruction of any portions of the park, provided that 60 days' notice, in addition to any other notice required by this section, is given in writing to the tenant. In the case of a reconstruction which changes the number of mobile homes which can be accommodated on a lot or lots, other than that required by a state or

1 local governmental body, one year's notice shall be given in
2 accordance with paragraph F;

3 **Sec. 5. 10 MRSA §9097, sub-§5, ¶B,** as enacted by PL 1987, c.
4 737, Pt. A, §1 and Pt. C, §106, is amended to read:

5 B. A written copy of this subchapter chapter.

6 **Sec. 6. 10 MRSA §9097, sub-§6,** as enacted by PL 1987, c. 737,
7 Pt. A, §1 and Pt. C, §106, is amended to read:

8 6. Enforcement. In addition to any other remedy under this
9 subchapter chapter, any mobile home park resident may sue to
10 enforce any provision of this section and the court may award
11 damages or grant injunctive or other appropriate relief.

12 **Sec. 7. 10 MRSA §9097, sub-§7,** as enacted by PL 1987, c. 737,
13 Pt. A, §1 and Pt. C, §106, is amended to read:

14 7. Waiver prohibited. No lease or rental agreement, oral
15 or written, may contain any provision by which the tenant waives
16 any rights under this subchapter chapter. Any such waiver is
17 contrary to public policy and unenforceable.

18 **Sec. 8. 10 MRSA §9097, sub-§9,** as enacted by PL 1987, c. 737,
19 Pt. A, §1 and Pt. C, §106, is repealed.

20 **Sec. 9. 10 MRSA §9097, sub-§10** is enacted to read:

21 10. Discrimination against tenants with children
22 prohibited. Discrimination against any tenant with children is
23 prohibited in accordance with Title 14, section 6027.

24 **Sec. 10. 10 MRSA §9098, sub-§3, ¶B,** as enacted by PL 1987, c.
25 737, Pt. A, §1 and Pt. C, §106, is amended to read:

26 B. A mobile home park operator who willfully retains a
27 security deposit in violation of this subchapter chapter is
28 liable for double the amount of that portion of the security
29 deposit wrongfully withheld from the tenant, together with
30 reasonable attorney's fees and court costs.

31 **Sec. 11. 10 MRSA §9100,** as enacted by PL 1987, c. 737, Pt. B,
32 §1 and Pt. C, §106, is amended to read:

33 **§9100. Violations**

34 A violation of this subchapter chapter is a violation of
35 Title 5, chapter 10, the unfair trade practices laws.

36 **Sec. 12. 12 MRSA § 581, sub-§3, ¶A,** as enacted by PL 1987, c.
37 737, Pt. B, §2 and Pt. C, §106, is amended to read:

1
2 A. Before taking any action, the members of the committee
3 formed under this subsection must be sworn before a notary
4 public dedimus justice. A certificate of the swearing shall
5 be endorsed on the court's warrant.

7 **Sec. 13. 38 MRSA §411, first ¶**, as amended by PL 1987, c. 751,
8 §12, is further amended to read:

9
10 The department may pay an amount not to exceed 80% of the
11 expense of a municipal or quasi-municipal pollution abatement
12 construction program or a pollution abatement construction
13 program in an unorganized township or plantation authorized by
14 the county commissioners. The department may make payments to the
15 Maine Municipal Bond Bank to supply the State's share of the
16 revolving loan fund established by Title 30 30-A, section 5171-A
17 6006-A. The department may pay up to 90% of the expense of a
18 municipal or quasi-municipal pollution abatement construction
19 program or a pollution abatement construction program in an
20 unorganized township or plantation authorized by the county
21 commissioners in which the construction cost of the project does
22 not exceed \$100,000 as long as total expenditures for the small
23 projects do not exceed \$1,000,000 in any fiscal year and not more
24 than one grant is made to any applicant each year, except that
25 the department may pay up to 50% of the expense of individual
26 projects serving seasonal dwellings or commercial establishments.
27 The application for a grant under this paragraph for a project
28 serving a single-family dwelling, including outbuildings, or a
29 single commercial establishment, shall include a signed statement
30 of the financial condition of the owner of the single-family
31 dwelling or commercial establishment describing the need for the
32 grant. That statement will become part of the application record
33 and no further evidence of need will be required.

35 **Emergency clause.** In view of the emergency cited in the
36 preamble, this Act shall take effect on March 1, 1989.
37

39 STATEMENT OF FACT

41 This bill corrects errors that appeared in the
42 recodification of the county and municipal laws and makes
43 necessary amendments to the new Maine Revised Statutes, Title
44 30-A, to incorporate statutory changes which were enacted to
45 Title 30 in the past year but which do not appear in Title 30-A.

47 Part A of this bill makes the following changes.

49 Section 1 incorporates the salaries for county officers as
50 enacted by Public Law 1987, chapter 780, section 1.
51

1 Section 2 incorporates the provisions governing the
2 compensation of county commissioners in Aroostook and York
3 counties as enacted by Public Law 1987, chapter 780, sections 2
4 and 3.

5
6 Sections 3 and 5 correct a reference to "county officers" by
7 replacing it with "county official". "County officer" is a
8 defined term in Title 30-A and has a more restrictive meaning
9 than that intended by the use of that term in these previous
10 statutory sections where the more general term of "county
11 official" is appropriate.

12 Section 4 makes a grammatical correction.

13 Section 6 replaces a reference to a court "justice" with the
14 more general term "court" for consistency with a previous
15 reference in the same section.

16 Section 7 deletes outdated language.

17 Sections 8, 17 and 83 incorporate changes made in references
18 to "magistrate" and "notary public" by Public Law 1987, chapter
19 736, sections 44 to 47.

20 Section 9 adds gender neutral language.

21 Section 10 incorporates provisions regarding the emergency
22 9-1-1 system enacted by Public Law 1987, chapter 840, section 4.

23 Section 11 incorporates provisions concerning volunteer
24 parking enforcement programs enacted by Public Law 1987, chapter
25 828, section 1.

26 Section 12 repeals the Kennebec County Budget Advisory
27 Committee which has previously been repealed by its own sunset
28 clause.

29 Section 13 creates an exception from the general Title 30-A
30 definition of "municipality" to recognize the special definition
31 given that term under Part A, section 66 of this bill.

32 Section 14 corrects an improper cross-reference.

33 Section 15 makes a grammatical correction.

34 Section 16 clarifies a reference to the result of a citizen
35 vote by using the same language as the actual question to be
36 voted upon by the citizens.

37 Section 18 adds gender neutral language.

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1 Sections 19, 20 and 22 restore the ability of a voter to use
3 a sticker to vote for a write-in candidate for municipal office
5 in a primary election. This provision was deleted in the
recodification process under the mistaken belief that no
municipality held primary elections.

7 Section 21 corrects a spelling error.

9 Section 23 incorporates provisions regulating conflicts of
11 interest enacted by Public Law 1987, chapter 784, section 5.

13 Section 24 corrects an improper cross reference.

15 Section 25 clarifies that the ability of the chairman of a
17 board of appeals to waive its hearing regulations is
discretionary.

19 Section 26 corrects a spelling error.

21 Section 27 clarifies a reference to "equipment" by relating
23 it to its immediate antecedents of "buildings, structures, mobile
homes" and "travel trailers."

25 Section 28 clarifies that the owner of a building who fails
27 to install roof guards to protect passers-by from falling ice and
29 snow is "absolutely liable," meaning the owner is liable without
fault, and not "strictly liable," which technically refers to a
theory of product liability.

31 Section 29 incorporates amendments to the handicapped
parking law made by Public Law 1987, chapter 828, section 2.

33 Section 30 replaces a reference to "public purpose" in the
35 municipal eminent domain law with a reference to "public use."
The term "public purpose" refers to the constitutional limitation
37 upon the expenditure of public funds; "public use" is the correct
term to refer to the constitutional limitation upon the exercise
39 of eminent domain.

41 Section 31 adds gender neutral language.

43 Section 32 inserts an inadvertently omitted word.

45 Section 33 inserts inadvertently deleted language.

47 Section 34 clarifies a cross-reference to Title 30-A,
section 3606. That section does not contain any "hearing and
49 notice requirements" as described in current law. It provides an
appeal procedure for determinations made by a municipal rent
51 control administrator or board. This bill replaces the
misleading reference with a reference to a possible court appeal.

1 Sections 35 through 38 replace outdated references to an
3 innkeeper's "servants" with "employees."

5 Section 39 corrects a reference to the place of residence
7 "entered" in a hotel register for consistency with earlier
provisions.

9 Section 40 corrects a cross-reference to the subdivision law
11 and deletes the word "land" to reflect the recent amendments to
that law included in Part A, section 46 of this bill.

13 Section 41 updates an appeals provision which called for a
15 de novo court review of appeals from municipal building permit
17 decisions. This section was enacted by Public Law 1971, chapter
19 622, section 100, to parallel the appeal procedure for zoning
21 appeals at that time but was never amended to reflect the change
23 in zoning appeals accomplished by Public Law 1977, chapter 352,
which deleted the requirement of a de novo hearing for zoning
appeals. To avoid similar problems in the future, the zoning
appeals statute is cross-referenced to ensure that building
permit cases receive the same type of court appeal as is provided
for zoning cases.

25 Section 42 makes a correction to "absolutely liable" for the
27 same reasons as the change was made in Part A, section 26 of this
bill.

31 Section 43 moves a sentence from a subparagraph to the
33 general subsection provisions to clarify its general
35 applicability. It also adds an inadvertently omitted word and
adds gender neutral language.

37 Section 44 incorporates the provisions of Public Law 1987,
39 chapter 860, section 1 regarding the transfer of shoreland
41 property.

43 Section 45 clarifies a cross-reference to the general
45 municipal appointment section. The cross-referenced provision
47 does not govern the "appointment" of individuals, but applies to
49 the swearing-in of the appointee and the recording of the
51 appointment.

Sections 46 and 47 repeal and replace Title 30-A, subpart 7,
Planning and Zoning, with a new subpart 6-A, Planning and Land
Use Regulation. This section incorporates the changes enacted by
the Growth Management Law, Public Law 1987, chapter 766; the
amendments to the subdivision law enacted by Public Law 1987,
chapters 810 and 885; the amendments regarding the location of
mobile homes enacted by Public Law 1987, chapter 770; and the
requirements regarding proof of payment of sales tax for mobile
homes enacted by Public Law 1987, chapter 647.

1 Sections 48 through 59 incorporate the changes in the Maine
2 State Housing Authority statutes enacted by Public Law 1987,
3 chapters 761, 785, 820, and 846.

5 Sections 60 and 61 incorporate the changes to tax increment
6 financing districts enacted by Public Law 1987, chapter 772.

7
8 Section 62 incorporates the requirement enacted by Public
9 Law 1987, chapter 816, part KK, section 22, that municipalities
10 vote to accept funds provided by the State.

11
12 Section 63 incorporates provisions enacted by Public Law
13 1987, chapter 873, which makes interest or dividends paid on
14 municipal general obligation securities exempt from taxation.

15
16 Sections 64 through 80 incorporate provisions enacted by
17 Public Law 1987, chapter 751, authorizing the Maine Municipal
18 Bond Bank to create a revolving loan fund program.

19 Section 81 inserts an omitted cross-reference.

21
22 Section 82 amends the village corporation zoning provisions
23 to update a cross-reference to the municipal planning and land
24 use regulation laws required by the changes made in Part A,
25 sections 46 and 47 of this bill.

27 Section 84 amends the plantation zoning provisions to
28 reflect the changes made by the enactment of the Growth
29 Management Law, Public Law 1987, chapter 766, and to update a
30 cross-reference to the municipal planning and land use regulation
31 laws required by the changes made in Part A, sections 48 and 49
32 of this bill.

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34 Section 85 clarifies the requirement that proof of payment
35 of sales tax be presented before new manufactured housing can be
36 located in a plantation. This section makes it clear that this
37 requirement can be met by providing either a proper bill of sale
38 or certification of payment of the sales tax.

39
40 Section 86 corrects references to the "plantation officers"
41 by replacing it with the proper "plantation assessors." These
42 provisions govern appeals from decisions of the plantation's
43 building inspector. The parallel provisions for municipalities
44 provide for an appeal to the "municipal officers," generally the
45 selectmen or town council. "Plantation officers" is a broader
46 term and could include a plantation tax collector or constable,
47 which is clearly not the intent of the law.

49 This section also replaces the provision for a de novo
50 Superior Court hearing on appeal with a cross-reference to the
51 procedure for zoning appeals for the same reasons the change was
52 made in Part A, section 41 of this bill.

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Part B of this bill makes the following changes.

Section 1 reallocates the mobile home park landlord-tenant statute to a chapter separate from the Maine Revised Statutes Title 10, chapter 951, the Manufactured Housing Act. The mobile home park landlord-tenant statute had been moved to Title 10 as part of the recodification of county and municipal laws in order to consolidate all mobile home provisions in the same area of the statutes. It was not intended, however, that the landlord-tenant laws fall under the jurisdiction of the Manufactured Housing Board, which has general authority to administer Title 10, chapter 951. This bill reallocates the landlord-tenant provisions to a separate chapter to avoid this result while still consolidating the mobile home statutes under Title 10.

Sections 2, 5, 6, 7, 10 and 11 make technical changes required by the reallocation accomplished in Part B, section 1 of this bill.

Sections 3, 4, 8 and 9 incorporate changes in the mobile home park landlord-tenant laws enacted by Public Law 1987, chapter 770.

Section 12 incorporates changes to references to "notary public" as enacted by Public Law 1987, chapter 736.

Section 13 corrects an improper cross-reference.