

MAINE STATE LEGISLATURE

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L.D. 1205
(Filing No. H-624)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "**B**" to COMMITTEE AMENDMENT "A" to H.P. 866,
L.D. 1205, Bill, "An Act to Create a Minimum Lot Size for Mobile
Home Parks Not Located on Public Water and Sewer Lines"

Amend the amendment by inserting after the title the
following:

'Amend the bill by inserting after the title and before the
enacting clause the following:

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

Whereas, mobile home parks provide one of the few truly
affordable housing options for many Maine residents; and

Whereas, many municipalities are concerned that they will be
unable to comply with current law regarding minimum lot sizes; and

Whereas, the bill gives municipalities a reasonable degree
of control of mobile home park developments, while assuring that
development of this affordable housing option remains
economically feasible; and

Whereas, receipt of the benefits afforded municipalities and
mobile home park developers alike is vital to facilitating growth
of this affordable housing option; and

Whereas, it is necessary to clarify the relationship between
municipal authority to regulate mobile home parks and state land
use and environmental laws codified in the Maine Revised
Statutes, Title 38; and

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

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

5 Further amend the amendment in the first paragraph after the
6 title in the first line (page 1, line 17 in amendment) by
7 striking out the following: "Amend" and inserting in its place
8 the following: 'Further amend'

9
10 Further amend the amendment in section 3 in subsection 3 in
11 paragraph A by striking out all of the first 2 lines (page 1,
12 lines 43 and 44 in amendment) and inserting in their place the
13 following:

14 'A. Except as required under Title 38, or an ordinance
15 adopted pursuant to Title 38, a municipality shall not
16 require.'

17
18 Further amend the amendment in section 3 in subsection 3 in
19 paragraph A in subparagraph (3) in the 4th line (page 2, line 12
20 in amendment) by striking out the following: "fee" and inserting
21 in its place the following: 'feet'

22
23 Further amend the amendment in section 3 in subsection 3 in
24 paragraph B in subparagraph (3) in the last line (page 2, line 31
25 in amendment) by striking out the following: "park." and
26 inserting in its place the following: 'park; and'

27
28 Further amend the amendment in section 3 in subsection 3 in
29 paragraph B by inserting at the end the following:

30
31 '(4) The area of any setbacks required under Title 38
32 or an ordinance adopted pursuant to Title 38.'

33
34 Further amend the amendment in section 3 in subsection 3 in
35 paragraph C in the first line (page 2, line 33 in amendment) by
36 striking out the following: "A" and inserting in its place the
37 following: 'Except as required under Title 38 or an ordinance
38 adopted pursuant to Title 38, a'

39
40 Further amend the amendment in section 3 in subsection 3 in
41 paragraph D in the first line (page 2, line 37 in amendment) by
42 striking out the following: "Municipalities" and inserting in its
43 place the following: 'Notwithstanding paragraph C, a municipality'

44
45 Further amend the amendment in section 3 in subsection 3 by
46 striking out all of paragraph K and inserting in its place the
47 following:

48
49 'K. Except as required under Title 38, or an ordinance
50 adopted pursuant to Title 38, a municipality may not enact
51 or enforce land use regulations or ordinances, including,

1 but not limited to, subdivision regulations or ordinances,
3 which limit the number of lots in a mobile home park, which
5 circumvent the intent of this section or which conflict with
7 the provisions of this section.

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

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

33 (1) Prior lot division;

35 (2) Locational setting within the municipality;

37 (3) Natural features; or

39 (4) Other similar factors.

41 This paragraph is effective January 1, 1990.'

43 Further amend the amendment by inserting at the end before
45 the fiscal note the following:

47 'Further amend the bill by inserting at the end before the
49 statement of fact the following:

51 'Emergency clause. In view of the emergency cited in the
preamble, this Act shall take effect when approved.' '

STATEMENT OF FACT

This amendment adds an emergency preamble and an emergency clause.

The amendment also clarifies that municipal ordinances or regulations required by or adopted pursuant to state land use or environmental laws codified in the Maine Revised Statutes, Title 38, such as the shoreland zoning laws, shall apply to mobile home parks.

The amendment also precludes municipal enactment or

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 866, L.D. 1205

1 enforcement of ordinances or regulations, not required by Title
38, which limit the number of lots in a mobile home park.

3

5 The amendment also adds language included in present law
which deals with the relationship between the siting of mobile
home parks and environmental standards.

7

Filed by Rep. Priest of Brunswick
Reproduced and distributed under the direction of the Clerk of the
House
6/19/89 (Filing No. H-624)