

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

D. Taken into interim care under Title 15, section 3501, by a law enforcement officer.

Sec. 9. 22 MRSA §4023, sub-§4, ¶A, as amended by PL 1983, c. 354, §5, is further amended to read:

A. Prior to or on initiating short-term emergency services, the department or agency shall take reasonable steps to notify a custodian that the child will receive or is receiving the services. Notwithstanding this subsection, until October 1, 1990, shelters for homeless children, as defined in section 8101, subsection 4-A, are governed by the parental notification requirements contained in the Department of Human Services rules for the licensure of shelters for homeless children.

Sec. 10. 22 MRSA §4023, sub-§5, as enacted by PL 1979, c. 733, §18, is amended to read:

5. **Time limit.** Short-term emergency services shall not exceed 72 hours from the time of the department's assumption of responsibility for the child. Notwithstanding this subsection, until October 1, 1990, shelters for homeless children, as defined in section 8101, subsection 4-A, are governed by the time-limit requirements contained in the Department of Human Services rules for the licensure of shelters for homeless children.

Sec. 11. 22 MRSA §4031, sub-§1, ¶B, as enacted by PL 1979, c. 733, §18, is amended to read:

B. The Probate Court and the Superior Court shall have concurrent jurisdiction to hear petitions under sections 4032 and act on requests for preliminary child protection orders under section 4034. The As soon as the action is taken by the Probate Court may transfer a case or the Superior Court, the matter shall be transferred to the District Court on the motion of any party or its own motion. The Probate Court order shall remain in effect unless modified by the District Court.

Sec. 12. 22 MRSA §4031, sub-§1, ¶C, as enacted by PL 1985, c. 547, is repealed.

Sec. 13. 22 MRSA §4038, sub-§6, as enacted by PL 1985, c. 739, §14, is amended to read:

6. **Disposition.** The court may make any further order, based on a preponderance of evidence, that is authorized under section 4036. ~~When custody of the child has been ordered to the department under a final protection order or this section, the court must make a determination within 18 months either to:~~

~~A. Return the child to his parent;~~

~~B. Continue reunification efforts for a specific limited time not to exceed 6 months and to judicially review the matter within the time specified; or~~

~~C. Enter an order under section 4036, subsection 1, paragraph G-1.~~

Sec. 14. 22 MRSA §4038, sub-§7, as enacted by PL 1985, c. 739, §14, is repealed and the following enacted in its place:

7. **Review of child in custody of the department.** When a child has been placed in the custody of the department, the following shall be accomplished.

A. The court shall review the final protection order and make a determination within 18 months of its initial order either to:

(1) Return the child to the parent;

(2) Continue reunification efforts for a specific limited time not to exceed 6 months and to judicially review the matter within the time specified; or

(3) Enter an order under section 4036, subsection 1, paragraph G-1.

B. Before the court may enter an order returning the custody of the child to a parent, the parent shall show that the parent has carried out the responsibilities set forth in section 4041, subsection 1, paragraph B, that, to the court's satisfaction, the parent has rectified and resolved the problems which caused the removal of the child and any subsequent problems which would interfere with the parent's ability to care for and protect the child from jeopardy and that the parent can protect the child from jeopardy.

Sec. 15. 22 MRSA §8101, sub-§4-A is enacted to read:

4-A. **Shelter for homeless children.** "Shelter for homeless children" means an emergency shelter designed to provide for the overnight lodging and supervision of children 10 years of age or older for no more than 30 consecutive overnights.

See title page for effective date.

CHAPTER 271

S.P. 71 - L.D. 60

An Act to Implement the Interim Recommendations of the Manufactured Housing Commission

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

Sec. 1. 10 MRSA §9003, sub-§1, as amended by PL 1987, c. 395, Pt. A, §35, is further amended to read:

1. Established. The Manufactured Housing Board, established by Title 5, section ~~12004~~ 12004-A, subsection 4 22 and located in the Department of Professional and Financial Regulation shall have the responsibility of administering and enforcing this chapter. The board shall consist of 7 ~~9~~ members appointed by the Governor.

Sec. 2. 10 MRSA §9003, sub-§2, as amended by PL 1987, c. 395, Pt. A, §36, is repealed and the following enacted in its place:

2. Composition and terms of members. The members of the board shall include:

A. A representative who is a manufactured housing owner, and whose home is not located in a mobile home park or similar rental community;

B. Two representatives who are manufactured housing owners, and the manufactured housing units in which the owners live are located on lots within mobile home parks or similar rental communities which the manufactured housing owners do not own;

C. A representative who is a professional engineer with demonstrated experience in construction and building technology;

D. A representative who is a dealer;

E. A representative who is an owner or operator of a mobile home park with 15 or fewer lots;

F. A representative who is an owner or operator of a mobile home park with more than 15 lots;

G. A representative who is a builder of manufactured housing; and

H. A representative with a minimum of 2 years of practical experience in building code administration and enforcement and is currently employed as a code enforcement officer.

The term of office of the members is 4 years. Members may be appointed to successive terms. Members shall serve for their appointed terms and until their successors are appointed and duly qualified, except that any member of the board may be removed for cause by the Governor. No board member may serve more than 2 consecutive terms.

Sec. 3. 10 MRSA §9006-A is enacted to read:

§9006-A. Notice of installation

1. Notice of installation. All dealers and mechanics shall notify the Manufactured Housing Board every month of the installations completed by that dealer or mechanic that month. The notice must include the location of each unit of manufactured housing, the owner of each unit at the time of installation and the name and address of the dealer or mechanic who installed the unit. The information must

be submitted within 10 days after the end of each month in the form and manner prescribed by the board by rule.

2. Fee. At the same time the notice of installation is given, the dealer or mechanic shall pay a fee of up to \$5 to the board for each unit installed.

3. Failure to file. The board may require any dealer or mechanic who fails to comply with this section to pay a fine of not less than \$5 and not more than \$100 for each day the notice is late.

Sec. 4. 30-A MRSA §4326, sub-§3, ¶G, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

G. Ensure that its land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality shall seek to achieve a level of 10% of new residential development, based on a 5-year historical average of residential development in the municipality, meeting the definition of affordable housing. Municipalities are encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to, cluster zoning, reducing minimum lot and frontage sizes and increasing densities;

Sec. 5. Transition. Members of the Manufactured Housing Board serving on the effective date of this Act shall continue to serve as members until the terms for which they were appointed expire.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1989-90	1990-91
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Manufactured Housing Board		
Positions	(1.5)	(1.5)
Personal Services	\$26,836	\$37,969
All Other	5,250	7,000
Capital Expenditures	9,000	
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	<u>\$41,086</u>	<u>\$44,969</u>

See title page for effective date.