

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

E. "Unreasonable limitation" includes a limitation that significantly increases the cost of low-impact landscaping, significantly decreases the efficiency of low-impact landscaping or requires cultivated vegetation to consist in whole or in part of turf grass.

2. Prohibition. A restriction may not put an unreasonable limitation on low-impact landscaping on any portion of a condominium or real estate subject to common ownership that is not subject to common ownership and that the owner has the right to exclusive use of as long as the owner maintains and regularly tends to the low-impact landscaping.

3. Construction; application. This section may not be construed to prohibit a restriction relating to reasonable design and aesthetic guidelines regarding the type, number and location of low-impact landscaping features. This section does not apply to a restriction on historic property that is listed in or determined by the Maine Historic Preservation Commission to be eligible for inclusion in the National Register of Historic Places.

See title page for effective date.

CHAPTER 377
H.P. 754 - L.D. 1182

An Act to Make Revisions to the Tax Increment Financing and Development District Laws

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

Sec. 1. 30-A MRSA §5223, sub-§3, ¶A, as amended by PL 2011, c. 675, §2, is further amended by amending subparagraph (3) to read:

(3) Must be suitable for commercial or arts district uses. For the purposes of this subparagraph, "suitable for commercial or arts district uses" includes, but is not limited to, the total acreage of a lot or parcel or portion of a lot or parcel included in a development district that is zoned for commercial or arts district uses or on which commercial or arts district uses are allowed as a conditional or grandfathered use or pursuant to contract zoning.

Sec. 2. 30-A MRSA §5226, sub-§2, as amended by PL 2011, c. 655, Pt. JJ, §26 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended to read:

2. Review by commissioner. Before final designation of a tax increment financing district, the commissioner shall review the proposal to ensure that the proposal complies with statutory requirements. ~~In the case of a downtown tax increment financing district, the Department of Agriculture, Conservation and Forestry and~~

~~the Department of Transportation shall review the proposal and provide advice to assist the commissioner in making a decision under this subsection.~~

See title page for effective date.

CHAPTER 378
H.P. 1239 - L.D. 1931

An Act to Foster Stable and Affordable Home Ownership in Mobile Home Parks by Amending the Laws Relating to the Sale of Mobile Home Parks

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

Sec. 1. 10 MRSA §9094-A, sub-§1, as enacted by PL 1989, c. 768, is repealed and the following enacted in its place:

1. Notice required. The owner of a mobile home park shall give notice of the intent to sell the mobile home park to each owner of a mobile home in the mobile home park and to the Maine State Housing Authority. The owner of the mobile home park may not make a final unconditional acceptance of an offer for the sale of the mobile home park earlier than the 60th day after the date the notice was mailed as required by this subsection. The notice must include:

A. A statement that a group of mobile home owners or a mobile home owners' association of the mobile home park may make an offer to purchase the mobile home park within 60 days of the mailing date of the notice; and

B. Either:

(1) The price, terms and conditions for which the owner of the mobile home park intends to sell the mobile home park; or

(2) The price, terms and conditions of any acceptable offer the owner of the mobile home park has received for the mobile home park, including a signed copy of the written offer that contains a description of the property. The owner may redact the name, address, contact information or other identifying information of the party making the offer.

The notice must be mailed by certified mail, return receipt requested, to each mobile home owner at the mobile home owner's home address and to the Maine State Housing Authority.

Sec. 2. 10 MRSA §9094-A, sub-§2, as enacted by PL 1989, c. 768, is repealed.

Sec. 3. 10 MRSA §9094-A, sub-§3, as enacted by PL 1989, c. 768, is repealed.

Sec. 4. 10 MRSA §9094-A, sub-§3-A is enacted to read:

3-A. Group of mobile home owners or a mobile home owners' association purchase. The owner of a mobile home park shall consider any offer received before the 60th day after the date the notice was mailed as required by subsection 1 from a group of mobile home owners or a mobile home owners' association, as long as the mobile home owners of at least 51% of the mobile homes in the mobile home park that are occupied by the mobile home owner or a family member of the mobile home owner sign a petition or otherwise indicate in writing that they support making the offer. The owner of the mobile home park shall negotiate in good faith with the group of mobile home owners or the mobile home owners' association concerning a purchase pursuant to an offer made under this subsection. For the purposes of this subsection, negotiating in good faith does not require the owner of a mobile home park to accept an offer to purchase made by a group of mobile home owners or the mobile home owners' association. An offer made by the group of mobile home owners or the mobile home owners' association must include a purchase and sale agreement. If the owner of the mobile home park accepts the offer of the group of mobile home owners or the mobile home owners' association, the group of mobile home owners or the mobile home owners' association must obtain appropriate financing before the 90th day after the execution date of the purchase and sale agreement.

Sec. 5. 10 MRSA §9094-A, sub-§3-B is enacted to read:

3-B. Applicability. This section does not apply to:

- A. A sale after foreclosure by a bank, mortgage company or other mortgagee at a foreclosure sale or a sale after purchase at a foreclosure sale;
- B. A sale or transfer to a family member of the owner of the mobile home park or to a trust, the beneficiaries of which are family members of the owner of the mobile home park. For purposes of this paragraph, "family member" means a person identified in Title 18-C, section 2-102 as eligible for intestate share;
- C. A sale or transfer by a partnership to one or more of its partners;
- D. A conveyance of an interest in the mobile home park incidental to the financing of the mobile home park;
- E. A sale or transfer between owners of the mobile home park who are joint tenants or tenants in common;
- F. A sale pursuant to the exercise of the power of eminent domain; or

G. A transfer that is by gift, devise, judicial decree or operation of law.

The requirements of this section apply separately to each substantially different offer to sell or purchase a mobile home park.

Sec. 6. 10 MRSA §9094-A, sub-§3-C is enacted to read:

3-C. Affidavit of compliance. A mobile home park owner may record in the registry of deeds of the county or district in which the mobile home park is located an affidavit in which the park owner certifies that:

- A. The mobile home park owner has complied with the requirements of this section; or
- B. The sale of the mobile home park is exempted from the requirements of this section pursuant to subsection 3-B.

The mobile home park owner may send a copy of the affidavit to the Maine State Housing Authority.

A party acquiring an interest in a mobile home park, a title insurance company and an attorney preparing, furnishing or examining evidence of title of the mobile home park may rely on the truth and accuracy of the statements appearing in an affidavit filed under this subsection and are under no obligation to inquire further as to any matter or fact relating to the mobile home park owner's compliance with the provisions of this section. This subsection must be liberally construed in order that all persons may rely on the record title to a mobile home park.

Sec. 7. 10 MRSA §9094-A, sub-§4, as enacted by PL 1989, c. 768, is amended to read:

4. Enforcement. A mobile homeowner home owner, group of mobile homeowners home owners or a mobile homeowners' home owners' association aggrieved by a violation of this section may bring an action in Superior Court against the violator for injunctive relief, damages and attorney's fees. A violation of any of the provisions of this chapter is considered prima facie evidence of an unfair or deceptive trade practice under Title 5, chapter 10.

Sec. 8. 33 MRSA §654, first ¶, as amended by PL 2003, c. 55, §4, is further amended to read:

Registers shall receive and record all certificates in equitable proceedings, copies of judgments and decrees certified by the clerk of courts in the county where the complaint is pending or the judgment or decree is rendered, certified copies of the proceedings of any court, corporation, municipal body or other tribunal through or by which the right of eminent domain has been or may be exercised to affect the title to real estate, copies of portions of wills devising real estate situated in their respective counties or districts, affidavits filed under Title 10, section 9094-A, subsection 3-C and all other instruments that they are by law required to record. They

shall receive all copies of seizures on execution and special attachments made and attested by any officer of real property situate in their respective counties or districts and certify on them the time when they are received, and certificates of advertised stallions and copies of processes against domestic corporations filed for service by officers in the registry, keep them on file for the inspection of parties interested and enter them in suitable records properly indexed.

See title page for effective date.

**CHAPTER 379
S.P. 151 - L.D. 330**

**An Act Regarding Legal
Representation for Residents
Facing Eviction**

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

Sec. 1. 14 MRSA §6001, sub-§7 is enacted to read:

7. **Notice to quit; form notice required.** Beginning January 1, 2024, a landlord shall attach to a notice to terminate tenancy served upon a tenant the form notice posted on the publicly accessible website of the judicial branch in accordance with section 6004, subsection 2.

Sec. 2. 14 MRSA §6004, sub-§3 is enacted to read:

3. **Notice of counsel.** If the court has been advised that an attorney is available to represent tenants in actions of forcible entry and detainer on a day that the court is planning to hold hearings on actions of forcible entry and detainer, the court shall announce the availability of that attorney prior to the commencement of proceedings for actions of forcible entry and detainer on that day. Failure of the court to comply with the requirements of this subsection is not grounds for dismissal of the action or to set aside or appeal any judgment entered against the tenant.

See title page for effective date.

**CHAPTER 380
S.P. 758 - L.D. 1874**

**An Act to Support Maine
Forest Workers' Right to Work
in Maine by Improving Labor
Standards**

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

Sec. 1. 12 MRSA §8867-G is enacted to read:

§8867-G. Forest certification programs

1. Requirements for state land. The Department of Agriculture, Conservation and Forestry may obtain or maintain certification from a forest certification program for state land only if the program, in order to obtain certification under the program:

A. Contains performance-based indicators described in subsection 2 that protect forest workers, including logging and trucking contractors, that can be assessed and verified by a recognized certifying entity; and

B. Does not require payment to a trade association that is registered with the Commission on Governmental Ethics and Election Practices.

2. Performance-based indicators. Performance-based indicators required by subsection 1 include the following labor practices:

A. No use of child labor;

B. No use of forced labor;

C. No discrimination;

D. Freedom of association and collective bargaining;

E. Promotion of gender equality;

F. Implementation of legal occupational health and safety practices;

G. Payment of fair wages that meet or exceed the minimum wage;

H. Adequate and effective training; and

I. Grievance resolution and compensation for damages.

See title page for effective date.

**CHAPTER 381
H.P. 698 - L.D. 1103**

**An Act to Allow Persons Who
Lawfully Use or Possess
Cannabis to Own or Possess
Firearms or Ammunition**

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

Sec. 1. 15 MRSA §393, sub-§1, ¶G, as amended by PL 2015, c. 470, §1, is further amended to read:

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Notwithstanding the prohibition under 18 United States Code, Section