

Transporting Tiny Homes

Tiny homes and their ingeniously hidden storage, luxurious small fixtures, and bright interiors wrapped in little wooden packages are growing in popularity. These homes can fit in densely developed areas, are often times roomier and more affordable than the studio apartments found in large cities, and provide a viable housing option to both younger and older residents.

However, the process for integrating new mobile housing approaches within existing standards and regulatory structures is not without its challenges.

Tiny home issues became evident when the Maine State Bureau of Motor Vehicles determined that not only were related transport safety standards

undefined, the units did not meet existing highway standards in any other category to allow the structures to be treated like other motor homes, which are eligible for registration. As a result, the bureau stopped registering the homes as vehicles or towable property, leaving home buyers without a title to secure funding from traditional lending sources and subjecting Maine's tiny home builders to a quickly evaporating market.

In response, Sen. Michael Carpenter of Aroostook County submitted LD 1981, *An Act Regarding the Regulation of Tiny Houses*, which received a public hearing before the Transportation Committee last week. The bill, originally a concept draft, sought to solve the title issue for tiny

homes and revisit registration options to allow mobility for transient owners.

Communities from across the state are revisiting zoning laws with an eye toward using tiny homes to address deficiencies in workforce housing, homelessness and supportive housing for aging relatives. However, municipal officials are not convinced that adding tiny homes to the statutes that provide for the registration of motor homes is the best avenue for regulation.

Under current Maine law, mobile homes receive transit plates allowing for the transport of the home from the point of manufacture to the installation site. Motor homes and tow behind campers must meet federal and state road safety standards and insurance

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Updates from Augusta

With a directive from leadership to complete public hearings and work sessions sooner rather than later, the legislative pace is picking up and committees of jurisdiction are meeting with increasing frequency. What follows are updates on bills of municipal interest.

Supplemental Budget.

This week Governor Mills unveiled her FY 2020 – FY 2021 supplemental General Fund budget, which includes funding for two local

government programs.

The budget increases from \$50,000 to \$100,000 the state funded benefit provided to beneficiaries of law enforcement officers, firefighters and emergency medical services providers who die in the line of the duty.

The budget also includes a \$77 million increase in the state's share of K-12 education. \$2.37 billion is calculated by the Essential Programs and Services (EPS) model, including the normal cost of teacher retirement, as necessary to fund K-12 education

in FY 2021. The state's proposed contribution to those costs is \$1.23 billion, accounting for 52% of total expenditures.

For FY 2021, the minimum local share for the cost of funding K-12 education is \$1.14 billion and the mill rate expectation is 8.18.

Unfunded Actuarial Liabilities.

On Wednesday the members of the Education and Cultural Affairs Committee voted by a margin of 7 to 5 to support an amended version of

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LD 2024, *An Act To Remove from the Calculation of the Cost of Education the Maine Public Employees Retirement System Teacher Plan Unfunded Actuarial Liability*, sponsored by Sen. Rebecca Millett of Cumberland County.

Under existing law, total K-12 public school expenditures are calculated in two ways. One calculation defines total expenditures as the amount necessary to fund education under the Essential Programs and Services (EPS) model, including the normal cost of teacher retirement benefits. The second calculation adds unfunded actuarial liabilities (UAL) of the Maine Public Employees Retirement System - a debt incurred as a result of legislative funding priorities and decisions - to the mix. The second calculation accelerates the state's progress toward funding 55% of the cost of K-12 education. For example, in FY 2021 under the calculation that excludes UAL the state's proposed share of K-12 education is 52%, while under the UAL calculation it is 56%.

The amended version of the bill supported by a majority of the committee removes UAL from the calculation of the state's portion of total K-12 education, and for purposes of maintaining a historical record, includes the contribution to UAL as a separate line in the state's education budget.

Right to Strike.

A final vote on LD 900, *An Act To Expand the Rights of Public Employees under the Maine Labor Laws*, which extends the right to strike to certain non-essential public employees, was tabled by the members of the Labor and Housing Committee pending review of the language of a proposed amendment.

The three part amendment presented by the bill's sponsor, Rep. Michael Sylvester of Portland, would: (1) during a strike authorize employers to call back to work employees necessary to resolve a public safety emergency; (2) allow called back employees to grieve the decision of the employer under collective bargaining; and (3) open the list of employees authorized to strike to future negotiations.

A work session on LD 900 has been scheduled for Feb. 12 at 1 p.m.

Tax Lien Foreclosure.

The Taxation Committee voted unanimously "ought not to pass" on LD 451, *An Act To Repeal the Recently Enacted Changes to the Law Governing Tax Lien Foreclosure*, sponsored by Sen. Marianne Moore of Washington County. The law, enacted in the final year of Governor LePage's tenure, amended the tax lien foreclosure process for residents meeting certain age, asset and income standards.

At the time, the need for the legislation was predicated on the mischar-

acterization of a foreclosure that took place in the Town of Albion, and on the basis of evidence that never materialized. With respect to the Albion case, after a decade of working with the homeowners to get back taxes paid - going so far as to forgive the owed taxes for two years - municipal officials decided that in the interests of all other property taxpayers, it was time to foreclose on the property. In that particular case, the process adopted in the community to dispose of tax acquired property was precisely implemented and executed.

It was a hard fought and contentious two year debate, during which the integrity of municipal officials charged with administering the foreclosure process was repeatedly questioned.

Prior to the vote on LD 451 Rep. Ryan Tipping of Orono observed that there were better ways to help homeowners avoid tax lien foreclosure than assigning blame on municipalities. Ongoing support for revenue sharing funding, as well as the adoption of the state's senior property tax deferral program would help to keep Maine's most vulnerable residents out of foreclosure process. In addition, Rep. Amy Arata of New Gloucester expressed sympathy for the mistreatment of the people of her hometown of Albion.

Freedom of Access Training.

Finally, on Tuesday of this week the Judiciary Committee greenlighted a recommendation from the Right To Know Advisory Committee to amend the list of public employees subject to Freedom of Access Training requirements. The bill extends training requirements to code enforcement officers, town managers, planning board members as well as deputies in the clerks, treasurers, managers, assessors and code enforcement positions.

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Hearing Schedule

Monday, February 10

Criminal Justice & Public Safety
Room 436, State House, 10:00 a.m.
Tel: 287-1122

LD 2044 – An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers and Emergency Medical Services Personnel.

LD 2050 – An Act To Establish the Central Aroostook County Emergency Medical Services Authority.

Veterans & Legal Affairs
Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 1081 – An Act To Impose Further Restrictions on where Marijuana May Be Smoked.

LD 2091 – An Act To Amend the Marijuana Legalization Act and Make Other Implementing Changes.

Tuesday, February 11

Agriculture, Conservation & Forestry
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 2084 – An Act Prohibiting Certain Confinement of Egg-laying Hens and the Sale of Their Eggs.

Note: You should check your newspapers for Legal Notices and there may be changed in the hearing schedule. Weekly schedules for hearings and work sessions can be found on the Legislature’s website at: <http://legislature.maine.gov/calendar/#Weekly/2020-01-12>.

Energy, Utilities & Technology
Room 211, Cross Building, 1:00 p.m.
Tel: 287-4143

LD 432 – An Act to Amend the Greater Augusta Utility District Charter.

LD 1877 – An Act To Amend the Kittery Water District Charter.

Health & Human Services
Room 209, Cross Building, 1:00 p.m.
Tel: 287-1317

LD 2063 – An Act To Provide Program Solvency, Clarity, Consistency and Flexibility in Routine Public Health Licensing Activities.

Transportation
Room 126, State House, 1:15 p.m.
Tel: 287-4148

LD 2064 – An Act To Amend the Laws Governing Local Bridges.

Wednesday, February 12

Inland Fisheries & Wildlife
Room 206, Cross Building, 9:00 a.m.
Tel: 287-1338

LD 1932 – An Act To Promote Outdoor Recreational Opportunities for Maine Students.

LD 2065 – An Act To Address Decibel Level Limits for Airboats.

Labor & Housing
Room 202, Cross Building, 9:00 a.m.
Tel: 287-1331

LD 1956 – Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.

LD 2049 – An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program.

Veterans & Legal Affairs
Room 437, State House, 9:00 a.m.
Tel: 287-1310

LD 2067 – An Act To Authorize the Automatic Continuation of Absentee Voter Status until the Termination of That Status.

Thursday, February 13

Health & Human Services
Room 209, Cross Building, 1:00 p.m.
Tel: 287-1317

LD 2056 – Resolve, To Create the Frequent Users System Engagement Collaborative.

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 989 – An Act To Improve Maine’s Tax Laws.

Transporting Tiny Homes (cont.)

regulations in order to be registered by the bureau. In contrast, tiny homes are regulated under the Maine Uniform Building and Energy Code (MUBEC), but not under federal highway safety standards.

Municipal officials believe that instead of amending the motor vehicle laws to allow vehicle registration, the state might benefit from further study and the implementation of solutions that allow these homes to be safely transported to a permanent location in a community and through promotion of zoning changes and exploration of

other policy impacts.

During the committee’s work session this week, Sen. Carpenter and the bureau presented an amendment to LD 1981 which: (1) provides a limited registration to allow transport between the point of origin and destination in order to move the home following a sale, service or repairs, occasional seasonal movement or relocation; (2) defines the property to clarify it is not a recreational vehicle, camp trailer, trailer or semi-trailer, motor home or manufactured housing; and (3) creates a titling option in relevant statutes

through the new definition.

The committee unanimously voted to support the amendment, added an emergency preamble to the legislation, which will make the law effective the day it is signed by the governor, and agreed to send a letter to interested parties encouraging the creation of a stakeholder group to examine tiny home related building, safety, zoning and assessment issues.

The future of affordable housing may be “tiny,” but the regulatory challenges small mobile buildings create are expansive.