



City of Caribou, Maine

AGENDA Caribou Planning Board Regular Meeting

Wednesday, November 10, 2021 at 5:30 p.m.

*Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org*

The meeting will be broadcast on Cable Channel 1301 and the City's YouTube Channel. Public Comments submitted prior to the meeting no later than 4:00 pm on Wednesday, November 10, 2021 will be read during the meeting. Send comments to CEO Ken Murchison at kmurchison@cariboumaine.org or call 493-5967.

- I. Call Meeting to Order, Determine Quorum
- II. Public Hearings
 - a. Public Hearing on proposed amendments to Sec. 13-700 (6) Campground and/or Recreational Vehicle Park. Pgs. 2-5
- III. Approval of Minutes
 - a. Approval of Minutes of the October 14, 2021 Planning Board Meeting Pgs. 6-9
- IV. New Business
 - a. Tiny Homes and Accessory Dwelling Units Pgs. 10-26
- V. Old Business
 - a. Continue proposed amendments to Sec 13-700 (13) Home Occupations and schedule Public Hearing Pgs. 27-39
 - b. Comprehensive Plan Update, continue review. Pgs. 40-41
- VI. Staff Report
 - a. Dangerous and Nuisance Property Listings
 - b. Demolition of 37 Home Farm Road
 - c. Riverfront Redevelopment Committee
 - d. Caribou Trailer Park
 - e. GrowSmart Conference
- VII. Adjournment

6. Campground and/or Recreational Vehicle Park.

A campground and/or recreational vehicle (RV) park shall conform to the minimum requirements imposed under State licensing procedures of 10-144 DEPARTMENT OF HEALTH AND HUMAN SERVICES Chapter 205: RULES RELATING TO CAMPGROUNDS ~~and the following (in case of possible conflict, the stricter rule shall apply).~~ ~~and the following (in case of possible conflict, the stricter rule shall apply).~~ For the purposes of this Section "RV" shall ~~include:~~include travel RV, pick-up coach, motor home, camping trailer, dependent RV, and self-contained RV.

A. General.

- ~~1.1.~~ A campground and/or RV park shall have no less than three (3) acres in the R-2 District no less than seven (7) acres in the R-3 District. All R.V. and tents shall be located at least 25 feet (7.6 m.) from ~~any park boundary line abutting upon a public street or highway and at least 15 feet (4.5 m.) from other park or area property~~ boundary lines, and 100 feet (30.5 m.) from the normal high water mark of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet (22.9 m.) from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland subject to the 250-foot (76.2 m.) Shoreland Zoning requirements and 200 feet from any residence, exclusive of the residence belonging to the owner.
- ~~2.2.~~ Sites in the R-2 district shall be laid out and screened in such a manner that none are within view from public roads or existing residence. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standards, when sites would otherwise be visible from the locations described above. No screening required in the R-3 District.
- ~~3.3.~~ No trailers or mobile homes, other than RVs, shall be permitted within any campground and/or RV park, temporarily or otherwise. ~~No RVs shall be stored or exhibited for sale within the campground and/or RV park. Permanent or long-term dwellings or shelter devices are specifically prohibited.~~
- ~~4.~~ Bunkhouses that are part of a licensed campground or recreational camp are not considered lodging places. For further information regarding Lodging Places see 10-144 DEPARTMENT OF HUMAN SERVICES BUREAU OF HEALTH DIVISION OF HEALTH ENGINEERING Chapter 206 RULES RELATING TO LODGING ESTABLISHMENTS.
- ~~5.4.~~ Tent sites and RV sites shall be laid out so that the density of each developed acre of land shall not exceed the standards below (in terms of sites per acre of land, excluding circulation roads). Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

	Non-Shoreland	Shoreland Areas
-Tent Sites	14 per acre	8 per acre
-RV and Travel Trailer Sites	11 per acre	7 per acre

B. Minimum lot sizes.

1. Sites shall contain a minimum of 1000 square feet (92-9 sq. m.) (not including roads and streets) for each R.V. and tent site, except that in areas subject to the 250-foot (76.2 m.) mandatory *Shoreland Zoning Act*, there shall be a minimum of 5,000 square feet (464.5 sq. m.) of suitable land, (not including roads and streets,) for each site. ~~5.~~ The minimum frontage of a tent site or RV site along any shoreline of a waterbody shall be 50 feet.

~~62.~~ Use of tent sites or RV sites located within ~~a Resource Protections District or within the~~ 100-year floodplain shall be prohibited between March 1 and May 31 and during seasonal flooding events.

~~73.~~ Recreational Vehicles located within Zones A1-30, as indicated on the National Flood Insurance Program Rate Maps (FIRM) shall either:

- ~~a.~~ ~~a.~~ Be on the site for fewer than 180 consecutive days.
- ~~b.~~ ~~b.~~ Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or
- ~~c.~~ ~~e.~~ Meet the permit requirements of elevation and anchoring requirements for “manufactured home” in Flood Hazard Area regulations 13-606. H. a & b.

BC. Parking and Circulation.

1. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each tent site or RV site. RVs shall be parked in spaces so that:

- a. There shall be a minimum of 50 feet between vehicles; and
- b. There shall be a minimum of 75 feet between all RVs and tents, and all public rights-of-way located inside the boundaries of the campground.

2. **Roads and streets:** All parking areas shall be provided with safe and convenient vehicular access from

abutting public streets or roads to each R.V. site. Alignment and gradient shall be properly adapted to topography.

a. Surfacing and maintenance: Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.

b. Access to sites: Access to R.V. sites shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.

3. Standards for the construction of roads and/or driveways and drainage systems, culverts and other related features applicable in the Shoreland Zone can be found in Sec. 13-500 Shoreland Zoning Ordinance. 15. Land Use Standards H. Roads and Driveways.

C. Health and Safety.

~~1. Each tent site or RV site shall be provided with a picnic table and trash receptacle. The Park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three (3) days.~~

2. A campground and/or RV park shall provide water and sewerage disposal systems, sanitary facilities, and convenience facilities in accordance with the regulations of 10-144 DEPARTMENT OF HUMAN SERVICES A-CMR-Chapter 205 RULES RELATING TO CAMPGROUNDS and the Maine Subsurface Wastewater Disposal Rules 144A CMR 241 "State of Maine Subsurface Wastewater Disposal Rules". All RV sites shall be equipped with water and sewage hook-ups and connected to approved distribution or disposal systems.

~~3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that the campground or RV park may be readily serviced in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be required.~~

D. Planning and Review.

1. Roads, parking, sites, and required facilities shall be planned in accordance with the basic principles outlined below and shall be shown on the proposed plan which is submitted for review and approval.

a. A logical sequence of entry and circulation should be created: entrance, administration, storage, parking, sites, toilets, laundry, playing fields, or shoreline.

b. Sites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of site clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.

c. Footpaths and roads should follow "desired lines" of pedestrian and vehicular movement between sites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.

d. Access roads shall be laid out as loops to the greatest extent practicable, although "cul-de-sacs" or "dead ends" may be allowed to serve up to twenty (20) campsites.

2. ~~BA-est management practices shall be employed for~~ soil erosion and sedimentation control ~~plan and a Storm Water Runoff Plan~~ shall be submitted. In addition to data on soils, slopes, and drainage, a vegetation map showing the following items may be required:

a. The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or reforested).

b. New plantings tolerant to existing and proposed site conditions, and blending compatible with existing natural vegetation should be selected to provide screening and shelter. ~~to tolerate existing and proposed site conditions, and blending compatible with existing natural vegetation.~~

c. All vegetative clearing should avoid creating straight line edges between open land and surviving stands.

d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

Historical Note: Section 13-700 §6 as amended June 14, 2021.



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Caribou Planning Board Meeting Minutes Thursday, October 14, 2021 @ 5:30 pm City Council Chambers

Members in Attendance: Dan Bagley, Frank McElwain, Eric Hitchcock and Dave Corriveau

Members Absent: Steve Wentworth, Amanda Jandreau and Christine Solman

Others in Attendance: Ken Murchison – CEO/Zoning Administrator; Denise Lausier – Executive Assistant to City Manager

Councilor Liaison – Tom Ayer, Absent

I. Call Meeting to Order, Determine Quorum – Chairman Dan Bagley called the meeting to order at 5:39 pm., a quorum was present.

II. Public Hearings

a. Public Hearing on a Day Care Permit Application by Wayne and Lisha Wasson at 5 Lower Washington Street, Tax Map 27, Lot 10 – Chairman Bagley called the Public Hearing to order at 5:40 pm. Just purchased the property down on 5 Lower Washington Street.

CEO Murchison gave the Board members his staff review. Mr. Murchison explained that Ms. Wasson is not comfortable speaking in public so she decided to not attend the hearing.

Chairman Bagley questioned if it is a home occupation or daycare center. CEO Murchison stated 6-8 children in a home. Chairman Bagley commented that they need to look at developing a different application for home daycares. The Board will review this as a home occupation.

CEO Murchison explained that the applicant just bought this home on Lower Washington. They were a licensed daycare operator in Limestone and didn't realize they needed to be licensed for Caribou. The application was submitted in September, but not ready for the September meeting.

Dave Corriveau commented that the neighbor has a home based daycare and that the application would be almost identical to the neighbors.

Eric Hitchcock questioned the licensing with the State. Chairman Bagley stated that the State has licensed them already.

Chairman Bagley stated that the Fire Marshal report has been done and the fire rated door needs to be put in. This is the only item from the Fire Marshal report that is pending.

Betty Michaud from Lower Lyndon Street told the Board that this street runs down into her driveway. Ms. Michaud has concerns with traffic back to back on that corner. There is no place to

park, both sides of the road. Kids were running in the street, concerned for their safety. With winter coming, the streets are smaller with the snow. People park in the street, there is no driveway for dropping off children. With buses coming in and out and all the kids, she is concerned for the safety of the children.

Dave Corriveau asked if there are any vacant lots in that area. CEO Murchison said that there is a City owned lot right there. Mr. Corriveau mentioned that perhaps the two daycares could purchase that lot for parking. Mr. Corriveau said they will make an attempt to address that concern.

Eileen Guerrette, her neighbor also has concerns of the same as Ms. Michaud.

Mr. Corriveau asked if the City could put up no parking signs, so people would have to drive in. CEO Murchison said they could perhaps put up children signs.

Chairman Bagley questioned how much of the building are they using because there is a 50% limitation on the use. CEO Murchison answered that they are using only the first floor, not the second floor and the play area is fenced off.

CEO Murchison commented that there are no signs and no added exterior lighting.

The Public Hearing was closed at 5:55 pm.

Chairman Bagley stated that it's a complete application. A daycare is allowed in the R-2 zone, all criteria was met except circulation/loading area. Chairman Bagley commented he would prefer they use their driveway. CEO Murchison said they have only two parking spots.

Frank McElwain questioned if the police have the current traffic issues or any insights. Dave Corriveau commented that signage would go a long way being there are many kids on the street.

CEO Murchison stated that there is an established chain link fence, they have a fenced in play area.

Board reviewed the application criteria.

Discussion on the percentage of the home being used, only 50% can be used. Chairman Bagley stated that given the approximate measurements, he doesn't think they should make an issue out of 54% of the home being used. No objections from the Board.

Dave Corriveau moved to accept the application as submitted; seconded by Frank McElwain

Roll Call Vote.

Frank McElwain – yes; Dave Corriveau – yes; Eric Hitchcock – yes; Dan Bagley – yes.
Motion carried with all in favor.

III. Approval of Minutes –

- a. Approval of Minutes of the August 26, 2021, Planning Board Special Meeting**
- b. Approval of Minutes of the September 9, 2021, Planning Board Meeting**
- c. Approval of Minutes of the September 23, 2021, Planning Board Work Session Meeting**

Eric Hitchcock moved to approve all three sets of minutes as written; seconded by Frank McElwain.

Roll Call Vote.

Frank McElwain – yes; Dave Corriveau – yes; Eric Hitchcock – yes; Dan Bagley – yes.
Motion carried with all in favor.

IV. New Business –

- a. Continue proposed amendments to Sec. 13-700 (6) Campground and/or Recreational Vehicle Park and schedule Public Hearing.** – The Board reviewed the changes they had worked on at their last work session. Chairman Bagley believes the community would be pleased with the changes to get the standards closer to the State minimums. The Public Hearing will be at the next regular meeting. The next meeting date is on a holiday, Veterans Day, November 11th. The Board consensus was to meet on Wednesday, November 10th at 5:30 pm.
- b. Continue proposed amendments to Sec 13-700 (13) Home Occupations and schedule Public Hearing.** – The Board reviewed the changes they had worked on prior.

Discussion on daycare standards. Eric Hitchcock would like to stay with DHHS standards for employees. CEO Murchison can reach out to the State on daycare standards to get verbiage.

Eric Hitchcock had concerns with the number of children allowed and wants to make sure those numbers haven't been changed at the State level.

Board consensus was to strike item B4 on maximum of 24 vehicular stops per day because there is no way to monitor it.

CEO Murchison will reach out for State standards to compare.

Dave Corriveau recommended striking child group activities because there is no way to monitor that. CEO Murchison stated that would be more of a commercial operation. Board will consider.

Eric Hitchcock asked if there was any way to get a comprehensive list of activities that may be in a home that is monitored by DHHS and what they regulate. Daycares, hair salons, etc. CEO Murchison will work on this.

Chairman Bagley wanted to revisit that on the land use table, identify a column with a checkmark or asterisk so they know if it is permissible as a home occupation and add verbiage at the beginning of the ordinance. Board discussion.

V. Old Business -

- a. Continue Final Plan Review for Troy Haney for the Kacie's Place Campground on 154 Limestone Street Tax Map 38, Lots 105, 106 and 108. Review of Storm Water Plan.** – The Board reviewed the storm water plan and their consensus was that it is a good plan and it is in alignment with best practices. The Board consensus is they are satisfied with the plan.

VI. Goals and Priorities -

- a. Schedule working session for Comprehensive Plan Update** – CEO Murchison stated that a lot of work has been done so far, will look at proposed land use that is still pending and proposed zoning, then it goes to NMDC to review. Chairman Bagley proposed a first work session as an organizational meeting to go through and come up with a plan. Chairman Bagley envisions a series of work sessions and stated there are several areas in the plan that others have contributed. The Board decided to meet in two weeks for a work session, October 28th @ 5:30 pm.

VII. Staff Report – CEO Ken Murchison

- a. Dangerous and Nuisance Property Listings** – The City Council requested a list. The top five and alternate are dangerous buildings. The last two and alternate are nuisance properties. 2/3 of properties could be tax acquired. 71 dangerous buildings.

- b. **Demolition of 37 Home Farm Road** – By State statute this is a dangerous building, can demo and bill the homeowner. The owner is in California.
- c. **Riverfront Redevelopment Committee** – Contact list is up to fifteen, have had great responses. The City Council has made their appointments. The first official committee meeting is October 16th.
- d. **Caribou Trailer Park** – On a tight timeline for park closure, November 17th is the last day. Several trailers are still there. Working with some who want to stay and use squatters rights. City may have to dispose of 6-8 trailers at the end. Council Trailer Park Committee will meet on Monday. For the property that is left, the City will need to work with the aviation people. This property could have more hangar space on it or a solar array.

VIII. Adjournment – Frank McElwain moved to adjourn the meeting at 7:17 pm; seconded by Dave Corriveau.

Roll Call Vote.

Frank McElwain – yes; Dave Corriveau – yes; Eric Hitchcock – yes; Dan Bagley – yes.

Motion carried with all in favor.

Respectfully Submitted,

Amanda Jandreau
Planning Board Secretary

AJ/dl

**SP0683
LD 1981**

**Session - 129th Maine Legislature
C "A", Filing Number S-429, Sponsored by**

**LR 2949
Item 2**

Amend the bill by striking out the title and substituting the following:

‘An Act Regarding the Regulation of Tiny Homes’

Amend the bill by striking out everything after the title and inserting the following:

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

Whereas, the Secretary of State, industry and individuals have an urgent need to clarify the regulatory landscape so that tiny homes can be registered and titled and the industry may resume production; 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. 29-A MRSA §101, sub-§80-C is enacted to read:

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

- A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
- B. Does not exceed 400 square feet in size;
- C. Does not exceed any dimension allowed for operation on a public way under this Title; and
- D. Is a vehicle without motive power.

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

Sec. 2. 29-A MRSA §501, sub-§7, as amended by PL 2011, c. 556, §4, is further amended to read:

7. Temporary registration permit. The Secretary of State may issue a temporary registration permit for the purpose of moving certain vehicles otherwise required to be registered or for a tiny home as follows.

- A. A temporary registration permit is ~~for one trip only~~ limited in use for transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the relocation of a tiny home;

- (1) Between the points of origin and destination and intermediate points, as set forth in the permit; or
 - (2) From the point of origin to the destination and back to the point of origin, including any intermediate points, as set forth in the permit.
- B. A temporary registration permit is for the transit of the vehicle only. The vehicle may not be used for the transportation of passengers or property, for compensation or otherwise, unless specifically authorized on the temporary registration permit. If the vehicle is a chartered bus that is not covered by a reciprocity agreement with the state or country of registration, the Secretary of State may authorize transportation of passengers.
- C. The Secretary of State may not issue a temporary registration permit that is valid for longer than 10 days from the effective date of the registration.
- D. The fee for a temporary registration permit issued under paragraph A, subparagraph (1) is \$12. The fee for a temporary registration permit issued under paragraph A, subparagraph (2) is \$25.
- E. The temporary registration permit must be carried in the vehicle at all times.
- F. A person who operates or moves a vehicle outside the routes specified in the temporary registration permit commits a traffic infraction and may not be fined less than \$25 nor more than \$200.
- G. The Secretary of State may issue unassigned temporary registration permits to a vehicle auction business licensed under section 1051 to allow the movement of a vehicle sold to a dealer.

Sec. 3. 29-A MRSA §603, sub-§1-A is enacted to read:

1-A. Fee of \$100. A fee of \$100 must be paid to the Secretary of State for the following:

- A. A certificate of title for a tiny home; or
- B. A certificate of title for manufactured housing.

Sec. 4. 29-A MRSA §651, sub-§7 is enacted to read:

7. Tiny homes. The Secretary of State shall issue certificates of title for new tiny homes beginning with model year 2020. The Secretary of State shall issue a certificate of title for a used tiny home of any model year that was previously issued a State of Maine certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669.

Sec. 5. 29-A MRSA §652, sub-§9-A is enacted to read:

9-A. Tiny homes. A tiny home that is:

- A. Sold before January 1, 2020; or
- B. Model year 2019 or older;

Sec. 6. 29-A MRSA §654, sub-§6 is enacted to read:

6. Tiny homes. The following provisions govern application for a certificate of title for a tiny home.

A. An application for a tiny home must be submitted to the Secretary of State by the retail seller. If the tiny home is purchased new out of state, the application must be submitted by the lien holder or the owner. The application must be accompanied by the manufacturer's certificate of origin.

B. An application for a used tiny home must be submitted by the retail seller. In the absence of a retail seller located in this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by any previous State of Maine certificate of title.

Sec. 7. 29-A MRSA §667, sub-§7, as enacted by PL 2005, c. 678, §9 and affected by §13, is amended to read:

7. Exemption. Certificates of title issued for manufactured housing and tiny homes are exempt from this section.

Sec. 8. 29-A MRSA §669, as enacted by PL 2005, c. 678, §10 and affected by §13, is amended to read:

§ 669. Cancellation of certificate of title to manufactured housing and tiny homes

1. Real property transactions. This section governs cancellation of a certificate of title to manufactured housing or a tiny home by the owner of the manufactured housing or tiny home when the manufactured housing or tiny home becomes affixed to real property owned by the owner of the manufactured housing or tiny home.

2. Cancellation. A certificate of title to manufactured housing or a tiny home may be cancelled by the Secretary of State if the owner of the real property records the following documents in the registry of deeds for the county in which the real property is located:

A. The original certificate of title to the manufactured housing or tiny home;

B. A description of the manufactured housing or tiny home, including model year, make, width, length and identification number, and a statement by any recorded lienholder on the certificate of title that the security interest has been released or that such security interest will be released upon cancellation of the certificate of title as set forth in this section;

C. The legal description of the real property; and

D. A sworn statement by the owner of the real property, as shown on the real property deed, that the owner of the real property is the owner of the manufactured housing or tiny home and that the manufactured housing or tiny home is permanently affixed to the real property in accordance with state law.

3. Recording. The register of deeds, upon receipt of the documents set forth in subsection 2, shall record the documents.

4. Request for cancellation. An owner of manufactured housing or a tiny home shall file a written request with the Secretary of State for cancellation of the certificate of title to the manufactured housing or tiny home after completion of the requirements in subsections 2 and 3 and by returning the recorded certificate of title. The Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing or tiny home requesting cancellation of the certificate of title, accompanied by the

certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.

5. Liens. For purposes of perfection, realization and foreclosure of security interests, if a certificate of title has been cancelled pursuant to this section, a separate security interest in the manufactured housing or tiny home does not exist, and the manufactured housing or tiny home may be secured only as part of the real property through a mortgage under Title 33.

6. Applicability. This section applies to manufactured housing or tiny homes required to be titled under section 651 and to any person who voluntarily elects to cancel a certificate of title to manufactured housing or a tiny home pursuant to this section.

7. Taxation not affected. Nothing in this section may be construed to affect the taxation of manufactured housing or tiny homes.

8. No change to common law. Nothing in this section may be construed to modify or change existing common law.

Sec. 9. 29-A MRSA §705, sub-§5, as enacted by PL 2009, c. 435, §13, is amended to read:

5. Manufactured housing or tiny home. This subsection governs satisfaction of a security interest in manufactured housing or a tiny home.

A. Upon satisfaction of a security interest in manufactured housing or a tiny home, the lienholder whose security interest is satisfied shall execute, within 60 days, a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The lienholder shall also within 60 days of satisfaction of its security interest notify the Secretary of State in the form the Secretary of State prescribes that the lien has been satisfied.

B. The owner and subordinate lienholder, if any, may each recover \$1,000 from a lienholder who fails to release the security interest and notify the Secretary of State that the lien has been satisfied within the 60-day time period under paragraph A.

Sec. 10. 29-A MRSA §708, as amended by PL 2013, c. 125, §4, is further amended to read:

§ 708. Manufactured housing or tiny home

This subchapter applies to perfection of security interests in manufactured housing or a tiny home that is not permanently affixed to real property that is owned by the owner of the manufactured housing or tiny home.

Sec. 11. 29-A MRSA §954, sub-§6, as enacted by PL 2019, c. 397, §15, is amended to read:

6. Trailer transit plate. A business that delivers or services mobile homes or tiny homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate

does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, tiny homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may be used only subject to the following conditions.

A. A storage trailer must be empty during transportation.

B. A light trailer may be transported with a load appropriate for the light trailer, as long as the load is owned by or in the custody of the transporting business.

C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

A person who violates this subsection commits a traffic infraction.

Sec. 12. 29-A MRSA §1902, sub-§4, as amended by PL 1999, c. 183, §5, is further amended to read:

4. Trucks; specific requirements. Special mobile equipment or a truck, truck tractor, tiny home, trailer or semitrailer must be equipped with adequate brakes acting on all wheels of all axles, except that the following need not meet this requirement:

A. A trailer or semitrailer not exceeding a gross weight of 3,000 pounds;

B. A vehicle towed by use of a wrecker;

C. A vehicle meeting braking requirements of the motor carrier safety regulations of the United States Department of Transportation;

D. A semitrailer with a gross weight of semitrailer and load not to exceed 12,000 pounds, designed and used exclusively:

(1) For the dispensing of cable from attached reels, commonly called a reel trailer; or

(2) To support the end of poles while being transported, commonly called a pole dolly; and

F. A dolly axle, so-called, on a farm truck transporting agricultural products and supplies.

A dolly axle may not be considered in determining the gross weight or axle limits permitted on the vehicle.

A 2-axle or 3-axle farm truck equipped with a dolly axle is considered a 2-axle or 3-axle vehicle.

Sec. 13. 29-A MRSA §1905, sub-§1, as amended by PL 2005, c. 314, §10, is further amended to read:

1. Requirement. Except as provided in subsection 3, a motor vehicle with 3 or more wheels or a tiny home, trailer or semitrailer must have on the rear 2 lights, one on each side of

the axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle.

Sec. 14. 29-A MRSA §1905-A, sub-§1, as enacted by PL 1995, c. 584, Pt. A, §2, is amended to read:

1. Requirement. Except as provided in subsection 3, a motor vehicle, tiny home, trailer or semitrailer must be equipped with electric flashing turn signal lamps. A motor vehicle must emit white or amber light from the turn signals to the front of the vehicle and a motor vehicle, trailer or semitrailer must emit amber or red light from the turn signals to the rear of the vehicle.

Sec. 15. 29-A MRSA §1905-B, sub-§1, as enacted by PL 2015, c. 176, §2, is amended to read:

1. Requirement. All factory-installed brake lights or equivalent replacements on a motor vehicle, tiny home, trailer or semitrailer must be present and operating properly and must emit a steady red light when a slight pressure is placed on the brake pedal, and the light emitted must be visible for a distance of at least 100 feet behind the vehicle. For purposes of this section, "steady red light" means a red light that is either immediately constant and not pulsating or that pulsates for a short period and then becomes constant.

Sec. 16. 29-A MRSA §1917, sub-§2, as amended by PL 2013, c. 30, §1, is further amended to read:

2. Safe tires required. A motor vehicle or tiny home may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle or tiny home is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 and the vehicle is in compliance with the frame height requirements provided in section 1920.

Sec. 17. 29-A MRSA §2061, sub-§1, as amended by PL 2015, c. 176, §4, is further amended to read:

1. Prohibition. A person commits a traffic infraction if that person occupies a camp trailer, mobile home, tiny home, semitrailer or trailer while it is being moved on a public way.

Sec. 18. 29-A MRSA §2385, sub-§4, as amended by PL 1999, c. 468, §4, is further amended to read:

4. Trailers and tiny homes. A trailer, tiny home or semitrailer that is wider than the vehicle towing it must be equipped with reflective material or a lamp on each front corner that is visible to oncoming traffic.

Sec. 19. 29-A MRSA §2389, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Limitation on drawn trailers and tiny homes. Only one tiny home, trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation

Assistance Act of 1982, Public Law 97-424, Section 411. "Driveaway" and "towaway" operations, as defined by the Secretary of State, may include a combination of saddlemount vehicles not to exceed 3 units in contact with the road.

Sec. 20. 29-A MRSA §2390, sub-§1, as amended by PL 2017, c. 165, §10 and c. 229, §34, is further amended by amending the first paragraph to read:

1. ~~Trucks~~ Tiny homes, trucks, trailers and recreational vehicles. The following maximum length limits apply to tiny homes, trucks, trailers and recreational vehicles and include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

A. A vehicle may not exceed 45 feet, except as provided in this section.

B. The maximum overall length of a combination of vehicles may not exceed 65 feet unless otherwise permitted by law.

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in structural length only if the distance between the center of the rearmost axle of the truck tractor and the center of the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The overall length of the combination of truck tractor and trailer or semitrailer in this paragraph may not exceed 69 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, including any rear overhang.

The interaxle distance and overall combination vehicle length maximum limits required by this paragraph do not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

D. The load on a combination vehicle transporting tree-length logs exclusively may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body and the total length of the vehicle and load does not exceed 74 feet.

E. A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if the trailer or semitrailer length does not exceed 48 feet.

F. A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length exceeds 28.5 feet. This vehicle combination may also operate on other highways designated by the Commissioner of Transportation.

G. A stinger-steered autotransporter may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 80 feet.

H. A combination vehicle designed for and transporting automobiles may be operated with an additional front overhang of not more than 4 feet and rear overhang of not more than 6 feet.

I. Drive-away saddlemount vehicle transporter combinations with an overall length not exceeding 97 feet may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor on a highway network if the following conditions are met.

(1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.

(2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.

(3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.

(4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(8) Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(9) Notwithstanding section 2380, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) For vehicles whose overall length exceeds 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

Nothing in this paragraph limits the authority of the department under Title 23, section 52 to adopt rules prohibiting or limiting access by semitrailers or other vehicles to a highway or portion of a highway or other segment of the transportation infrastructure in order to ensure public safety.

K. A tow-away transporter combination may be operated with an overall length not exceeding 82 feet on the interstate highway system and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the federal Fixing America's Surface Transportation Act, Public Law 114-94, Section 5523 (2016).

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment replaces the bill, which is a concept draft, and changes the title. The amendment also does the following.

1. It defines "tiny home."
2. It amends the use of temporary registration permit provisions to allow transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the relocation of a tiny home.
3. It provides that a temporary registration permit may not be issued for a vehicle that is otherwise subject to registration.
4. It establishes a \$100 fee for the certificate of title of a tiny home or manufactured housing.
5. It provides a process to apply for, issue and cancel certificates of title for tiny homes.
6. It requires that tiny homes be equipped with safe tires and meet the equipment requirements applicable to trailers.
7. It adds an emergency preamble and clause.

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**HP0725
LD 970**

Session - 129th Maine Legislature

**LR 522
Item 1**

**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 dwelling unit located within a detached single-family dwelling unit.

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 and establishment of policies that provide 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. Establish policies that provide for accessory dwelling units.

SUMMARY

This bill directs municipalities to develop policies in the comprehensive planning process that provide for accessory dwelling units, which are dwelling units located within a detached single-family dwelling unit.

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LD 1981

Passed On March 18, 2020

Background:

The passage of LD 1981 'An Act Regarding the Regulation of Tiny Homes' came about because the Secretary of State's Office thought the current statute should be updated to include the regulation of Tiny Homes (this page is referring to tiny homes on wheels only).

There was a lot of effort put forth between the Tiny Home industry and the Secretary of State's Office to come to an agreement on the following language for LD 1981.

Sec. 1. 29-A MRSA §101, sub-§80-C is enacted to read:

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

- A. Complies with American National Standards Institute (ANSI) standard A119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association (NFPA) standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
- B. Does not exceed 400 square feet in size;
- C. Does not exceed any dimension allowed for operation on a public way under this Title; and
- D. Is a vehicle without motive power.

You can view the full detail of LD 1981 [here](#) and read the testimonies given during the public hearing [here](#).

Moving forward:

Any Maine town can opt to allow placement of a Tiny Home on a piece of property as a primary residence or accessory dwelling by citing the definition of 'Tiny Home' in title 29-A. Maine, being a home rule state, gives towns the authority to allow Tiny Homes. If the town's interpretation of the use of a Tiny Home conflicts with the current zoning rules or land use regulations, then the rules can be updated to include Tiny Homes and their permitted uses.

The following guidance comes from the Office of the State Fire Marshal and the Office of the Attorney General as of Friday April 10, 2020.

The regulation of "tiny homes," as defined in 29-A, is to be the exclusive purview of the Secretary of State through the statutes of Title 29-A. As such, municipal **code enforcement officers do not play a role in inspecting "tiny homes."** It is safe to assume that any living space that is issued a tiny home title has been determined by the Secretary of State to meet the statutory definition of a tiny home and is the exclusive jurisdiction of the Secretary of State, **not subject to inspection by municipal code enforcement officers.**

To simplify, if a tiny home has a title from the Secretary of States Office it is **not under the jurisdiction of a local code official except for zoning.** The title is going to read tiny home and it would have to meet NFPA 1192 or ANSI A119.5 (recreational vehicle standards). This will be determined by the Secretary of State and will **not require an inspection by a local building official.** If the tiny home is built on site or **does not have a title issued by the Secretary of State** it would fall under typical building code jurisdiction.

Approaching your town:

In the past, municipalities struggled with fitting Tiny Homes into the existing building code inspection and compliance process. Now they don't have to (per the guidance above). Even though we do build our units to both RV standards and IRC Appendix Q building codes there isn't a process that exists to certify Tiny Homes for both.

The town of Chelsea, Maine made the following simple zoning update to allow Tiny Homes:

Tiny homes on wheels shall be classified as a recreational vehicle and shall meet all standards applicable to recreational vehicles. If the tiny home is occupied for more than 6 months, it shall be classified as a permanent dwelling and shall comply with the lot and frontage requirements applicable to a residential dwelling unit.

Your town can choose how they want to include Tiny Homes in their zoning rules, but you should not have to worry about building code enforcement for "state certified" Tiny Homes.

Financing Tiny Homes:

The State of Maine will issue a title for Tiny Homes that meet the definition in Title 29-A. Typically a title is a requirement from your bank to qualify for financing. You can ask for an RV loan for Tiny Homes.

Some banks and credit unions may be open to other types of financing. Here is a Tiny Home Title Sample.

We hope you found this information useful and we will continue to try to remove the barriers to make tiny living easier for you:)

IF YOU ARE AN INDIVIDUAL OR A MUNICIPALITY WANTING TO LEARN MORE OR HAVE ADDITIONAL QUESTIONS, PLEASE SCHEDULE A CALL USING THIS [LINK](#).

LD 1530

Passed On April, 19 2021

Background:

This bill establishes standards for municipalities to follow regarding tiny homes, which are structures no larger than 400 square feet constructed on a frame or chassis and designed for use as permanent living quarters. The bill allows municipalities to set rules for tiny homes that are less restrictive than state law, allows tiny homes on undeveloped and developed housing lots, allows municipal inspection of certain features of tiny homes and provides for tiny homes to be assessed for property tax purposes after 180 days in certain circumstances.

An Act To Allow People To Live in Tiny Homes as a Primary or Accessory Dwelling

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

Sec. 1. 30-A MRSA §4301, sub-§14-D is enacted to read:

14-D. Tiny home. "Tiny home" has the same meaning as in Title 29-A, section 101, subsection 80-C.

Sec. 2. 30-A MRSA §4363 is enacted to read:

§4363. Tiny homes

1. Tiny homes. Regulation of tiny homes is governed by this section. This section does not prohibit municipalities from establishing controls on tiny homes that are less restrictive than are permitted by this section.

2. Location of tiny homes. A municipality shall allow a tiny home to be placed or erected as a primary structure in a number of locations on an undeveloped house lot where a single-family dwelling is allowed or as a primary or accessory structure on property that already contains a structure. No more than one tiny home may be placed on a lot unless the combined square footage of multiple tiny homes does not exceed 400 square feet. A municipality may reduce the setback requirements for a tiny home from those required for a single-family home.

3. Municipal inspection. A tiny home may be placed on a property for 180 days without an inspection under this subsection. A tiny home may be used as a dwelling. A tiny home may be but is not required to be connected to a utility, including an electric service, a water service or, if the tiny home is connected to water service, a wastewater sewer or septic system of an adjoining structure. A municipality may inspect the following for a tiny home:

A. That the tiny home meets the requirements of Title 29-A, section 101, subsection 80-C;

B. That the tiny home is placed on a stable surface, ground or footing;

C. Any utility connection to the tiny home; and

D. If a tiny home is connected to a water service, all rules and requirements relating to wastewater.

4. Municipal design criteria. A municipality may establish design criteria for tiny homes, including a pitched, shingled roof and exterior siding or other exterior features that are residential in appearance, unless:

A. The criteria have the effect of circumventing the purposes of this section; and

B. The criteria are used to prevent the relocation of a tiny home that is legally sited as of January 1, 2021.

5. Property tax. A municipality may assess for and collect the tax under Title 36, Part 2 for a tiny home that is:

A. Affixed to the property, including by way of a utility connection;

B. In a state of completeness or permanency; and

C. Located on the property for more than 180 days.

If a tiny home has been removed from a property, it is the responsibility of the property owner to inform the municipality for purposes of reassessment of the tax under this subsection.

Codes and Zoning

This page is a resource for navigating codes and zoning as it pertains to Tiny Homes in the State of Maine.

There are 3 categories for Tiny Homes (all under 400 square feet).

We are only building Tiny Homes on Wheels at this time.

- Site built Tiny Homes - typical stick built home constructed on site which follow existing regulations for building inspections, permits and zoning rules.
- Tiny Homes not on wheels - a completed tiny home built off site and transported to the site to be installed permanently. Typically these structures have to follow the same rules as above if it's being used as a habitable space. Currently most towns will not accept tiny homes built and inspected in other towns, but we are working on this so stay tuned:)
- **Tiny Homes on wheels** - (aka THOWs or Moveable Tiny Home) LD1981 was passed on 3/18/2020 which defines a "state certified" Tiny Home (on wheels) as a vehicle that needs to follow either RV or Park Model RV standards. Typical building inspection and permits do not apply here.
- State certified THOWs should not be an issue with building codes, but there are still hurdles with local zoning ordinances.
- All Maine towns are required to follow the Maine Uniform Building and Energy Code (MUBEC) for habitable dwellings. In January 2018 the state adopted the IRC Appendix Q for site built Tiny Homes. More info found on the [State's website](#). The Tiny Home appendix is Chapter 5 page 7. This only applies to permanent Tiny Homes.
- Maine is a Home Rule state meaning each municipality has local authority to allow THOWs if they want to.
- We have been advocating for all Tiny Homes since 2015. We've met with several state building officials, local municipalities and land use attorneys to help towns establish a process for tiny homes. As of 4/2/2020

only Chelsea, Maine has updated their ordinance to allow THOWs.

- Our THOWs typically come with Nature's Head composting toilets (no water used) which are allowed, but the grey water from your sinks and showers have to go somewhere. If you have a pressurized water system (aka running water) you'll need to connect to public or private sewer. There is the option for holding tanks, but you'd have to get them filled and emptied frequently for full time living.
- Maine does have rules for draining grey water into the ground, but they are old and conflict with state plumbing codes. Subsurface Waste Water Rules.
- Now that there is a definition of 'Tiny Home' in Title 29A of Maine Law it should be easier for towns to update their zoning ordinances to allow them. ASK YOUR TOWN TO DO THIS!
- If you are speaking with someone at your town office that is not knowledgeable about THOWs you can have them contact us for answers:)
- Per LD1981 state certified THOWs are issued a state certificate of title which is needed for financial institutions. If you are looking to finance the purchase of a THOW, ask your bank or credit union about an RV loan for our Tiny Homes.

Houlton, ME 04730

(207)-619-4108

Open by appointment only

DRAFT Home Occupation Regulations Code Amendment

(New) Section 13-207 Conditional Uses

1. Before authorizing any conditional use, the Planning Board shall make written findings that the proposed use is in compliance with the specific requirements governing individual conditional use, and the applicant has demonstrated that the proposed use meets the following standards:
 - A. The proposed use will not result in significant hazards or adverse impacts to pedestrian or vehicular traffic, on-site or off-site.
 - B. The proposed use will not create or increase any fire hazard.
 - C. The proposed use will provide adequate off-street parking and loading areas.
 - D. The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
 - E. The proposed use will not create unhealthy conditions because of smoke, dust or other airborne contaminants.
 - F. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
 - G. The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
 - H.
 - I. The proposed use will be compatible with existing uses in the neighborhood, with respect to hours of operation.
 - J. Special screening or buffering will be provided as necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
 - K. The proposed use will comply with applicable grading, drainage and other development standards.
2. Upon review of the above standards, the Planning Board shall outline any specific conditions of approval that are to be imposed and utilized by an applicant to comply with the above standards. Such list of conditions shall be attached to any permits associated with the applicant's proposed use or operations.

Section 13-500 Shoreland Zoning Definitions

Section 13-900 Definitions

Home Occupation: An occupation or profession that is conducted for financial gain on a dwelling site or in the associated dwelling unit by a member of the family residing in the unit, and which is clearly incidental to and compatible with the primarily residential use of the property and surrounding residential uses. A home occupation shall not be construed to mean an employee working in his/her home in the service of an employer, whose principal place of business is licensed at another location.

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(Rewritten as follows) Section 13-700.13 - Home Occupations.

1. *Purpose.* The purposes of this section are to:
 - A. Provide an opportunity for Home Occupations to be conducted as an accessory Use, when they are compatible with the neighborhoods in which they are located.
 - B. Provide an opportunity for a Home Occupation to engage in the business of day care and other group activities and encourage this type of Home Occupation to draw clients/customers from their immediate neighborhood.
 - C. Guide certain business activities that are not compatible with neighborhoods to other, more appropriate commercial zones.
 - D. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - E. Provide a means to regulate and enforce Home Occupations.
2. *Scope.* All Home Occupations must adhere to the standards and qualifications listed in this section and those imposed under the authority of the Planning Board in accordance with this ordinance.
3. *Categories of Home Occupation Licenses.* Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category I, Permitted Home Occupation requires review and approval by the Code Enforcement Officer. A Category II, Conditional Use Home Occupation requires review and approval by the Planning Board.
4. *Permit Required.* All home occupations shall obtain annually a Home Occupation Permit from the Code Enforcement Officer.
5. *Home Occupation Standards.* All Home Occupations shall comply with the following standards at all times:
 - A. *Bona Fide Resident.* The Home Occupation business shall be owned and operated solely by a bona fide resident of the home. If the applicant for a Home Occupation license rents or leases the property wherein the Home Occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner as an attachment to the application for a Home Occupation permit.
 - B. *Accessory Use on the Property.*
 1. For residential purposes, the Home Occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
 2. The Home Occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure.
 3. The Home Occupation applicant must designate the portion of the home, accessory structure, or attached or detached garage to be used as the location for business activities.
 4. The Home Occupation shall not involve the use of any open and publicly visible yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or

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accessory structures as allowed herein. Any screened area or structure used for the Home Occupation must be in either the side or rear yard areas.

C. Employees. No more than one full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the Home Occupation business is located.

D. Business Vehicles and Parking

1. All business-related vehicles that park at the location of the Home Occupation must use off-street parking. This provision excludes stops made by delivery vehicles. Customers or Clients may utilize on-street parking along the home frontage in accordance with street parking standards.

2. Business Vehicles exceeding a GVW of 8,000 lbs, trailers, and related equipment must be stored to the side or rear of the home.

3. No parking is permitted on landscaped areas of the property.

F. Signage. A single sign is permitted, provided such sign is non-illuminated and does not exceed two square feet.

G. Conformity with Health and Safety Codes. The Home Occupation shall conform with all fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.

H. Neighborhood Disruptions Not Permitted. The Home Occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The Home Occupation shall not create, be associated with, or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.

I. State Licenses. Any business required to be licensed by the State of Maine, including but not limited to caregivers, day care facilities, food preparation services, etc. must provide the City with proof of current licensure through the appropriate State agency.

6. Category I Qualifications. In addition to the standards previously set forth above, all Category I Home Occupation businesses must also comply with the qualifications outlined below. If a business cannot fully comply with all of the Category I Qualifications set forth below, the applicant may pursue approval as a Category II Home Occupation through the conditional use permit process (section 7 below).

A. Hours. No visitors in conjunction with the Home Occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

B. Traffic. Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood.

1. The Home Occupation shall be limited to no more than two business-related visitors or customers per hour, and a maximum of eight business-related visitors or customers per day. Business-related deliveries or pickups shall not exceed two per day.

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Commented [DB17]: This contradicts what is stated previously about no yard space.

Commented [DB18]: Missing section "C"

Commented [DB19]: This is not consistent with previous wording, where it has been specified as residents only. I think we should consider keeping the current restriction of residents/family members only, unless there is a compelling reason to expand the criteria

Commented [DM20R19]: This raises two questions:
1) How important is facilitating the incubation of businesses?

[5]

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2. Child day care and other child group activities shall not exceed sixteen (16) customer drop-offs/pick-ups per day.
 3. The receipt or delivery of merchandise, goods, or supplies for use in a Home Occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.
- C. Maximum Floor Space. No more than 50 percent of the dwelling unit shall be utilized for the Home Occupation. No businesses can operate outside of the primary residential structure, unless otherwise approved by the Planning Board for outside activities.
- D. Child Day Care and Other Child Group Activities. Conduct of Child Day Care and Other Child Group Activities (e.g., dance schools, preschool, music classes, etc.) shall not exceed eight children at any one time. A maximum of twelve students/children are permitted per day in accordance with State of Maine licensing requirements.
- E. Elderly Day Care. Conduct of Elderly Day Care businesses shall not exceed the care of two elderly persons that are 60 years of age or older for more than 12 hours per day. Any Elderly Day Care that exceeds two individuals 60 years of age or older, or more than 12 hours per day of operation is considered a Category II Home Occupation, which shall be reviewed and approved by the Planning Board.
7. Category II, Conditional Use Permit Required. If a Home Occupation is able to comply with all of the standards in section 5 above but is unable to comply with all of the Category I qualifications established in section 6, the proposed business activities must be reviewed by the Planning Board and granted a conditional use permit before pursuing a Home Occupation Permit. In addition, any application proposing two or more Home Occupation licenses, and associated with the same dwelling unit, shall be reviewed by the Planning Board, to ensure that the cumulative impacts of the proposed Home Occupations comply with city ordinances. The following standards or business types shall be reviewed by the Planning Board for approval.
- A. General. In addition to any conditions established by the Planning Board at the time of its review, all Category II Home Occupations must comply with the following:
1. All Category II Home Occupation uses shall be conducted only from property with a single-family dwelling.
 2. Proposed uses may be determined to be appropriate as Home Occupations only if they are judged to be compatible with residential neighborhoods by the Planning Board conditional use review.
 3. A maximum of 12 business-related visitors per day may be allowed, except as provided for in section B. "Child Day Care" and C. "Other Group Child Activities."
- B. Child Day Care. The following items indicate maximum limits that may be granted by the Planning Board when a child day care is expected to exceed eight children per day:
1. A maximum of 16 children is permitted at any one time.
 2. A maximum of 18 children is permitted per day.

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Deleted: the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the home unit, shall be utilized for the home occup... [9]

Commented [DB23]: This criteria is unclear and should be reworded. Don't we have other rules that limit customers to the main level? What if the business uses both some living area and some basement area? Is this intended to replace the 50% total floor area of the principle dwelling structure?

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Moved (insertion) [1]

Commented [DB24]: "at any one time" and "per day" are different. Current wording would limit business to conduct just one ½ hour dance lesson with 8 students per day.

Commented [DM25R24]: True, as a Category I Home Occ, that the CEO can approve. If they want more then they need Planning Board approval as Category II. If each child came in a different care, there could be traffic concerns to be addressed.

Deleted: associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.)

Moved up [1]: (e.g., dance schools, preschool, music classes, etc.)

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Deleted: This number shall include the licensee's own children, if they are under six years of age and are ... [10]

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3. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the Home Occupation is conducted.

4. A maximum of 24 vehicular stops per day for child drop-off or pick-up is permitted.

C. *Child Group Activities.* The following provisions indicate a maximum limit that may be granted by the Planning Board for other child group activities that are expected to generate or exceed eight children/students (e.g., dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care:

1. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted, so long as

a. A Traffic Plan that has been reviewed and approved by the Code Enforcement Officer, which includes acceptable traffic flow, drop-off, and turn-around areas.

b. A maximum of four sessions per day may be permitted.

c. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the Home Occupation is conducted.

d. No child group activities falling under a Category II Home Occupation may be established within 300 feet of another group child activity, Category II Home Occupation use, as measured from property line to property line.

D. *Business Not Conducted Within a Home.* For any Home Occupation that proposes or conducts business activities within an outbuilding, accessory building, attached or detached garage, the following guidelines shall be used to determine the maximum impacts permitted:

1. No more than a maximum of 200 square feet, or, in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a Home Occupation, unless there are specific exceptions granted by the Planning Board based on proximity of the structure to neighboring dwellings, size of the property, and overall anticipated impacts of the use.

E. *Dangerous Home Occupations.* Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals beyond reasonable household quantities.

Prohibited Home Occupations. The following uses, by nature of the occupation, substantially impair the use and value of residentially-zoned areas for residential purposes and are, therefore, prohibited:

A. Mortuary, crematorium, columbarium, or mausoleum.

B. Animal hospital or veterinary service, except in the R-3 zone with a Category II, Home Occupation permit.

C. Clinic, dental office, medical office, chiropractic office, or hospital, except in the R-3 zone with a Category II Home Occupation permit.

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Commented [DB28]: How are we going to monitor and enforce these restrictions?

Commented [DM29R28]: Generally these uses self-police or neighbor police. If someone has to get a Cat II approval and all the surrounding neighbors were noticed of the public hearing, there will be heightened scrutiny occurring.

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Deleted: c. All sessions combined shall not generate more than 24 vehicular stops per day, f) d

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Commented [DB32]: I understand the rationale here, but there's a question of fairness. It doesn't quite sit right ... [16]

Commented [DM33R32]: You raise a valid concern ... [17]

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Commented [DB34]: Currently it's 100% of access ... [19]

Commented [DM35R34]: How big can an accessory structure be ... [20]

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Commented [DM37]: DB: Make all use of explosives ... [22]

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- D. Junkyard, auto wrecking yard, or salvage yard within the urban compact area. Any junkyard, auto wrecking yard, or salvage yard outside of the urban compact area must comply with separate local and state licensing procedures.
- E. Stable, kennel, pet store, or any other commercial animal breeding business or similar activity, except in the R-3 zone with a Category II Home Occupation permit.
- F. Storage, service, repair, or sales of ambulances, tow trucks, recreational vehicles, watercraft, automobiles, ATVs, or other motorized vehicles within the urban compact area. Home Occupations desiring to conduct these types of activities in the R-3 zone may be permitted subject to full Site Plan review by the Planning Board and must be at least 300 feet from any neighboring dwelling.
- H. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an operational permit. Home occupations wherein the number of vehicular stops or visits exceeds 24 per day.
- J. Bed and breakfast facilities. (regulated under separate rules – see Section 13-700)

Commented [DB38]: Not even in R-3?

Commented [DM39R38]: Junkyard, auto wrecking yard, or salvage yards are permitted in the R-3 as a primary use of a property. Not allowing them as a home occupation doesn't preclude their existence in the R-3, it just reduces the potential of having one pop up next to neighbor in a more residential area of the R-3. This strikes more at the urban center of the city.

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Commented [DB40]: Not even in R-3?

Commented [DM41R40]: Again, this use is permitted in the R-3 as a primary use of a property. Just reduces impacts in more residential area of the R-3. Recall the VanBuren Road problems?

Deleted: G. Auto body repair or motor vehicle repair. ¶

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Commented [DB44]: See previous comment on 24 vs 48 stops

Commented [DM45R44]: See above response.

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SECTION 3. FEES

A. Fees.

1. A licensing fee must be submitted with each application for a license, as directed by the Department.
2. Fees for licensing are non-refundable.
3. Fees for license application and renewal will be established based on an analysis of the Department's costs for issuing the license. Fees will not exceed the cost of issuing licenses.
4. Failure to submit a timely renewal application will result in the expiration of the license.

B. Fees for facilities serving 3-12 Children.

1. The application fee for a provisional or a temporary license is \$120.00.
2. The application fee for a full license or its biennial renewal is \$240.00.

C. Fees for facilities serving 13 or more Children.

1. The application fee for a provisional or a temporary license is \$120.00.
2. The application fee for a full license or its biennial renewal is \$240.00.

D. Fee for Nursery Schools The application fee for a provisional, temporary, renewal, or full license for a Nursery School is \$10.00.

SECTION 7. STAFF-CHILD RATIOS, SUPERVISION, AND QUALIFICATIONS

A. Children under six weeks of age. No Child under six weeks of age, as verified by a birth certificate or immunization record may be cared for in a Child Care Facility.

B. Limitations on capacity.

1. Children of Child Care Staff Members must be counted in the appropriate age groups and in determining staff-child ratios and capacity when in care at the Child Care Facility.
2. The number of Children allowed may be restricted by the Department when any of the following circumstances are present:
 - a. Space is limited or unusually configured;
 - b. A Child Care Staff Member has physical limitations that would impact the Child Care Staff Member's ability to safely care for, supervise or respond to the needs of Children in care.

C. Staff-Child ratios.

1. The number of Children present must not exceed licensed capacity.
2. The maximum number of Children to be assigned per adult, excluding Staff Members with primary responsibility for clerical, cooking, and maintenance functions must be as follows:

a. Ratio requirements for Small Facilities serving 3-12 Children:

CHILD AGES	CHILD CARE STAFF MEMBER-CHILD RATIO		
6 weeks - 2 years	1:4	2:8	3:12
2 years - 5 years	1:8	2:12	Not applicable
Over 5 years	1:12	Not applicable	Not applicable
Mixed ages	1 Staff: 3 Children under 2 years + 3 Children 2 - 5 years + 2 Children over 5 years, or 8 Children 2 - 5 years + 2 Children over 5 years.	2 Staff: 6 Children under 2 years + 6 Children over 2 years.	3 Staff: 12 Children (No more than 9 Children may be under 2 years).

b. Ratio requirements for Facilities serving 13 or more Children:

AGE	CHILD CARE STAFF MEMBER- CHILD RATIO	MAXIMUM GROUP SIZE
6 weeks - 1 year	1:4	8
1 year - 2 ½ years	1:4 1:5	12 10
2 ½ years - 3 ½ years	1:7	21
3 years - Under 5 years	1:8 1:10	24 20
5 years (School age) - 12 years	1:13	n/a

c. Ratio requirements for Nursery School programs.

MAXIMUM GROUP SIZE	CHILD CARE STAFF MEMBER-CHILD RATIO
30	1:12

3. In Child care programs serving 13 or more Children:

- a. A single Child Care Staff Member may provide care in one classroom within the building for six or fewer Children, regardless of age, for a period of time not to exceed one hour at the beginning and end of the posted hours of operation.
- b. At least two Child Care Staff Members must be present in the Child Care Facility whenever seven or more Children, regardless of age, are present.
- c. The group size and the number of required Child Care Staff Members must be determined based on the age of the youngest Child, when there is a combination of ages within a group.
- d. Older Children may fill younger Children's spaces, but younger Children may not fill older Children's spaces.
- e. Special events occurring at the Facility location must provide supervision in accordance with this rule. A Child attending a special event in the care of a parent or legal guardian will not be included in staff-Child ratios. Special events occurring outside of typical hours and days of operation are not subject to this rule.

D. Supervision.

1. Children must be supervised at all times.
 - a. In Child Care Facilities serving 3-12 Children, Child Care Staff Members must have knowledge of the activity and whereabouts of each Child in care.
 - i. Child Care Staff Members must be able to see or hear all Children at all times and be able to provide prompt intervention when needed.
 - ii. Child Care Staff Members must be physically present outside when Children under the age of eight outdoors.

The Caribou Waterworks was first established in 1889 as The Caribou Water Company, and in 1903 reformed as the Caribou, Water, Light and Power Company. In 1943 the power generation assets were sold to Maine Public Service Company and the Waterworks was acquired by General Waterworks Corporation of Philadelphia, Pa. In 1989 the Caribou Utilities District (CUD) purchased the Caribou Waterworks Corporation, adding a water treatment and distribution system to the District.

Water Systems

A new groundwater source and treatment plant was completed in 2006 to replace the old filter plant built in 1941 whose source was the Aroostook River. The new facility provides higher quality water which complies with more stringent water quality standards. The District now produces drinking water from two gravel wells on the River Road in Caribou. Chemicals used in the treatment process include sodium hypochlorite for disinfection, fluoride for dental health and ortho-phosphate for corrosion control.

The water supply and distribution system include over 32 miles of water mains, serves over 1,600 customers and provides fire protection service through 150 hydrants. The District typically produces around 182 million gallons of water annually, or about 500,000 gallons per day. The system also maintains over 1.5 million gallons in 4 storage tanks. This storage allows the water system to meet peak demand periods and maintain an adequate supply during firefighting events. The wells and treatment plant are capable of providing over 1.5 million gallons per day if required. As the facilities currently meet demand, including additional capacity, no major expansions are planned.

Wastewater Systems

The Caribou Utilities District (CUD) was organized in 1945 to take over the assets of the Caribou Sewer Company (1905) and to manage wastewater functions for the City of Caribou. In 1960, a primary treatment plant was constructed at 176 Limestone Street to treat wastewater prior to discharge to the Aroostook River. Significant industrial loadings were added to the CUD facilities from local potato processing plants. In order to provide an improved effluent quality, The Charles D. Hatch Treatment Facility was constructed in 1983 near Grimes Mill on the Aroostook River, 2.5 miles downriver from the primary plant. Three aerated lagoons totaling 40 million gallons were constructed along with disinfection facilities. Periodic improvements have been added to improve treatment and effluent water quality. The treatment plant typically handles about 600,000 gallons per day but can accommodate over 5 million gallons per day at peak capacity. The plant is designed for more treatment capacity than currently used.

The District serves over 1,800 customers and maintains over 35 miles of sewer collection pipes and over 700 manholes. Two main pumping stations and 11 smaller lift stations are part of the collection and transport system. No significant sewer extensions are planned. All significant facility expansions for water or wastewater will be done in conformance with the Comprehensive Plan. As the facilities are currently adequate, including additional treatment capacity, no major expansions are planned.

Fire/Ambulance Service- Caribou Fire and Ambulance Department (CFAD) provides fire suppression services to the City of Caribou as well as the communities of Woodland, Connor Township, New Sweden and provides ambulance service to these communities as well as Stockholm, Madawaska Lake, Caswell, Limestone and Westmanland. The CFAD is a 15 member department with a full time working chief. The department also consists of one administrative assistant. The City should focus on adding part time staff as contracts increase to maintain positive cash flow and move the CFAD towards a net revenue generating department with sufficient revenue to reduce taxation by the end of the planning period. Continued growth in this area is possible and critical for the future of the community.