LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
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Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

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family dwellings are allowed, subject to the same requirements as single-family dwellings, except as otherwise provided in this section. For the locations required by this section, municipal ordinances may not require that manufactured housing on individual lots be greater than 14 feet in width, although municipalities may establish design criteria, including, but not limited to, a pitched, shingled roof; a permanent foundation; and exterior siding that is residential in appearance, provided that the requirements do not have the effect of circumventing the purposes of this section and provided further that the design requirements may not be used to prevent the relocation of any manufactured housing, regardless of its date of manufacture, that is legally sited within the municipality as of the effective date of this section. It shall not constitute compliance with this section simply to provide one or more zones or locations where mobile home parks or mobile home subdivisions or developments are allowed. Municipalities shall have until January 1, 1985, to comply with this section. Nothing in this section may prohibit municipalities from establishing controls on manufactured housing which are less restrictive than are permitted by this section. Municipalities shall not prohibit manufactured housing, regardless of its date of manufacture, solely on the basis of a date of manufacture prior to June 15, 1976, or the failure of a unit to have been manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Municipalities may apply the design standards permitted by this section to all manufactured housing, regardless of its date of manufacture, and may apply reasonable safety standards to manufactured housing built prior to June 15, 1976, or not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

Sec. 9. 30 MRSA §4965, sub-§3 is enacted to read:

3. Location and regulation of mobile home parks. Municipalities:

A. Shall permit mobile home parks to expand and to be developed in a number of environmentally suitable locations in each municipality with reasonable consideration being given to permit existing mobile home parks to expand in their existing locations. A municipality shall not select a location for mobile home park development which, because of prior lot division, locational setting within the municipality, natural features or other similar factors, is not reasonably suitable. This paragraph is effective January 1, 1990; and

B. Shall not enact or enforce any ordinance which requires the minimum size of lots within a mobile home park to be any larger than that which is required by the Manufactured Housing Board by rule under Title 10, section 9005. Municipalities shall not enact or enforce any ordinance concerning the construction of private roads within mobile home parks which is more restrictive than the standards established by the National Fire Protection Association standard 501A and the American National Standards Institute standard 225.1. Notwithstanding any provision in this subsection, a person developing or expanding a mobile home park shall have the burden to prove that development will not pollute a public water supply or aquifer or violate any provision of state law relating to land development, subdivision or use. This paragraph is effective January 1, 1989.

Sec. 10. 32 MRSA, c. 113, sub-c. VI is enacted to read:

SUBCHAPTER VI

OPINIONS OF VALUE

§13251. Opinions of value; mobile homes

Any person engaging in real estate brokerage who prepares an opinion of value or appraisal for the purchase or sale of a mobile home shall clearly indicate in the opinion or appraisal the value of the mobile home separate from the value of the land on which the mobile home is located. If the owner of the mobile home does not own the land on which the mobile home is located, the opinion or appraisal shall indicate that fact.

Effective August 4, 1988.

CHAPTER 771

H.P. 1737 — L.D. 2382

AN ACT Concerning Shoreline Alteration of Artificially Created Great Ponds.

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

Sec. 1. 12 MRSA §685-B, sub-§2, ¶B, as repealed and replaced by PL 1977, c. 564, §51 is amended to read:

B. The fee prescribed by the commission rules, such fee to be the greater of $10 or 1/10 of 1% of the total construction costs; and

Sec. 2. 12 MRSA §685-B, sub-§2, ¶D is enacted to read:

D. Evidence of sufficient right, title or interest in all of the property which is proposed for development or use. For purposes of this subsection, the written permission of the record owner or owners of flowed land shall be deemed sufficient right, title or interest to confer standing for submission of a permit application, provided that the letter of permission specifically identifies the activities being performed and the area that may be used for that purpose. The commission may not refuse to accept, under this paragraph, a permit application for any prohibited activity if the owner or

lessee of land adjoining a great pond has made a diligent effort to locate the record owner or owners of the flowed land in question and has been unable to do so.

Sec. 3. 38 MRSA §391, as amended by PL 1983, c. 819, Pt. A, §62, is repealed.

Sec. 4. 38 MRSA §391-A is enacted to read:

§391-A. Prohibitions

1. Activities prohibited. Except as provided in subsection 3 and section 394, no person may perform or cause to be performed any of the following activities without first having obtained a permit from the Board of Environmental Protection:

A. Dredging or removing materials from below the normal high water line in a great pond;

B. Constructing or repairing any permanent structure below the normal high water line in a great pond;

C. Depositing any dredged spoil or fill below the normal high water line in a great pond or on the land adjacent to a great pond in such a manner that the material may fall or be washed into the great pond; or

D. Bulldozing or scraping on land adjacent to a great pond in such a manner that the material or soil may fall or be washed into a great pond.

Performing any action in violation of the terms or conditions of a permit issued by the board is also prohibited.

2. Permission of record owners. For purposes of this section, the written permission of the record owner or owners of flowed land shall be deemed sufficient right, title or interest to confer standing for submission of a permit application, provided that the letter of permission specifically identifies the activities being performed and the area that may be used for that purpose. The board may not refuse to accept a permit application for any prohibited activity due to the lack of evidence of sufficient right, title or interest if the owner or lessee of land adjoining a great pond has made a diligent effort to locate the record owner or owners of flowed land and has been unable to do so.

3. Application. This section does not apply to areas of the State within the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A.

Effective August 4, 1988.

CHAPTER 772

H.P. 1535 — L.D. 2089

AN ACT Providing for Administrative Changes in the Tax Laws.

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

Sec. 1. 30 MRSA §4863, sub-§1, ¶C, as amended by PL 1987, c. 534, Pt. B, §§21 and 23, is repealed and the following enacted in its place:

C. The designation of captured assessed value of property within a tax increment financing district shall be subject to the following limitations.

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

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

Sec. 2. 30 MRSA §4864, sub-§1, as amended by PL 1985, c. 650, §5, is further amended to read:

1. Captured assessed value. The municipality may retain all or part of the tax increment of a ~~development~~ tax increment financing district for the purpose of financing the development program~~, for purposes of calculating state aid for education under Title 20-A, effective for districts designated after December 31, 1986, only 75% of the captured assessed value within the tax increment financing district is excepted from the equalized just valuation of a municipality as defined in Title 36, section 305, subsection 1~~. The amount of tax increment to be retained shall be determined by designating the amount of captured assessed value to be retained. At the time of adoption of a development program for a tax increment financing district, the governing body shall adopt a statement of the percentage of captured assessed value to be retained in accordance with the development program. Once adopted, the percentage may only be decreased in subsequent years, unless a new development program is adopted, or the present plan is amended or altered under section 4863. The municipal assessor shall certify the amount of the captured assessed value to the municipality each year.