



## City of Caribou, Maine

### AGENDA Caribou Planning Board Regular Meeting Thursday March 10, 2022, at 5:30 p.m.

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

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 Thursday, March 10, 2022, will be read during the meeting. Send comments to CEO Ken Murchison at [kmurchison@cariboumaine.org](mailto:kmurchison@cariboumaine.org) or call 493-5967.

- I. Call Meeting to Order, Determine Quorum
- II. Public Hearings
- III. Approval of minutes
  - a. Approval of Minutes of the February 17, 2022, Planning Board Meeting (2- 6)
- IV. New Business
  - a. Review of Section 13-700.13 - Home Occupations (7- 14)
  - b. LD 2003 *An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions* (15- 20)
  - c. Tiny Houses – Code and Land Use Standards (21- 24)
  - d. Short Term Rentals (25- 30)
- V. Old Business
  - a. Continue Planning Board discussion on Broadband (31)
  - b. Designate Riverfront Development District, address Land Use Table (32 and Attached)
- VI. Staff Report
  - a. Dangerous Buildings
  - b. Caribou Trailer Park Closure
  - c. Tax Acquired Properties
  - d. Landbank Legislation (33-41)
- VII. Adjournment



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www.cariboumaine.org*

### **Caribou Planning Board Meeting Minutes Thursday, February 17, 2022 @ 5:30 pm City Council Chambers**

**Members Present:** Dan Bagley, Christine Solman, Amanda Jandreau, Dave Corriveau, Frank McElwain, Eric Hitchcock and Steve Wentworth

**Other in Attendance:** Ken Murchison – CEO; Denise Lausier – Executive Assistant to City Manager; John Morrill – Councilor Liaison; Hugh Kirkpatrick – CUD General Manager; Penny Thompson – City Manager and Aroostook Republican

**I. Call Meeting to Order; Determine a Quorum** – Chairman Bagley called the meeting to order at 5:30 pm. A quorum was present.

**II. Public Hearings** – None.

**III. Approval of Minutes** –

**a. Approval of Minutes of the January 13, 2022 Planning Board Meeting** –

Frank McElwain moved to approve the minutes of the January 13, 2022 Planning Board meeting; seconded by Dave Corriveau.

Roll Call Vote:

Steve Wentworth – Yes; Frank McElwain – Yes; Amanda Jandreau – Yes; Christine Solman – Yes; Dave Corriveau – Yes; Eric Hitchcock – Yes.

Motion carried with all in favor.

**IV. New Business** –

**a. Planning Board Discussion on Broadband** – CEO Murchison gave an introduction. Broadband is trending across the U.S. especially in rural areas. This is an initiative to tackle this problem. Various solutions across the state. Municipally owned and private sectors vamping up across the state. CEO Murchison included studies in the packet and examples of towns across the U.S., the Caribou Utilities District Broadband overview for local initiative and the CUD Charter amendment.

Chairman Bagley put together a power point to share for discussion purposes. Chairman Bagley stated that it would be beneficial to Caribou, it would spur economic development and would bring businesses to town. Caribou has entertained proposals for fiber to premises Broadband expansion. There is significant grant money available but only for unserved or underserved communities. There would still be a cost share of the City if they received grant funding. Chairman Bagley shared some mapping by Sewall for Broadband in Caribou as well as a survey. Different studies have been looked at. Chairman Bagley reviewed the Highlights of USIgnite Study. There is a range of City involvement from nothing to everything. He shared different business model options. Need to have a detailed cost analysis, need to be flexible about what the conditions are. Challenges and lessons were reviewed. Benchmark cost estimates. Built out costs were looked at. Potentially a long payback period.

Proposals submitted to date were from Spectrum and Consolidated Communications which are closest to model #5. Mostly private, but the City would provide some infrastructure. Would service about 300 homes not being served by Spectrum. Consolidated Communications, another closest to model #5. Proposing buildout new fiber infrastructure to every business and household. Pioneer related to the Business Investment Group's study. 100% fiber to the premises builds out new fiber infrastructure to every business and household. 100% funded by the City and is closest to model #2. Opportunity for significant revenues. Moderate risk and moderate involvement. Fiber everywhere gives opportunity to upgrade to 10 GB.

Hugh Kirkpatrick stated that Pioneer has bundling options for cable and phone as well.

Spectrum and Consolidated Communications will not operate on anything the City would build, will not operate on a network. Pioneer needs to have robust ISP to partner with.

Caribou Utilities District is proposing to own and operate the new fiber infrastructure. CUD General Manager Hugh Kirkpatrick stated they would be leasing space on 3800 poles throughout the City built into their operating costs.

Chairman Bagley gave an overview on the CUD proposal and what that looks like. They operate completely separate from the City. There are many options and considerations for establishing, owning and operating a municipal broadband infrastructure. Many business models to choose from.

Chairman Bagley recommends a broadband committee to oversee studies, review proposals/contracts, conduct planning and advise Council throughout the entire process.

Dave Corriveau questions not being qualified for grant funding for only unserved or underserved. At least 40% of Caribou is unserved or underserved. Councilor Liaison John Morrill said there is a State standard out there that defines unserved or underserved communities.

Dave Corriveau prefers the open concept model. Chairman Bagley asked the Planning Board what would be most beneficial to the City. Dave Corriveau stated it needs to benefit everyone, every taxpayer.

Amanda Jandreau questioned if there are any towns that Pioneer has installed fiber for. Hugh Kirkpatrick answered Houlton and parts of Presque Isle. Chairman Bagley said up on the Base as well.

Steve Wentworth commented that he has been listening to Senator King and Governor Mills and the aggressive goal is that the State of Maine will have Broadband service to all residents. There are not enough technicians to install the lines at this point. Mr. Wentworth questioned that if the State is coming with new offerings supporting expanding the growth of Broadband, are we premature in this? Should we wait to see what the State decides? Are there alternative technologies to provide remote homes internet service, satellite perhaps? Rapid technology changes, how long will we need Broadband service in the future if it is possible if parallel technology has been developed. Mr. Wentworth questions dish and satellites instead of installing infrastructure. Mr. Wentworth said he is thinking about how land lines have disappeared with cellphones. Are there other ways to bring in high speed internet?

Dave Corriveau replied that there are services, but very expensive. Steve Wentworth said many are satisfied with internet service now and there are very few outside in the rural area that would need to be serviced.

Eric Hitchcock has a concern with the reliability of services that are limited to speed and gigabytes per month.

Steve Wentworth commented that prices drop as things are developed and applied. Mr. Wentworth asked does it need to include the entire residential parts of Caribou, or only perhaps the rural parts of Caribou?

Amanda Jandreau commented that a lot of people are working from home. If there is no internet, they cannot work. Most important is reliable internet to work from home. Remote schooling as well needs reliable internet.

Frank McElwain stated that we need a robust internet service for all. Everyone should have access. Internet needs to be for all, needs to be robust, whatever plan or resource we have. Mr. McElwain supports watching what the State is doing on this as well.

Dave Corriveau commented that he believes waiting may not be the best option.

Chairman Bagley stated that the Board should send recommendations as we go forward as a community to the City Council.

Councilor Liaison John Morrill said it is redundant to send recommendations to the City Council before packages are presented. There is a lot that goes into building a broadband internet. There is a Council workshop coming up and the Planning Board is invited to attend to discuss. Everyone needs internet, it's a great thing. Need to look at what is the best value as a whole, if any internet providers expand, will help economic development. This is going to take time, waiting for information. It's a big deal.

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CEO Murchison asked if the Planning Board has a defined role they want to take.

Christine Solman said this is advocating for the community. For the Comprehensive Plan, could have that included for education and to spread the word. This has been beneficial.

Chairman Bagley envisions the Planning Board's role is to give the City Council another set of eyes and ears and to send a recommendation to the City Council.

Chairman Bagley went over some recommendations to go to the City Council. Carefully consider pros & cons of each proposal. Consider reinstituting a Broadband Committee to oversee studies, review proposals/contracts, etc. if a City owned capability is chosen.

Hugh Kirkpatrick stated that the Business Investment Group (BIG) picked up pieces from the Broadband Coalition and started over. There are benefits of lessons learned from Calais and Baileyville.

Frank McElwain stated that unmet needs for remote learning would be available at the school department.

The Board reviewed recommendations to forward to the City Council. Chairman Bagley stated that if the Planning Board could be of any service to the City Council, the Board is available.

The Council Workshop on Broadband is next Tuesday, February 22<sup>nd</sup> at 6:00 pm.

Steve Wentworth commented that this can stimulate new growth and development.

**a. Continued Discussion on Economic Development –**

CEO Murchison said some basics for Economic Development was put together and reviewed.

What does the Planning Board want their role to be in economic development. Workshops, committee?

Dave Corriveau said he would like to see the Planning Board supply the City Council with finer points of focusing on economic development. Consider in the budget to have an economic development person as a paid position. Would entail some grant writing.

Councilor Liaison John Morrill stated that the City Council recognizes this and is working on this to create. The City Council realizes it is a weak point, budgetary constraints in the past are no longer. The City is lacking specifically in grant writing. The City Council will be answering this question quite soon. A multi-functional type position. The City Council has had very vivid discussion.

Chairman Bagley commented that multi-functional loading gets distorted. Eric Hitchcock agreed. Too many things with the one position, things don't get the attention they need.

CEO Murchison shared on grants and said that the City does do work on economic development.

- Façade Improvement Grants – signage, siding, paint, windows, entrance doors.
- TIF Program – Caribou has one of the largest TIF Districts in Northern Maine.
- Business Assistance
- BIG, NMDC, CEGC

Chairman Bagley and Planning Board member Dave Corriveau will work on a package to send to the City Council on economic development with some recommendations.

**b. Discussion on Maine Marijuana Statutes and Rules –** CEO Murchison stated that there is interest regarding retail store medical marijuana type applications. The City has not opted into Maine law. Non-profit dispensaries are allowed and grow facilities for the dispensaries are allowed. Retail stores are prohibited. Caribou does not have an ordinance to regulate the industry if the City Council decides to opt into the State law. Cannot regulate medical marijuana caregivers. CEO Murchison wants the Planning Board to be prepared. A moratorium can be put in place if needed to give the Planning Board time to draft an ordinance if the City Council opts into State law. CEO Murchison gave models to the Planning Board of other town's ordinances.

Chairman Bagley commented that they had reached a consensus to not have this in the City.

**b. Discussion, Designate Riverfront Development District, Address Land Use Table and Zoning –** CEO Murchison stated there was a letter from the Riverfront Renaissance Committee, asking the Planning Board to work on a development district as an overlay district. Use existing zoning, overlay would allow to apply further benefit or restrictions. There is the Shoreland Zone and flood plain. The steam plant, diesel plant, old power plant complex, will be eventually torn down. Creating a unique land use table for this district. Let people know something is happening here.

Amanda Jandreau questioned if the Committee entertained reaching out to any planners or other communities who have done riverfront redevelopment. CEO Murchison commented that a consultant would be good to create a master plan and that he would like to see the Council and Committees work together.

V. **Old Business – None.**

VI. **Staff Report – CEO Ken Murchison –**

a. **Dangerous Buildings** – 37 Home Farm Road was declared a dangerous building in 2021. Owner has received notice to move items out of the house. The Caribou Trailer Park has six tenants left, two have abandoned trailers and moved out. Two tenants were notified late. Four people left and two are receiving assistance from the Caribou Housing Authority to find a place to live.

**West Gate Villa** – there are six trailers left, each will be declared dangerous buildings. The City does not have to retain ownership and can bill the owners for cost of cleaning up.

**Tahoe Gaming LLC** – letter unopened and undeliverable.

**Tax Acquired Properties** – there are a few that could be demoed.

b. **Article in the Aroostook Republican About the Ongoing Limestone Street Kacie's Campground Project and Riverfront Renaissance** – thank you to Melissa at the Aroostook Republican for the nice article about the City's campground ordinance, Troy Haney's project and on riverfront redevelopment.

CEO Murchison stated that they need to be thinking about a solar array ordinance. There are two proposed for this spring, one in the C-1 zone in the business district. Buffers and setbacks need to be addressed in an ordinance.

Chairman Bagley brought up the need to change the land use table for campgrounds in the R-2 zone. Also to look at tiny homes and short term rentals.

VII. **Adjournment** – Amanda Jandreau moved to adjourn the meeting at 7:39 pm; seconded by Frank McElwain.

Roll Call Vote:

Steve Wentworth – Yes; Frank McElwain – Yes; Amanda Jandreau – Yes; Christine Solman – Yes; Dave Corriveau – Yes; Eric Hitchcock – Yes.

Motion carried with all in favor.

Respectfully Submitted,

Amanda Jandreau  
Planning Board Secretary

AJ/dl

**CARIBOU ADMINISTRATION  
25 HIGH STREET  
CARIBOU, ME. 04736**



**MEMO**

**TO: Caribou City Council Members**  
**FROM: Kenneth Murchison, Zoning Administrator/CEO**  
**RE: Introduction of Proposed Amendments to Sec. 13-713**  
**Home Occupations**

**DATE: February 14, 2022**

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January 13, 2022, Caribou Planning Board held a public hearing regarding proposed amendments to Sec.13-713 Home Occupations of the Caribou Code. No Public comment was offered and with the exception of minor formatting adjustments, the Planning Board approved the amendments to the Home Occupation ordinance by unanimous decision. In approving the amended language staff is authorized to forward this document to Caribou City Council for their consideration as an act of ordinance. See the attached amended Sec.13-713 Home Occupations.

**Sec. 2.11 Action Requiring an Ordinance.**

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which: (1) Adopt or amend an administrative code or establish, alter, or abolish any City department, office, or agency.

**Sec. 2.12 Ordinances in General.**

- (a) Adoption notice. The City Council shall pass such municipal ordinances as they think necessary and proper, governed by the authority which cities have to enact ordinances under the State of Maine, Title 30-A, statutes and amendments thereto; provided that any such ordinances shall be properly adopted if a public hearing has been held thereon after not less than seven (7) days' notice thereof, which notice need only contain the title of the proposed ordinance and a brief summary of its contents together with the time and place of said hearing.
- (b) Existing ordinances. All existing ordinances of the City of Caribou shall be retained as active ordinances under this City Charter.
- (c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the Council providing it is in writing in the form required for final adoption and contains only one subject which is clearly expressed in its title and upon introduction of an ordinance, the City Clerk shall distribute a copy to each Council member and to the City Manager, shall file a reasonable number of copies in the office of City Clerk and such other public places as the Council may designate, and shall publish the ordinance together with notice setting out the time and place for a public hearing which shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the ordinance with or without 9 amendment or reject it, but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance, or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the City Clerk shall have it published again together with a notice of its adoption.
- (d) Effective date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.
- (e) "Publish" defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the City, in addition to be posted to the City's website and public access station, when available: (1) the ordinance or a brief summary thereof, and (2) the places where copies have been filed and the times when they are available for public inspection.

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

- A. *Purpose.* The purposes of this section are to:
1. 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.
  2. Guide certain business activities that are not compatible with neighborhoods to other, more appropriate commercial zones.
  3. 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.
  4. Provide a means to regulate and enforce Home Occupations.
- B. *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.
- C. *Permit Required.* All Home Occupations shall obtain annually a Home Occupation Permit from the Code Enforcement Officer.
- D. *Home Occupation General Standards.* All Home Occupations shall comply with the following standards at all times:
1. *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.
  2. *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.
  3. *Accessory Use on the Property.*
    - a. For residential purposes, the Home Occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
    - b. The Home Occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure.
    - c. 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.
    - d. 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 accessory structures as allowed herein.
  4. *Business Vehicles and Parking*
    - a. 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.



- b. Business Vehicles exceeding a Gross Vehicle Weight (GVW) of 8,000 pounds, trailers, and related equipment must be stored to the side or rear of the home.
  - c. No parking is permitted on landscaped areas of the property.
  - 5. *Signage.* A single sign is permitted, provided such sign is non-illuminated and does not exceed two square feet.
  - 6. *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.
  - 7. *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.
  - 8. *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.
  - 9. *Maximum Floor Space.* No more than 50 percent of the dwelling unit shall be utilized for the Home Occupation, and up to 100 percent of any accessory structure on the same lot as the dwelling unit may be utilized for the Home Occupation.
- E. *Categories of Home Occupation Permits.* Home Occupation businesses are classified as Category I, Permitted Home Occupations, or Category II, Conditional Use Home Occupations. 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. All Home Occupations that require State of Maine Licensure are considered Category II, Conditional Use Home Occupations.
- F. *Category I Qualifications.* In addition to the general standards set forth in Paragraph D above, all Category I Home Occupation businesses must 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, Conditional Use Home Occupation (see Paragraph G below).
- 1. *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.
  - 2. *Traffic.* Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood.
    - a. 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.
    - b. 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 (GVW) of 23,000 pounds or less.
- G. *Category II, Conditional Use Permit Required.* If a Home Occupation is able to comply with all of the general standards in Paragraph D above but is unable to comply with all of the Category I

qualifications established in Paragraph F, or if the Home Occupation requires State of Maine Licensure, the proposed business is subject to review by the Planning Board. In addition, any application proposing two or more Home Occupation permits, 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.

1. *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:
  - a. All Category II Home Occupation uses shall be conducted only from property with a single-family dwelling.
  - b. 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
  - c. A maximum of 12 business-related visitors per day may be allowed, except as provided for in Item 2. "Child Day Care and Other Group Child Activities" below.
2. *Child Day Care and Other Child Group Activities.* Refer to Section 13-760 "Daycare Facilities" of the City of Caribou Code and 10-148 CODE OF MAINE RULES CHAPTER 32 to comply with State of Maine licensing requirements. All home-based child day care and group activities licensed by the State of Maine are considered Category II, Conditional Use Home Occupations.
3. *Adult Day Care.* Refer to MRS Title 22 Chapter 1679 Adult Day Care Program Subsections 8601-8606. Any home-based Adult Day Care that exceeds two individuals 60 years of age or older, or more than 12 hours per day of operation requires State of Maine licensure, and is therefore considered a Category II, Conditional Use Home Occupation.
4. *Dangerous Home Occupations.* Any proposed Home Occupation that uses explosives, incendiary products and devices, flammable materials, or hazardous chemicals in amounts greater than typical household quantities is considered a Category II, Conditional Use Home Occupation.

H. *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:

1. Mortuary, crematorium, columbarium, or mausoleum.
2. Animal hospital or veterinary service, except in the R-3 zone with a Category II, Conditional Use Home Occupation permit.
3. Clinic, dental office, medical office, chiropractic office, or hospital, except in the R-3 zone with a Category II, Conditional Use Home Occupation permit.
4. 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.
5. Stable, kennel, pet store, or any other commercial animal breeding business or similar activity, except in the R-3 zone with a Category II, Conditional Use Home Occupation permit.
6. 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 a Site Design Review by the Planning Board and must be at least 300 feet from any neighboring dwelling.

7. Use of specified chemicals, pesticides and flammable/combustible materials, including any other process or business where current adopted Building and Fire Codes requires an operational permit.
8. Bed and breakfast facilities. (Regulated under separate rules – see Section 13-700.4)

#### **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 at another location.

## Ken Murchison

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**From:** Troy Haney <thaney@maine.rr.com>  
**Sent:** Monday, February 28, 2022 9:04 PM  
**To:** Ken Murchison  
**Subject:** Home based questions

Here are the points shared at the meeting:

Item D2 No more than one employee. Why limit? We have many businesses that are home based with more than 1 now.

Item 5 signage at 2 sf. Why so small? I believe when I was on the board it was 2'x2'. Maybe I'm wrong but 1'x2' seem very small. Can we increase?

Item F2A two cars per hour or 8 cars per day. How would this be policed? Again many home based businesses could be more than this.

Item F2 B Deliveries limited to 23,000lbs Why limit this so low as large trucks are needed to make deliveries. As mentioned some businesses need common carriers to be able to deliver just as regular homeowners do.

Item G1 A single family dwellings. Why this limitation? What about folks that have a rental with in their home while operating a small business in their garage as an example.

Item G1 C Maximum of 12 cars per day. Again how do we limit this? Who polices?

Another question to consider. Home based business, does this include a Farm Stand? If so a farm stand would have larger than a 2 sf sign and have more than 12 cars a day. How can they function under these rules?

What about Air BNB rentals is that a home based business? Would they need a \$90 permit each year?

Just a few thoughts to think of. Thanks for listening. Troy

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## Planning Board Responses to Public Hearing Input on Home Occupation Amendment

*Item D2 No more than one employee. Why limit? We have many businesses that are home based with more than 1 now.*

Previous version of the ordinance did not allow any non-resident employees or volunteers. This change removes that limitation and allows one non-resident employee/volunteer, which the Planning Board felt would be a good place to start to see how it goes. If the need arises in the future, we can always revisit the issue and increase the allowed number. Alternatively, we could have different allowances for Cat I and Cat II (i.e. Cat I: none, Cat 2: no more than 2, or something like that). **Planning Board**

**Recommendation: no action at this time**

*Item 5 signage at 2 sf. Why so small? I believe when I was on the board it was 2'x2'. Maybe I'm wrong but 1'x2' seem very small. Can we increase?*

This limitation is unchanged from the previous version of the ordinance. Allowed sign dimensions are intended to be small, to reduce the impact to residential communities. There is no compelling argument to relax this limitation to allow larger signs. Planning Board feels that minimizing impacts to residential areas is a more important concern than a home business advertising their business. **Planning Board**

**Recommendation: no action at this time.**

*Item F2 A two cars per hour or 8 cars per day. How would this be policed? Again many home based businesses could be more than this.*

This is a Cat I (low impact) criteria. Cat II (higher impact) criteria are more relaxed and allow greater traffic flow. The intent was to assess impact by levels of anticipated traffic flow, since historically, this has been one of the most frequent issues raised in front of the Planning Board by affected neighbors during our public hearings. In the absence of other "good" criteria to separate Cat I and Cat II home occupations, the Planning Board decided to use anticipated traffic flow as a separating point. The intent was never to monitor and enforce traffic flow, but simply to have a criteria to assess the application and bin the application as either Cat I or Cat II. However, the Planning Board recognizes the difficulty in monitoring and enforcing this limitation; in addition, the Planning Board wants to avoid imposing greater restrictions than absolutely necessary. So, we will look at it and try to come up with some other way to stratify low-impact vs higher-impact situations. **Planning Board Recommendation: explore alternatives to using traffic flow as a criterion to determine whether an application is Cat I or Cat II, propose updates to the amendment as appropriate.**

*Item F2 B Deliveries limited to 23,000lbs Why limit this so low as large trucks are needed to make deliveries. As mentioned some businesses need common carriers to be able to deliver just as regular homeowners do.* This is a Cat I criteria. There is no limit on size of delivery vehicles for Cat II. So the amendment does not restrict tractor trailers from making deliveries to home occupations – it only requires that such home occupation be treated as Cat II, requiring greater scrutiny and review. The Planning Board felt that this was a good criterion to separate Cat I and Cat II. The limit of 23,000 lbs was proposed, based on typical weights of medium-sized panel/cargo trucks typically seen making consumer-based deliveries throughout the neighborhood (e.g. Lowe's, Collins, Plourdes, etc.). Deliveries like this are considered low impact, and thus, a reasonable and appropriate limitation to qualify as a Cat I home occupation. **Planning Board Recommendation: no action at this time**

*Item G1 A single family dwellings. Why this limitation? What about folks that have a rental with in their home while operating a small business in their garage as an example.*

This is a Cat II requirement. The intent of this limitation was to prevent someone from setting up a higher-impact home occupation in multi-family home situations. Due to the very close proximity of neighbors, the Planning Board felt that it was not appropriate to subject those neighbors to the increase in traffic and noise that could result from the business. This limitation would not apply to the example raised during the public hearing, as renting out a room or basement apartment within a single-family dwelling is not considered a multi-family dwelling, by the City's current definitions. **Planning Board Recommendation: no action at this time**

*Item G1 C Maximum of 12 cars per day. Again how do we limit this? Who polices?*

This is a Cat II requirement. See response to Item F2A. **Planning Board Recommendation: explore alternatives to using traffic flow as a criterion to determine whether an application is Cat I or Cat II, propose updates to the amendment as appropriate.**

*Another question to consider. Home based business, does this include a Farm Stand? If so a farm stand would have larger than a 2 sf sign and have more than 12 cars a day. How can they function under these rules?*

Farm stands are not currently regulated by the City. Farm stands typically exist in the rural areas, and are located on or near the road. None or only a small component of the business is conducted within the residence; so, farm stands are not considered home occupations. **Planning Board Recommendation: no action at this time**

*What about Air BNB rentals is that a home based business? Would they need a \$90 permit each year?*

Air BNB rentals are most accurately categorized as "Bed and Breakfast" businesses and are regulated separately from home occupations, as stated in the text already (item H.8). **Planning Board Recommendation: no action at this time**

*LD 2003, An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.*

This emergency bill implements several recommendations of Speaker Fecteau's Housing Commission. The commission was tasked with reviewing: (1) data on housing shortages in the state for low-income and middle-income households; (2) state laws that affect the local regulation of housing, including municipal incentives, state mandates, eliminating or limiting single-family-only zones and allowing greater housing density near transit, jobs, schools or neighborhood centers; and (3) efforts in other states and municipalities to address housing shortages, increase housing options and assess the role race and racism play in zoning policies.

The proposed bill:

**Housing as a Human Right (Secs. 1-3).** Amends Maine's housing discrimination laws to prevent a municipality or government entity from restricting the construction or development of housing units in areas based on criteria that refers to the character of a location, overcrowding of land or the over concentration of the population. This section of the bill also defines those terms to mean the unique characteristics of a municipality; the density of the population within a specific area of the municipality; and the density of residential dwellings or other developments within a specific area of the community, respectively.

**Prohibits Housing Caps (Secs. 4-6).** Prohibits municipalities from adopting ordinances that cap the number of building or development permits issued each year for any residential dwellings, including but not limited to permits for affordable housing.

**Technical Assistance and Grant Program (Sec. 7).** Directs the Department of Economic and Community Development (DECD) to provide technical assistance to municipalities for the purpose of developing and implementing zoning and land use ordinances that conform with state and federal laws and review municipal building and development permits. This section further directs the department to provide grants from the Municipal Planning Assistance Grant and Incentive Program Fund to contract for services and hire staff to help administer municipal housing related responsibilities.

**Municipal Incentive Program (Sec. 8).** Directs DECD to provide a grant of up to \$25,000 for each year a municipality participates in the incentive program. In order to be eligible for the grant a municipality must: (1) in the first year, establish a working group to review municipal zoning and land use ordinance impacts on housing availability; (2) in the second year, adopt or amend zoning and land use ordinances to promote the availability of housing, based on the recommendations of the working group; and (3) in the third year, provide information to DECD about current or prospective housing developments or permits issued for the construction of housing resulting from the implementation of related land use and zoning changes.

**Affordable Housing Density (Sec. 9).** On or after April 20, 2022, municipalities are required to use an affordable housing density standard for qualifying affordable housing developments that is equal to 2.5 times the density that is otherwise allowed in the zone where the development is located and are prohibited from requiring more than two off-street parking spaces for every three

units. Before approving an affordable housing development, the developer must agree to ensure that for at least 30 years occupancy will remain limited to households at or below 80% of the local area median income for rental units and for owned housing to remain limited to households at or below 120% of local area median income. In addition, the developer is prohibited from renting units for a period of less than 30 days.

**Prohibits Establishment of Single Family Only Zones (Sec. 10).** Provides that notwithstanding a law to the contrary, on or after April 20, 2023, all zones where housing is permitted must allow for the development of structures with up to four dwelling units. Municipal residential housing ordinances may not establish dimensional size requirements or setbacks distances that are greater than those required for single-family structures. This section also requires the owner of a housing unit to provide written verification to the municipality that the unit is connected to adequate water and wastewater services before the municipality can issue an occupancy permit. In the process of adopting an ordinance, a municipality is authorized to: (1) establish an application and permitting process; (2) impose fines for violations of building, zoning and utility requirements; and (3) establish alternative criteria that are less restrictive utility requirements, but only if a variance is allowed. This section requires ordinances to comply with the minimum shoreland zoning requirements set by the Department of Environmental Protection (DEP).

**Accessory Dwelling Units (ADUs) (Sec.11).** Provides that an ADU is allowed on the same lot as a single-family dwelling in any zone in which housing is permitted. An ADU is defined in existing law as a self-contained dwelling unit located within, attached to, or detached from an existing dwelling unit. This section allows an ADU to be constructed if: (1) within an existing structure on the lot; (2) attached to or sharing a wall with a single-family unit; or (3) is a new structure on the lot for the primary purpose of creating an ADU. A related municipal ordinance must: (1) allow for at least one ADU on any lot where a single-family unit is the primary structure; (2) require lots where a single-family dwelling unit is the primary unit and an ADU has been constructed to be zoned as single-family; (3) exempt an ADU from any density requirements; (4) require the setbacks and dimensional requirements to be the same as the requirement for a single-family dwelling unit, if the ADU is located within the single-family unit; (5) exempt an ADU from meeting additional parking requirements, beyond that applied to the single-family unit; (6) require an ADU to comply with DEP shoreland zoning requirements and Maine Uniform Building Code requirements; and (7) prohibit a rental term of less than 30 days for units constructed or permitted on or after April 20, 2022. The owner of an ADU must provide written verification to the municipality that the unit is connected to adequate water and wastewater services before the municipality can issue an occupancy permit. In the process of adopting an ordinance, a municipality is authorized to: (1) establish an application and permitting process; (2) impose fines for violations of building, zoning, and utility requirements; and (3) establish alternative criteria that are less restrictive utility requirements, but only if a variance is allowed.

**Municipal Housing Development Permit Review Board (Sec. 12).** Establishes a seven-member board, appointed by the governor to hear complaints against the final decisions of a local board denying a housing project. Upon receipt of a complaint, the board must provide written notice of the hearing at least 20 days in advance to the person seeking review and the



municipality that denied the application and allow both the opportunity to provide testimony before the board. If the board determines that the project should have been approved, the municipality that denied the project must approve the development.

**Priority Development Zones (Sec. 13).** Requires municipalities to designate an area within the municipality as a priority development zone (PDZ) located in an area that has significant potential for housing development and located near community resources, as determined by DECD. A PDZ is defined as a zone in which owned or rented multifamily housing composed of both market and affordable housing units is permitted at a specified density that is greater than the density allowed in other zones. Community resources are defined as available services, including transportation, schools, and recreational, employment and business opportunities. Prior to adopting the development zone, DECD must review the proposal to ensure compliance with adopted state agency rules. Adoption of the PDZ is delayed for two years following the adoption of agency rules.

**Staggered Review Board Terms (Sec. 14).** Provides that the terms of the review board established in Section 12 are staggered with two members serving for one year; two members serving for three years; and three members serving the full five-year term.

**Fiscal Note (Sec. 15).** Provides: (1) \$79,762 in ongoing funds for one position to provide technical assistance to the Municipal Housing Development Permit Review Board; (2) \$89,760 in ongoing funds for one position to implement a municipal land use and zoning ordinance review incentive program and provide technical assistance to municipalities; (3) \$3 million in ongoing funds for grants to municipalities to review land use and zoning ordinances; (4) \$115,500 in ongoing revenue for one position to serve as a municipal planning coordinator to provide expertise in zoning and land use to municipalities; and (5) \$1.3 million in ongoing funds to assist municipalities in the development and implementation of zoning and land use ordinances.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

H.P. 725 - L.D. 970

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

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

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

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

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

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

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

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

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

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

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

H. Residential housing stock, including affordable housing, ~~and~~ policies that assess community needs and environmental effects of municipal regulations, lessen the

effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets and policies that provide for accessory dwelling units;

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

G. Ensure that the municipality's or multimunicipal region's land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality or multimunicipal region shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing. A municipality or multimunicipal region is encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to, ~~cluster housing, reduced minimum lot and frontage sizes, increased residential densities, use of municipally owned land and establishment of policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets;~~

(1) Cluster housing;

(2) Reduced minimum lot and frontage sizes;

(3) Increased residential densities;

(4) Use of municipally owned land;

(5) Establishment of policies that:

(a) Assess community needs and environmental effects of municipal regulations;

(b) Lessen the effect of excessive parking requirements for buildings in downtowns and on main streets; and

(c) Provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and

(6) Provisions for accessory dwelling units;

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

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great ponds within the municipality's or multimunicipal region's jurisdiction; ~~and~~

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

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

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

L. Encourage policies that provide for accessory dwelling units.



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Department of Public Safety  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052

JANET T. MILLS  
GOVERNOR

MICHAEL SAUSCHUCK  
COMMISSIONER

JOSEPH E. THOMAS  
STATE FIRE MARSHAL

**Tiny House – Code and Land Use Standards**  
February 8, 2022

Tiny Houses have been included in several recent Maine laws that impact the construction and placement of such homes in the State. This memo is to provide clarification to Code Officials on code and land use standards associated.

**WHAT IS A TINY HOUSE** - There are two potential types of tiny home:

- constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a “dwelling unit for human occupancy”.
- constructed on a site in a more traditional stick-built manner, but meeting certain size standards established in the laws and codes adopted.

Tiny Homes is defined in Statute as:

**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; [PL 2019, c. 650, §1 (NEW).]

B. Does not exceed 400 square feet in size; [PL 2019, c. 650, §1 (NEW).]

C. Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, §1 (NEW).]

D. Is a vehicle without motive power. [PL 2019, c. 650, §1 (NEW).]

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.  
[PL 2019, c. 650, §1 (NEW).]

As defined, this applies to those constructed on a frame or chassis and considered within the Motor Vehicle regulations and will require a TITLE similar to an RV or other motor vehicle intended for use on public ways. This would assume that the unit would be constructed to and inspected to standards in ANSI A119.5 or NFPA 1192. These standards contain many regulations that address all components of the unit associated with a mobile unit served by

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interior plumbing, heating, cooking, and living to be used as living quarters. This type of construction's interior layout, structural or rough in are not the responsibility of the LPI/Code Officer. These items will be covered under the titling requirements as identified above. The only task of an LPI/CEO is to assess the placement relative to local zoning and connection to on-site systems and utilities.

The second type of tiny home would be a structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 SF. This is identified in the MUBEC rules under the IRC (Chapter 5) which would be allowed the use of Appendix V (attached.) Appendix V provides some code exceptions that have been approved to accommodate the limited size and deemed to provide an acceptable level of safety for the occupants. This type of construction would be subject to all other utility codes adopted by the State of Maine, to include but not limited to, the Maine Internal Plumbing code, State Electrical codes and Fuel Gas codes.

The result of both types provides a completed unit intended for permanent occupancy and would be considered as a Single-Family Dwelling. In both cases, the units would be subject to all normally required on-site facilities and associated utilities to provide for permanent occupancy. This would include the provisions for connection to a potable water supply, sanitary facilities and any required utilities to provide for the safety of the occupants of the unit or structure. This would include compliance with appropriate municipal connections or on-site sanitation and drinking water.

As a result of confusion on placement of tiny homes relative to local zoning, the most recent legislation (below) addresses the issue. Tiny homes are now to be considered as permanent dwelling units subject to the same local zoning regulations as other single-family dwellings. The intent was to provide definition of the use of tiny homes. As stated in statute, all other aspects of local zoning would apply equally to tiny homes.

Please note that other questions about the new law relative to the condition of a home or its placement, may arise in the future, but the only significant change is to the recognition that either type should be considered the same as any other primary single family dwelling. The features of the structure regarding size and construction would be subject to the codes and standards above, but placement on site is based on your local zoning ordinance relative to setbacks and lot size. Before a community is asked to grant a permit for a tiny home you should consult with your local attorney relative to your specific ordinances and any further limitations they may contain.

***This memo is intended for informational purposes only and should not be considered a legal opinion.***

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**H.P. 1134 - L.D. 1530**

**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 §4363** is enacted to read:

**§4363. Regulation of tiny homes**

**1. Definition.** For the purposes of this section, "tiny home" has the same meaning as in Title 29-A, section 101, subsection 80-C.

**2. Location of tiny homes.** A municipality shall permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure.

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**PREVENTION \* MITIGATION/ SUPPRESSION \* LAW ENFORCEMENT**

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Below is the ADOPTED language from Chapter 5 of the Maine Uniform Building and Energy Codes to address specific exceptions related to the construction of Tiny Homes meeting the statute noted above:

16-635 Chapter 5 page 7

2015 International Residential Code

APPENDIX V TINY HOUSES

CHAPTER PART AV101— GENERAL

AV101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.

CHAPTER PART AV102— DEFINITIONS

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.

TINY HOUSE. A dwelling that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding lofts.

CHAPTER PART AV103— CEILING HEIGHT

AV103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

CHAPTER PART AV104— LOFTS

AV104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

AV104.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

2

2

Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections AV104.2.1 through AV104.2.4.

AV104.2.1 Stairways. Stairways accessing lofts shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5.

AV104.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AV104.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height, or

2. The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.

AV104.2.1.4 Landing platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AV104.2.1.5 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.



## Home Rule Preemption for Short Term Rentals

On Wednesday, the State and Local Government Committee hosted a public hearing on LD 209, *An Act To Prohibit Municipalities from Prohibiting Short-term Rentals*, which is the term used to describe rentals purchased online from residential property owners rather than hotels, motels, ordinary bed and breakfasts, and the like. Companies like Airbnb and HomeAway are the lodging equivalent of the transportation services provided by Uber and Lyft in the 21<sup>st</sup> Century “sharing economy.”

As drafted, the bill would put the following sentence into law: “Except for narrowly tailored regulation to protect the public health and safety, a municipality may not prohibit or restrict the use of a short-term rental.”

For every proponent of LD 209, seven stood to oppose the legislation.

Ten of the 15 who spoke in opposition to LD 209 are residents of South Portland, which recently spent over a year drafting and refining their regulatory approach.

South Portland Mayor Claude Morgan presented a letter authored in conjunction with Portland Mayor Ethan Strimling describing the careful and lawful deliberative process their respective cities exercised before adopting regulations. That process, Mayor Morgan testified, included dozens of public hearings held over more than a year before settling on ordinances that reflect the compromises made by all of the interested parties. In the experience of these two cities, and others worldwide, the short-term rental industry puts “unique and complex pressures on neighborhoods and communities” that cry out for regulation. To the mayors, the fact that each of these neighboring

municipalities arrived at different regulatory approaches is evidence of the fact that one size does not fit all.

One of South Portland’s legislators, Rep. Lois Galgay Reckitt, pointed out how this matter, regardless of “one’s opinion on the issue of short-term rentals – is clearly one of local control.” She argued that citizens have the right to weigh their differing perspectives on local issues like this and collectively choose which approach makes the most sense.

One by one, residents of South Portland followed to share stories of how homes on their blocks are being bought up by prospectors and companies from out of state for commercial, not residential use, altering the nature of their neighborhoods. The testimony provided underscored the importance of entrusting residents with the authority to adopt regulations necessary to build

stable, year-round environments that nurture the community’s children, support its citizens and preserve affordable rental housing options.

Joining the city and its residents in opposition at the hearing were the Maine Tourism Association, Hospitality Maine, the Vacation Rental Professionals of Maine, the American Cancer Society Cancer Action Network (ACS CAN), and MMA. The first three of these organizations spoke to how Maine’s longstanding rental industries are complying with local codes and still thriving, acknowledging that many regulatory questions are best answered at the local level. ACS CAN expressed concern with the language of the bill, pointing out the lack of clarity regarding whether or not a smoking regulation could be narrowly-tailored enough to pass muster, or could be considered a

*(continued on page 2)*

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## On the House Calendar

### Education Committee to Study School Funding Models

This week, members of the House and Senate assigned two tasks to the Education and Cultural Affairs Committee through the adoption of joint orders offered by Rep. Pinny Beeb-Center of Rockland.

The first joint order directs the committee to determine and identify the resources necessary to ensure the state meets its obligation to fund 55 percent of the cost of K-12 public education. The second joint order directs the committee to determine whether the Essential Programs and Services (EPS) Funding Act is meeting its “goals of providing an appropriate and

sufficient level of state funding for public education.”

Both orders require the committee to invite the Commissioner of Education, superintendents of school administrative units and representatives of municipalities and regional service centers to participate in the discussions and to report out recommendations and legislation for consideration by the entire Legislature no later than Jan. 15, 2020.

MMA is intrigued by this approach and will be watching these studies closely. Please stay tuned for updates.

## Home Rule Preemption for Short Term Rentals (cont'd)

prohibited restriction.

In written testimony, the Maine Association of Planners pointed to consequences for overall economic growth when short-term rental conversions lead to a shortage of traditional long-term workforce housing. The Planners acknowledged that the number of short-term rentals continues to grow even in communities that regulate them.

MMA doubled-down on earlier testimony regarding the importance of home rule, highlighting how land use decisions have long been and should continue to be squarely within the jurisdiction of municipalities. The Association also encouraged the committee

to focus on the ambiguous language of the bill, which appears to simultaneously prohibit and allow municipal regulation and could invite lawsuits when applied locally.

The bill's sponsor, Rep. Scott Strom of Pittsfield, and a representative of the Maine Heritage Policy Center provided testimony in support of LD 209.

The sponsor testified that he submitted the bill to address the inequity that occurs when municipalities outright ban short-term rentals, but allow hotels and motels to operate within the communities' boundaries. Yet, to the Association's knowledge, no municipalities in Maine have banned short term rentals.

The Maine Heritage Policy Center, which reportedly proposed the bill based on legislation in Arizona, testified that municipal regulation of short term rentals is generally unnecessary and suppresses entrepreneurial spirit.

While the emerging sharing economy may in many ways make sense, municipal leaders from across the state believe its expansion should be based on merit, not on the erosion of the local oversight that has for years helped ensure traditional lodging businesses remain safe for the public and fit for the community.

The work session on LD 209 has not yet been scheduled.

## Modernizing the Local Government Finance Survey

### Volunteers Needed

Since 2008, the Maine Municipal Association has worked in conjunction with the U.S. Census Bureau to consolidate the several financial surveys conducted by the two organizations into a single annual request to the communities. The information gathered in this survey is beneficial for federal, state and local government officials, as well as MMA. The collected data is used to generate several reports such as the Census Bureau's *State and Local Government Finance Report* and MMA's *Fiscal Survey Report*, and is one

of very few sources of comprehensive municipal revenue and expenditure data.

In an effort to make the data collection process easier for municipal officials and create a "one stop shopping" experience, MMA is taking the steps necessary to employ an on-line process for collecting the fiscal information, similar to that used to collect municipal salary survey data. Our goal is to make the submission of this data less burdensome for our members and allow for immediate information sharing. As

data is entered, municipal officials will have the ability to compare their revenue and expenditure information with peer communities.

In order to take the next step in the survey conversion process, we need five to 10 municipal volunteers to test the on-line platform and provide input on the product. If you would like to be one of the beta testers, please contact Rebecca Graham at [rgraham@memun.org](mailto:rgraham@memun.org) who will provide you with the keys for your test drive.

### Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: [www.memun.org](http://www.memun.org)

**Editorial Staff:** Kate Dufour, Garrett Corbin, Rebecca Graham and Laura Ellis of the State & Federal Relations staff.

**Layout:** Jaime Clark, of Communication & Educational Services.



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# Committee advances bill to let Maine towns collect fees on short-term rentals

The bill would let communities impose impact fees on short-term rentals that aren't inhabited by permanent residents and use that money to support affordable housing.

BY RANDY BILLINGS PRESS HERALD



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Municipalities would be allowed to collect impact fees on housing units not inhabited by permanent residents under a bill before the Legislature.

The Taxation Committee voted along party lines Thursday to endorse an amended version of a [bill](#) sponsored last session by Rep. Christopher Kessler, D-South Portland.

The goal is to discourage short-term rentals and raise money for affordable housing.

The amended





What are you looking for?

affordable housing or by providing financial assistance to people struggling to afford their homes.

“This does not require any town to do such a thing, but it makes it clear to town councils that they can do this sort of thing,” Kessler said.

The bill is much different from the original version proposed last session. That measure would have adopted a statewide vacancy impact fee on residential properties that are not occupied by a permanent resident for at least 180 days a year. The bill had a host of exemptions for low- to moderate-income owners and those with seasonal camps that could be used as year-round residences. And the money would have been split between state and municipal affordable housing programs.

Kessler said he went back to the drawing board after it became clear that the original version lacked support among Democrats, who control both the House and Senate. He said the amended bill provides a local option for municipalities like Portland and South Portland that are struggling with housing affordability to design their own impact fee programs.

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What are you looking for?

“Some of the really hardcore proponents of the bill think that this is a watered down version and they’re not happy with it,” Kessler said. “I’m sorry, but that’s the legislative process and the political reality (is) that original bill is not going to fly.”

Only properties that are “designed for year-round habitation” would be covered, so truly seasonal cabins and camps would likely be excluded. But it would be up to each municipality to design its own program.

A permanent residence is described in state law as a “place where an individual has a true, fixed and permanent home and principal establishment to which the individual, whenever absent, has the intention of returning. An individual may have only one permanent residence at a time and, once a permanent residence is established, that residence is presumed to continue until circumstances indicate otherwise.”

The amended bill was supported by the Maine Municipal Association, but it was uniformly opposed by committee Republicans, who characterized the fee as a tax and argued the proposal would not result in more housing.

Sen. Matthev

way to addre





What are you looking for?

by Studying Zoning and Land Use Restrictions.

The tax committee flagged short-term rentals as a concern and issued an informal recommendation to study how they are impacting the housing supply.

Advertisement

“This is nothing more than a feel-good legislation,” Pouliot said. “I hate to say it folks, but I don’t think this is going to move the needle.”

Several communities have struggled to regulate short-term rentals. For example, Portland has created licensing and registration requirements, including fees to administer their programs, and capped the number of unhosted mainland short-term rentals at 400. Activists put forward a referendum to ban unhosted short-term rentals in 2020 and increase fees, but it was the only one of six citizen initiatives tha

The bill now



Resolution 02-03-2022

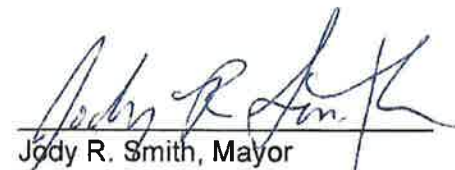
A Resolution of the Caribou City Council

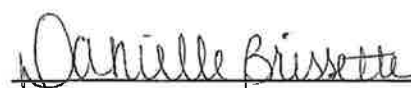
Endorsement of the CUD charter amendment for Broadband in Caribou

WHEREAS, the City of Caribou requires a long-term solution to the problem of *all* citizens having access to high-speed internet,

NOW, THEREFORE BE IT RESOLVED BY, THE CARIBOU CITY COUNCIL, to endorse the CUD charter amendment to include broadband services as well as encourage the CUD to continue to pursue a broadband project in Caribou which will construct a network which is entirely fiber.

This resolution was duly passed and approved by a majority of the City Council of the City of Caribou this 28 th day of February 2022.

  
Jody R. Smith, Mayor

  
Attest: Danielle Brissette, City Clerk [City Seal]



**CARIBOU ADMINISTRATION  
25 HIGH STREET  
CARIBOU, ME. 04736**



**MEMO**

**TO: Caribou Planning Board**  
**FROM: Mark Draper, Chair, CRRC**  
**RE: Caribou Riverfront Development Overlay District**  
**DATE: February 17, 2022**

---

The Riverfront Redevelopment Stakeholders Group was convened on September 23, 2020 and became an Official Committee of the City in September of 2021, titled the Caribou Riverfront Renaissance Committee (CRRC).

The CRRC has been working diligently to identify and prioritize riverfront assets, set goals, and ultimately restore interests of renewed commercial, residential, and recreational opportunities while celebrating the riverfront as vital part of our community and the CRRC, at the February 15, 2022, meeting voted to recommend to the Caribou Planning Board the formation and designation of a Riverfront Development Overlay District.

Work on a Land Use Table and Zoning unique to this district has already begun to be applied to the Overlay District as created by the Caribou Planning Board and ultimately approved to Ordinance by the Caribou City Council.

The Caribou Riverfront Renaissance Committee respectfully requests the Caribou Planning Board to undertake this important initiative, the creation of the Riverfront Development Overlay District.

Sincerely Submitted

Mark Draper, Chair CRRC





# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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**Legislative Document**

**No. 1694**

H.P. 1259

House of Representatives, May 10, 2021

### **An Act To Create the Maine Redevelopment Land Bank Authority**

---

Received by the Clerk of the House on May 6, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SACHS of Freeport.  
Cosponsored by President JACKSON of Aroostook and  
Representatives: BAILEY of Gorham, BERNARD of Caribou, CLOUTIER of Lewiston,  
MATLACK of St. George, TALBOT ROSS of Portland, Senators: POULIOT of Kennebec,  
VITELLI of Sagadahoc.

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

2               **Sec. 1. 5 MRSA §12004-G, sub-§7-G** is enacted to read:

3               **7-G.**

4               Economic  
5               Development

Community Redevelopment Land Expenses Only  
              Bank Authority

30-A MRSA  
              §5153

6  
7               **Sec. 2. 30-A MRSA c. 204** is enacted to read:

8                                       **CHAPTER 204**

9                               **COMMUNITY REDEVELOPMENT LAND BANK AUTHORITY**

10                                       **SUBCHAPTER 1**

11                                       **ESTABLISHMENT AND ORGANIZATION**

12               **§5151. Title**

13               This chapter may be known and cited as "the Community Redevelopment Land Bank  
14               Act."

15               **§5152. Findings and declaration of necessity**

16               The Legislature finds and declares that:

17               **1. Blighted, abandoned, environmentally hazardous and functionally obsolete**  
18               **property burdens public resources.** There exist areas in the State in need of economic  
19               revitalization where blighted, abandoned and environmentally hazardous property and  
20               property that is both functionally obsolete and unfit to be repurposed for another use present  
21               burdens on municipal revenues and public health and safety;

22               **2. Need for revitalization.** In order to strengthen and revitalize the economy of the  
23               State and municipalities, it is in the best interest of the State to assemble and dispose of  
24               blighted, abandoned and environmentally hazardous property and property that is both  
25               functionally obsolete and unfit to be repurposed for another use in a coordinated manner to  
26               foster development of that property and promote economic growth;

27               **3. Coordinated development of blighted, abandoned, environmentally hazardous**  
28               **and functionally obsolete property serves the public interest.** The planning and  
29               preparation of revitalizing the economy through the acquisition of blighted, abandoned and  
30               environmentally hazardous property and property that is both functionally obsolete and  
31               unfit to be repurposed for another use using public money are a governmental concern and  
32               serve a valid public purpose; and

33               **4. Facilitate coordinated redevelopment of blighted, abandoned, environmentally**  
34               **hazardous and functionally obsolete property.** The establishment of the redevelopment  
35               authority is necessary to facilitate the relief of the conditions described in this section by  
36               assisting local, state and federal agencies and private entities in the redevelopment of

1 blighted, abandoned and environmentally hazardous property and property that is both  
2 functionally obsolete and unfit to be repurposed for another use into economically  
3 productive use. Properties identified as historic are not excluded from redevelopment as  
4 described in this subchapter if they meet the other criteria described in this subchapter.

5 **§5153. Community Redevelopment Land Bank Authority established; purpose**

6 The Community Redevelopment Land Bank Authority, referred to in this chapter as  
7 "the redevelopment authority," is established and is a body corporate and politic and an  
8 instrumentality of the State.

9 The purpose of the redevelopment authority is to assist municipalities in the assembly  
10 and clearance of title to, and acquisition of, property identified as blighted, abandoned,  
11 environmentally hazardous or functionally obsolete that has documented potential to be  
12 used and developed in a way that will promote economic growth within the municipality  
13 and the State. The transfer of property to the redevelopment authority by a municipality  
14 may be facilitated through its legislative body or through a municipal development  
15 authority.

16 **§5154. Appointment, qualifications and tenure**

17 **1. Members appointed by the Governor.** The Governor shall appoint 9 members to  
18 serve as commissioners of the redevelopment authority subject to review by the joint  
19 standing committee of the Legislature having jurisdiction over economic and community  
20 development matters. These members must include:

21 A. A resident of the State who is a designated broker member of a statewide real estate  
22 commission;

23 B. A resident of the State who is responsible for community redevelopment as an  
24 employee of a state-chartered bank;

25 C. A resident of the State from each of the 2 congressional districts;

26 D. A full-time municipal economic and community development director in the State;

27 E. A full-time planning professional employed by an urban or regional planning  
28 organization in the State;

29 F. A person with experience in the field of preservation of historic property;

30 G. A person with experience in environmental remediation of commercial property;  
31 and

32 H. A person with experience in the development of residential communities and  
33 housing development.

34 **2. Term of office.** The commissioners of the redevelopment authority appointed under  
35 subsection 1 serve 3-year terms, except that the Governor shall initially appoint 2  
36 commissioners for a term of one year, 3 commissioners for a term of 2 years and 4  
37 commissioners for a term of 3 years. A vacancy is filled by appointment for the remainder  
38 of the unexpired term of that commissioner. Commissioners whose terms expire serve until  
39 their successors are appointed and confirmed. Commissioners may serve no more than 2  
40 full consecutive terms.

41 **3. Ex officio members.** The following serve as ex officio, nonvoting members of the  
42 redevelopment authority:

1       A. The Commissioner of Economic and Community Development or the  
2       commissioner's designee;

3       B. The Commissioner of Environmental Protection or the commissioner's designee;

4       C. The Director of the Maine State Housing Authority or the director's designee; and

5       D. The Commissioner of Transportation or the commissioner's designee.

6       **4. Organization.** The redevelopment authority shall select a chair and a vice-chair  
7       from among its voting members and adopt bylaws to govern procedures. The  
8       redevelopment authority shall hire an executive director and may hire staff and employ  
9       counsel as necessary.

10       **§5155. Community Redevelopment Land Bank Fund; sources of funding**

11       The Community Redevelopment Land Bank Fund, referred to in this chapter as "the  
12       fund," is established as a dedicated nonlapsing fund to support the purposes of the  
13       redevelopment authority. Fees collected pursuant to Title 38, section 2203-A, subsection  
14       2-A must be deposited into the fund. Other sources of funding may include, but are not  
15       limited to, state or federal funds received by the redevelopment authority or municipal  
16       redevelopment authorities to support community redevelopment. Unless otherwise  
17       specified, money received by the redevelopment authority for the express purpose of  
18       acquiring or developing property in accordance with this chapter must be deposited into  
19       the fund.

20       **§5156. Creation of municipal authorities**

21       **1. Creation of authorities.** In each municipality in the State there may be created a  
22       public body corporate and politic to be known as "the municipal redevelopment authority"  
23       of the municipality. A municipal redevelopment authority may not exercise any powers  
24       under this chapter unless the municipal legislative body declares by resolution that there is  
25       a need for a municipal redevelopment authority to function in that municipality.

26       **2. Procedure.** A municipal legislative body shall consider the need for a municipal  
27       redevelopment authority on its own motion or upon the filing of a petition signed by 25  
28       residents registered to vote in the municipality requesting that the municipal legislative  
29       body declare the need for a municipal redevelopment authority.

30       **3. Standard.** A municipal legislative body shall adopt a resolution declaring that there  
31       is a need for a municipal redevelopment authority in the municipality if it finds that:

32       A. Blighted, abandoned, environmentally hazardous and functionally obsolete  
33       property exists in the municipality, burdening municipal resources; and

34       B. Redevelopment of blighted, abandoned, environmentally hazardous and  
35       functionally obsolete property could provide opportunity for economic development.

36       **4. Appointment of commissioners.** Upon the adoption of a resolution by a municipal  
37       legislative body under subsection 3, the mayor of the city or the chair of the municipal  
38       legislative body shall appoint commissioners to the municipal redevelopment authority.  
39       The municipal redevelopment authority is composed of 5 local commissioners to be  
40       appointed as follows.

41       A. Of the commissioners initially appointed under this subsection, 4 serve for terms  
42       of one, 2, 3 and 4 years, respectively, from the date of their appointment and the

1 remaining appointee serves a 5-year term. Thereafter, the commissioners are appointed  
2 for terms of 5 years, except that all vacancies must be filled for the unexpired terms.  
3 All subsequent appointments and appointments to fill a vacancy must be made as  
4 provided in this subsection.

5 B. The commissioners must be residents of the municipality, some of whom have  
6 experience in real estate development, banking or finance and community planning.

7 **5. Organization.** A municipal redevelopment authority shall elect a chair and a vice-  
8 chair from among its commissioners and adopt bylaws governing the municipal  
9 redevelopment authority's procedures. A municipal redevelopment authority may employ  
10 a secretary, who is the executive director of the municipal redevelopment authority, and  
11 may employ its own counsel and legal staff. A commissioner is not entitled to  
12 compensation except for reimbursement of travel expenses incurred in the discharge of  
13 duties.

14 **§5157. Application; exemption of certain properties**

15 **1. Application.** All blighted, abandoned, environmentally hazardous and functionally  
16 obsolete property, including but not limited to property identified as historic, is subject to  
17 the provisions of this subchapter except as specifically exempt pursuant to subsection 2.

18 **2. Exemption.** Notwithstanding any provision of this chapter to the contrary, the  
19 redevelopment authority may not:

20 A. Acquire any real property owned by a federally recognized Indian tribe or land  
21 owned by a federally recognized Indian tribe, including reservation land and land held  
22 in trust;

23 B. Acquire land the majority of which is unimproved or is not integral to the  
24 redevelopment of the property; or

25 C. Acquire property that is an active or former military facility that qualifies for  
26 inclusion in the Defense Environmental Restoration Program under 10 United States  
27 Code, Section 2701.

28 **SUBCHAPTER 2**

29 **POWERS AND DUTIES**

30 **§5161. Powers and duties generally**

31 The Community Redevelopment Land Bank Authority has the following powers and  
32 duties:

33 **1. Intergovernmental agreements.** To enter into intergovernmental agreements with  
34 municipalities or municipal redevelopment authorities for transfer to the redevelopment  
35 authority property for title clearance, disposal of property and the return of property under  
36 the control of the redevelopment authority to the municipal redevelopment authority for  
37 redevelopment purposes;

38 **2. Agreements with federal agencies.** To enter into agreements with federal agencies  
39 related to funding of the redevelopment of property acquired in accordance with this  
40 chapter;

AV104.2.2 Ladders. Ladders accessing lofts shall comply with Sections AV104.2.1 and AV104.2.2.

AV104.2.2.1 Size and capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm) and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

AV104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AV104.2.3 Alternating tread devices. Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.2.4 Ships ladders. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

AV104.2.5 Loft Guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

#### CHAPTER PART AV105— EMERGENCY ESCAPE AND RESCUE OPENINGS

AV105.1 General. Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

1        **3. Interagency agreements.** To enter into agreements with other state agencies for  
2        the purpose of redevelopment of property acquired in accordance with this chapter;

3        **4. Issuance of bonds and application for funding.** To issue bonds and other  
4        obligations and apply for grants, loans and other financial assistance from state or federal  
5        government programs for redevelopment projects consistent with this chapter;

6        **5. Eminent domain.** To acquire in a municipality with a municipal redevelopment  
7        authority all or any part of a property that is blighted, abandoned, environmentally  
8        hazardous or functionally obsolete by the exercise of the power of eminent domain in the  
9        same manner as described by section 5108; and

10       **6. Legislation.** To submit legislation to carry out the purposes of this chapter,  
11       including but not limited to creating an expedited foreclosure process for property  
12       appropriate for transfer to the redevelopment authority and the purposes of the chapter and  
13       to implement statewide community development guidelines established pursuant to section  
14       5162.

15       **§5162. Development Ready Community Planning Committee**

16       **1. Committee established; membership.** The redevelopment authority shall  
17       establish the Development Ready Community Planning Committee for the purposes of  
18       establishing statewide guidelines and practices in community development. The members  
19       of the committee are as follows:

20       A. The executive director of the redevelopment authority;

21       B. The Commissioner of Economic and Community Development or the  
22       commissioner's designee;

23       C. A representative of the planning division within the Department of Transportation;

24       D. A representative of the Department of Environmental Protection;

25       E. A representative of a municipal planning assistance program within the Department  
26       of Agriculture, Conservation and Forestry;

27       F. A representative of the Maine State Housing Authority;

28       G. A representative of the Maine Municipal Association;

29       H. A representative from each regional planning organization in the State; and

30       I. Three residents of the State with experience in real estate development appointed by  
31       the executive director of the redevelopment authority.

32       **2. Community development guidelines.** The committee created under subsection 1  
33       shall establish community development guidelines intended to achieve the following goals:

34       A. Assisting communities in preparing for new investment and development that  
35       maximize financial return for state and local economies, improve quality of life for  
36       local residents, address housing needs and advance environmental protection and  
37       transportation goals and specific locally identified priority needs;

38       B. Assisting communities in designating priority investment areas in consultation with  
39       regional planning organizations, including but not limited to village centers,  
40       downtowns and adjacent neighborhoods, rural crossroads, high-impact corridors,  
41       working waterfronts and rural farmsteads; and



1 C. Ensuring that redevelopment efforts are achievable by communities and based on  
2 the merit of the redevelopment project and community commitment toward the  
3 redevelopment project.

4 **Sec. 3. 38 MRSA §569-C, sub-§1**, as enacted by PL 2011, c. 206, §18, is amended  
5 to read:

6 **1. Limited exemption from liability.** Liability under section 570 does not apply to  
7 the State or any political subdivision, including the Community Redevelopment Land Bank  
8 Authority established under Title 30-A, chapter 204, that acquired ownership or control of  
9 an oil storage facility through tax delinquency proceedings pursuant to Title 36, or through  
10 any similar statutorily created procedure for the collection of governmental taxes,  
11 assessments, expenses or charges, or involuntarily through abandonment, or in  
12 circumstances in which the State or political subdivision involuntarily acquired ownership  
13 or control by virtue of its function as a sovereign. The exemption from liability provided  
14 under this subsection does not apply if:

15 A. The State or political subdivision causes, contributes to or exacerbates a discharge  
16 or threat of discharge from the facility; or

17 B. After acquiring ownership of the facility and upon obtaining knowledge of a release  
18 or threat of release, the State or political subdivision does not:

19 (1) Notify the department within a reasonable time after obtaining knowledge of  
20 a discharge or threat of discharge;

21 (2) Provide reasonable access to the department and its authorized representatives  
22 so that necessary response actions may be conducted; and

23 (3) Undertake reasonable steps to control access and prevent imminent threats to  
24 public health and the environment.

25 **Sec. 4. 38 MRSA §1367-B, sub-§1**, as enacted by PL 1991, c. 811, §4 and affected  
26 by §7, is amended to read:

27 **1. Limited exemption from liability.** Liability under section 1367 does not apply to  
28 the State or any political subdivision, including the Community Redevelopment Land Bank  
29 Authority established under Title 30-A, chapter 204, that acquired ownership or control of  
30 an uncontrolled hazardous substance site through tax delinquency proceedings pursuant to  
31 Title 36, or through any similar statutorily created procedure for the collection of  
32 governmental taxes, assessments, expenses or charges, or involuntarily through  
33 abandonment, or in circumstances in which the State or political subdivision involuntarily  
34 acquired ownership or control by virtue of its function as a sovereign. The exemption from  
35 liability provided under this subsection does not apply to the State or any political  
36 subdivision that has caused, contributed to or exacerbated a release or threatened release of  
37 a hazardous substance on or from the uncontrolled site.

38 **Sec. 5. 38 MRSA §2203-A, sub-§2-A** is enacted to read:

39 **2-A. Community Redevelopment Land Bank Authority fee.** Beginning January 1,  
40 2022, in addition to the per ton fee required in subsection 1, commercial, municipal, state-  
41 owned and regional association landfills shall collect a \$3 per ton fee for the disposal of  
42 construction and demolition debris and residue from the processing of construction and



1 demolition debris for transfer to the Community Redevelopment Land Bank Fund  
2 established by Title 30-A, section 5155.

3 **SUMMARY**

4 This bill establishes the Community Redevelopment Land Bank Authority to  
5 coordinate the acquisition of blighted, abandoned and environmentally hazardous or  
6 functionally obsolete property for redevelopment, including property identified as historic  
7 but not including real property owned by a federally recognized Indian tribe, unimproved  
8 land or an active or former military facility. The bill establishes a fund to support the  
9 purpose of the authority, which includes as a source of revenue a fee on the disposal of  
10 construction and demolition debris. The bill also authorizes the creation of municipal  
11 redevelopment authorities to work with the Community Redevelopment Land Bank  
12 Authority for the purpose of transferring property and coordinating redevelopment. The  
13 Community Redevelopment Land Bank Authority is required to establish a Development  
14 Ready Community Planning Committee for the purposes of establishing statewide  
15 community redevelopment guidelines.

