

# 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.**

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**Augusta, Maine**  
**2019**

**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

on municipalities identified under section 8063; and

Sec. 5. 5 MRSA §8053, sub-§7, ¶H is enacted to read:

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

Sec. 6. 5 MRSA §8053-A, sub-§1, as repealed and replaced by PL 1989, c. 574, §5, is amended to read:

1. **Proposed rules.** At the time of giving notice of rulemaking under section 8053 or within 10 days following the adoption of an emergency rule, the agency shall provide to the Legislature, in accordance with subsection 3, a fact sheet providing the information as described in section 8057-A, subsection 1 and a written notice identifying whether the proposed rule or adopted emergency rule is a routine technical rule or a major substantive rule as defined in subchapter 2-A.

A. If an agency determines that a rule which that it intends to adopt will be substantially different from the proposed rule, it shall provide the Legislature with a revised fact sheet with the information defined in section 8057-A, subsection 1, as it relates to the substantially different rule. The revised fact sheet shall must be provided to the Legislature in accordance with subsection 3.

See title page for effective date.

**CHAPTER 147**

**H.P. 806 - L.D. 1102**

**An Act To Remove a Reference to Constables in the Law Governing Execution of Process**

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

Sec. 1. 30-A MRSA §104, as amended by PL 2017, c. 332, §3, is further amended to read:

**§104. Execution of process**

Sheriffs and their deputies and constables shall execute all legal processes directed to them by the commissioners. A civil deputy, as defined in section 351, subsection 5, shall serve civil process as directed by the sheriff.

See title page for effective date.

**CHAPTER 148**

**S.P. 342 - L.D. 1122**

**An Act To Expand Tax Increment Financing**

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

Sec. 1. 30-A MRSA §5222, sub-§14-A is enacted to read:

**14-A. Public safety facility.** "Public safety facility" means a facility used primarily for the functions of municipal or plantation government that ensure the protection of residents, organizations and institutions in the municipality or plantation, including the provision of law enforcement, fire and emergency services.

Sec. 2. 30-A MRSA §5225, sub-§1, ¶B, as amended by PL 2011, c. 101, §13, is further amended to read:

B. Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to:

- (1) ~~That portion of the costs reasonably~~ Costs related to the construction, alteration or expansion of any facilities not located within the district that are required due to improvements or activities within the district, including, but not limited to, sewage treatment plants, water treatment plants or other environmental protection devices; storm or sanitary sewer lines; water lines; electrical lines; improvements to ~~fire stations~~ public safety facilities; and amenities on streets;
- (2) Costs of public safety improvements ~~made necessary by~~ related to the establishment of the district; and
- (3) Costs of funding to mitigate any adverse impact of the district upon the municipality or plantation and its constituents. This funding may be used for public facilities and improvements if:

(a) The public facilities or improvements are located in a downtown tax increment financing district; and

(b) The entire tax increment from the downtown tax increment financing district is committed to the development program of the tax increment financing district;

Sec. 3. 30-A MRSA §5225, sub-§1, ¶C, as amended by PL 2013, c. 184, §4, is further amended to read: