

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

6. Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study; and

7. Form subcommittees to include persons not appointed to the task force but with expertise in an area of study.

Sec. C-6. Report of task force. The task force shall present any recommended legislation to the Executive Director of the Legislative Council by November 1, 1994 and a report of its findings to the joint standing committee of the Legislature having jurisdiction over human resources matters and the joint standing committee of the Legislature having jurisdiction over transportation of the First Regular Session of the 117th Legislature by January 15, 1995.

Sec. C-7. Staff assistance. If funds are available and subject to section 9 of this Part, the task force may contract with a consultant to serve as the primary staff for accomplishing the task force's duties and providing clerical assistance. The chair of the task force shall manage the consultant's work.

Sec. C-8. Compensation. All members of the task force serve without compensation.

Sec. C-9. Funding. The Legislative Council may accept on behalf of the task force grants and other sources of outside funding to hire staff and carry out the task force's activities. Before acceptance of funds, the Legislative Council shall examine whether accepting funds from a source will risk the appearance of undue influence or actual undue influence on the study. If the Legislative Council determines that accepting funds from the source will cause this risk, the Legislative Council may not approve the funding source. The Legislative Council shall administer any outside funds acquired for the conduct of the study. Administration of these funds includes authorizing the Executive Director of the Legislative Council to approve or disapprove any contract for assistance to the study in accordance with guidelines adopted by the Legislative Council. Expenditures may not be incurred that have an impact on the General Fund. Expenditures may not be incurred by the task force unless outside sources of funding have been received by the Legislative Council.

Sec. C-10. Effective date. This Part takes effect July 1, 1993.

PART D

Sec. D-1. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1993-94 1994-95

SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles

Positions	(1.0)	(1.0)
Personal Services	\$19,714	\$27,346
All Other	4,064	4,352
Capital Expenditures	2,650	

Provides funds for a Title Examiner position, general operating expenses and a work station to deal with additional title applications.

DEPARTMENT OF THE SECRETARY OF STATE TOTAL

\$26,428	\$31,708
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective June 9, 1993, unless otherwise indicated.

CHAPTER 298

H.P. 525 - L.D. 709

An Act to Encourage the Implementation of the Solid Waste Management Hierarchy

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 38 MRSA §2125 is enacted to read:

§2125. Evaluation of municipal implementation of solid waste hierarchy

The agency shall adopt, by rule, a system for acknowledging implementation by municipalities of the solid waste management hierarchy set forth in section 2101 and the goals for solid waste management adopted in the waste management and recycling plan. The system must include the following elements.

1. Evaluation. Municipalities shall report annually, except as provided by the agency, on their solid waste management practices. The annual report must

include provisions for designating how much of each type of solid waste is generated and how that solid waste is managed. The agency shall assist municipal reporting by developing a municipal waste stream assessment model. The model must rely on actual waste data whenever possible, but incorporate default generation estimates when needed. Default generation estimates must incorporate factors such as commercial activity, geographical differences and municipal population.

2. Progress report. The agency shall use the municipal annual reports and other appropriate information to prepare an annual report to the Governor and the Legislature on the progress made by municipalities toward implementing the solid waste management hierarchy.

Sec. 2. 38 MRSA §2133, sub-§4, ¶A, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

See title page for effective date.

CHAPTER 299

H.P. 309 - L.D. 397

An Act to Ensure Equitable Treatment of Manufactured Home Owners

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

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

E. Notwithstanding any other provision of law, any modular home that meets the provisions of the municipality's building code or, in the absence of a municipal building code, the Building Officials and Code Administrators National Code (1990), 11th edition, as published by the Building Officials and Code Administrators International, Incorporated and as subsequently revised and amended, must be allowed in all zones where other single-family homes are allowed.

See title page for effective date.

CHAPTER 300

H.P. 553 - L.D. 749

An Act to Provide for Affordable Cooperative Housing in the State

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

Sec. 1. 13 MRSA c. 85, sub-c. I-A is enacted to read:

SUBCHAPTER I-A

COOPERATIVE AFFORDABLE HOUSING OWNERSHIP

§1741. Short title

This subchapter may be known and cited as the "Maine Cooperative Affordable Housing Ownership Act."

§1742. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Conversion. "Conversion" means a change in character of residential real property from a rental to an ownership basis. Creation of a cooperative affordable housing corporation to own property formerly rented for dwelling purposes is considered such a change in character.

2. Cooperative affordable housing corporation. "Cooperative affordable housing corporation" means a domestic corporation that is organized under or elects to be governed by the provisions of this subchapter.

3. Cooperative interest. "Cooperative interest" means the ownership interest in a cooperative affordable housing corporation that is evidenced by a membership share.

4. Cooperative property. "Cooperative property" means the real and personal property, including mobile and manufactured homes, in this State owned or leased by a cooperative affordable housing corporation for the primary purpose of residential use.

5. Lender. "Lender" includes, but is not limited to, the following institutional lenders whose policies and procedures are subject to governmental supervision:

A. A federal, state or local housing finance agency;

B. A bank, including savings and loan associations or insured credit unions;