

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

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

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G. The commission shall prepare a list of the names of committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1); section 1059, subsection 2, paragraph C, subparagraph (1); or section 1059, subsection 2, paragraph E, within 30 days of the date of the election and shall make that list available for public inspection.

3. Enforcement. Failure to pay the full amount of any penalty levied under this section is a civil violation by the political action committee and its treasurer. Thirty days after receiving notice of the lateness of any report, the Secretary of State shall report to the Attorney General the name of any political action committee and treasurer that failed to pay the full amount of any penalty. The Attorney General shall enforce this violation in a civil action to collect the full outstanding amount of the penalty. The action shall be brought in the Superior Court for the County of Kennebec or the District Court, 7th District, Division of Southern Kennebec.

Sec. 30. Legislative review. Within 7 days after the effective date of this section, the commission shall furnish to the Joint Standing Committee on Legal Affairs the reporting and registration forms which the commission intends to provide to candidates, political action committees and other interested parties to assure effective implementation of this Act.

Sec. 31. Effective date. Sections 1 to 29 of this Act are effective November 1, 1989.

See title page for effective date, unless otherwise indicated.

CHAPTER 505

S.P. 508 - L.D. 1396

An Act to Protect Maine Workers from Needless Injury and Death by Creating the Offense of Work-related Manslaughter

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

Sec. 1. 17-A MRSA §203, sub-§1, as amended by PL 1983, c. 372, §2, is further amended to read:

1. A person is guilty of manslaughter if ~~he~~ that person:

A. Recklessly, or with criminal negligence, causes the death of another human being; ~~or~~

B. Intentionally or knowingly causes the death of another human being under circumstances which do not constitute murder because ~~he~~ the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation. Adequate provocation has the same meaning as

in section 201, subsection 4. The fact that ~~he~~ the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation constitutes a mitigating circumstance reducing murder to manslaughter and need not be proved in any prosecution initiated under this subsection - ; or

C. Has direct and personal management or control of any employment, place of employment or other employee, and intentionally or knowingly violates any occupational safety or health standard of this State or the Federal Government, and that violation in fact causes the death of an employee and that death is a reasonably foreseeable consequence of the violation.

Sec. 2. 17-A MRSA §203, sub-§3, as amended by PL 1983, c. 217, is repealed and the following enacted in its place:

3. Manslaughter is a Class A crime except that:

A. Manslaughter is a Class B crime if it occurs as a result of the reckless or criminally negligent operation of a motor vehicle; and

B. Violation of subsection 1, paragraph C is a Class C crime.

See title page for effective date.

CHAPTER 506

H.P. 866 - L.D. 1205

An Act Regarding Minimum Lot Sizes and Other Municipal Regulations Concerning Mobile Home Parks

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

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

Sec. 1. 30-A MRSA §4358, sub-§1, ¶B, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §§8 and 10, is amended to read:

B. "Mobile home park" means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured housing homes.

Sec. 2. 30-A MRSA §4358, sub-§1, ¶B-1 is enacted to read:

B-1. "Mobile home park lot" means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality may require a lot to be designated on a mobile home park plan.

Sec. 3. 30-A MRSA §4358, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45, and Pt. C, §§8 and 10, is repealed and the following is enacted in its place:

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

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

(1) The size of any mobile home park lot served by a public sewer system to be larger than the smaller of:

(a) Six thousand five hundred square feet; or

(b) The area of the smallest residential lot permitted in the municipality;

(2) The size of any mobile home park lot with on-site subsurface waste water disposal to be larger than 20,000 square feet; or

(3) The size of any mobile home park lot served by a central on-site subsurface waste water disposal system approved by the Department of Human Services to be larger than 12,000 square feet, provided that a municipality may require that the overall density

of the mobile home park be no more than one home for every 20,000 square feet.

B. A municipality shall not require the overall area of a mobile home park to be greater than the combined area of its mobile home park lots plus:

(1) The area required for road rights-of-way;

(2) The area required for buffer strips, if any; and

(3) For mobile home parks served by a public sewer, an additional area for open space, storage or recreation, as those terms are defined by local ordinances applicable to all residential developments. A municipality shall not require this additional area to be greater than 10% of the combined area of the individual lots within a mobile home park; and

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

C. Except as required under Title 38 or an ordinance adopted pursuant to Title 38, a municipality shall not require setbacks that have the effect of requiring lots larger than those permitted under paragraph A.

D. Notwithstanding paragraph C, a municipality may require that mobile homes on lots adjacent to a public road be set back from the public road according to requirements applicable to other residential developments.

E. A municipality shall not require road frontage on individual lots within a mobile home park that has the effect of requiring a manufactured home on the lot to be placed parallel to an adjacent private or public roadway.

F. Except as provided by paragraph G, municipal road standards shall not apply to private roads within a mobile home park unless the developer intends to offer the roads to the municipality for acceptance as town ways.

G. A municipality may require by ordinance or rule that privately owned roads within a mobile home park:

(1) Be built according to acceptable engineering standards and with a professional engineer's seal as required by the Manufactured Housing Board;

(2) Have a right-of-way up to 23 feet in width, 20 feet of which the municipality may require to be paved; and

(3) Conform to reasonable safety standards applicable to intersections with public ways adjacent to the mobile home park.

H. The Manufactured Housing Board shall develop standards for construction of roads within a mobile home park no later than January 1, 1990. The board shall submit these standards to the joint standing committee of the Legislature having jurisdiction over legal affairs matters for that committee's review.

I. A municipality may require buffer strips, not to exceed 50 feet, including individual lot setbacks, along any mobile home park boundary which abuts land used for residential use if the per-acre density of homes within the mobile home park is at least 2 times greater than:

(1) The density of residential development on immediately adjacent parcels of land; or

(2) If the immediately adjacent parcels of land are undeveloped, the maximum net residential density permitted by applicable municipal ordinances or state law.

No structures, streets or utilities may be placed in the buffer strip, except that utilities may cross a buffer strip to provide services to a mobile home park. Municipalities may impose reasonable natural screening requirements within the first 25 feet of the buffer strip as measured from the exterior boundaries of the mobile home park if the requirements are no greater than those for other residential developments.

J. A municipality shall not require electrical utilities and telephone lines to be located underground within a mobile home park. A municipality shall allow a developer to install utilities anywhere within the mobile home park.

K. Except as required under Title 38, or an ordinance adopted pursuant to Title 38, a municipality may not enact or enforce land use regulations or ordinances, including, but not limited to, subdivision regulations or ordinances, which limit the number of lots in a mobile home park, which circumvent the intent of this section or which conflict with the provisions of this section.

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

M. A municipality shall permit mobile home parks to expand and to be developed in a number of environmentally suitable locations in the municipality with reasonable consideration being given to permit existing mobile home parks to expand in their existing

locations. A municipality may not select a location for a mobile home park development which is not reasonably suitable because of:

(1) Prior lot division;

(2) Locational setting within the municipality;

(3) Natural features; or

(4) Other similar factors.

This paragraph is effective January 1, 1990.

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

Effective June 30, 1989.

CHAPTER 507

S.P. 379 - L.D. 1015

An Act Relating to the Director of the Bureau of Health

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

22 MRSA §1, as amended by PL 1985, c. 785, Pt. B, §82, is further amended by adding at the end a new paragraph to read:

The Director of the Bureau of Health must be a licensed physician or a person eligible for licensure in this State under Title 32, chapter 48, who is educated and experienced in public health administration, or a person with an advanced degree in public health and who has administrative experience.

See title page for effective date.

CHAPTER 508

S.P. 124 - L.D. 209

An Act Concerning Technical Changes to the Tax Law

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

Whereas, certain corrections and additions to the taxation-related laws must be made as soon as possible to avoid unintended problems; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation