

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

Sec. 1. 12 MRSA §6671, sub-§3, ¶A, as amended by PL 2017, c. 350, §1, is further amended to read:

A. Within any area of the intertidal zone within the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions; ~~and~~
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program;

(6) Establish a minimum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any minimum size limit set in this chapter or by rule, except that an ordinance must establish minimum size limits for possession of soft-shell clams that are at least as strict as those limits established in section 6681; and

(7) Establish a maximum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any maximum size limit set in this chapter or by rule.

Sec. 2. 12 MRSA §6671, sub-§3, ¶B, as enacted by PL 2001, c. 188, §2, is repealed.

Sec. 3. 12 MRSA §6671, sub-§8, ¶D is enacted to read:

D. Enforcement by the municipality of any provision adopted by a municipality pursuant to this section may occur only in the municipality in which the shellfish is harvested.

See title page for effective date.

**CHAPTER 145
H.P. 725 - L.D. 970**

**An Act To Encourage Policies
Regarding Accessory Dwelling
Units under Local
Comprehensive Plans and
Zoning Requirements**

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

Sec. 1. 30-A MRSA §4301, sub-§1-B is enacted to read:

1-B. Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

Sec. 2. 30-A MRSA §4312, sub-§3, ¶J, as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

Sec. 3. 30-A MRSA §4312, sub-§3, ¶K, as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

Sec. 4. 30-A MRSA §4312, sub-§3, ¶L is enacted to read:

L. To encourage municipalities to develop policies that provide for accessory dwelling units.

Sec. 5. 30-A MRSA §4326, sub-§1, ¶H, as amended by PL 2015, c. 349, §3, is further amended to read:

H. Residential housing stock, including affordable housing, ~~and~~ policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets and policies that provide for accessory dwelling units;

Sec. 6. 30-A MRSA §4326, sub-§3-A, ¶G, as amended by PL 2015, c. 349, §4, is further amended to read:

G. Ensure that the municipality's or multimunicipal region's 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 or multimunicipal region shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing. A municipality or multimunicipal region is encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to, ~~cluster housing, reduced minimum lot and frontage sizes, increased residential densities, use of municipally owned land and establishment of policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets;~~

- (1) Cluster housing;
- (2) Reduced minimum lot and frontage sizes;
- (3) Increased residential densities;
- (4) Use of municipally owned land;
- (5) Establishment of policies that:
 - (a) Assess community needs and environmental effects of municipal regulations;
 - (b) Lessen the effect of excessive parking requirements for buildings in downtowns and on main streets; and
 - (c) Provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and
- (6) Provisions for accessory dwelling units;

Sec. 7. 30-A MRSA §4326, sub-§3-A, ¶J, as amended by PL 2015, c. 349, §5, is further amended to read:

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great

ponds within the municipality's or multimunicipal region's jurisdiction; ~~and~~

Sec. 8. 30-A MRSA §4326, sub-§3-A, ¶K, as enacted by PL 2015, c. 349, §6, is amended to read:

K. Encourage policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

Sec. 9. 30-A MRSA §4326, sub-§3-A, ¶L is enacted to read:

L. Encourage policies that provide for accessory dwelling units.

See title page for effective date.

CHAPTER 146

S.P. 290 - L.D. 1011

An Act To Clarify Filing Requirements for Proposed Rules

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

Sec. 1. 5 MRSA §8053, sub-§3, ¶E, as amended by PL 2007, c. 181, §3, is further amended to read:

E. Refer to the substantive state or federal law to be implemented by the rules; ~~and~~

Sec. 2. 5 MRSA §8053, sub-§3, ¶F, as enacted by PL 2007, c. 181, §4, is amended to read:

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained; ~~and~~

Sec. 3. 5 MRSA §8053, sub-§3, ¶G is enacted to read:

G. Indicate whether the rule is routine technical or major substantive as those terms are defined in section 8071.

Sec. 4. 5 MRSA §8053, sub-§7, ¶¶F and G, as enacted by PL 2009, c. 256, §4, are amended to read:

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained; ~~and~~

G. Indicate the impact on municipalities or counties only if there is an expected financial impact