MAINE STATE LEGISLATURE

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	L.D. 943
2	DATE: May 19, 1997 (Filing No. S- 263)
4	
6	STATE AND LOCAL GOVERNMENT
8	Reported by: Majority
10	Reproduced and distributed under the direction of the Secretary of the Senate.
12	STATE OF MAINE
14	SENATE
	118TH LEGISLATURE
16	FIRST SPECIAL SESSION
18	
	COMMITTEE AMENDMENT " $oldsymbol{A}$ " to S.P. 292, L.D. 943, Bill, "Ar
20.	Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements"
22	
24	Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:
26	
	'Sec. 1. 30-A MRSA §4357, as enacted by PL 1989, c. 104, Pt.
28	A, $\S45$ and Pt. C, $\S10$, is repealed.
30	Sec. 2. 30-A MRSA §4357-A is enacted to read:
32	§4357-A. Community living arrangements
3.4	1. Definitions. As used in this section, unless the
	context indicates otherwise, the following terms have the
36	following meanings.
38	A. "Community living arrangement" means a housing facility for 8 or fewer persons with disabilities that is approved.
40	authorized, certified or licensed by the State. A community
	living arrangement may include a group home, foster home or
42	intermediate care facility.
44	B. "Disability" has the same meaning as the term "handicap"
	in the federal Fair Housing Act, 42 United States Code
46	Section 3602.
48	2. Single-family use. In order to implement the policy of
±0	this State that persons with disabilities are not excluded by
50	municipal zoning ordinances from the benefits of normal
	residential surroundings, a community living arrangement i
52	deemed a single-family use of property for the purposes of zoning

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 292, L.D. 943

2	Sec. 3. 36 MRSA §652, sub-§1, ¶C, as amended by PL 1995, c.
	560, Pt. K, §82 and affected by §83, is further amended by
4	amending subparagraph (6), division (b), subdivision (i) to read:
6	(i) Property used as a nonprofit nursing
_	home, boarding home or boarding care facility
8	licensed by the Department of Human Services
	pursuant to Title 22, chapter 1665 or a
10	community living facility arrangement as
	defined in Title 30-A, section 4357,
12	subsection2paragraphB 4357-A or any
	property owned by a nonprofit organization
14	licensed or funded by the Department of
	Mental Health, Mental Retardation and
16	Substance Abuse Services to provide services
	to or for the benefit of persons with mental
18	illness or mental retardation;'
20	Further amend the bill by inserting at the end before the
20	summary the following:
22	
24	FISCAL NOTE
26	The Department of Mental Health, Mental Retardation and
	Substance Abuse Services will realize some minor savings in legal
28	costs from these changes in the zoning process for community
	living arrangements.'
30	
32	
	SUMMARY
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	The amendment replaces the bill. It strikes the current law
36	regarding municipal ordinances and community living arrangements
2.0	in order to repeal provisions that violate federal law and to
38	rewrite and clarify the remaining provisions. The amendment
40	continues the requirement that municipalities consider community
- ± ∪	living arrangements to be single-family uses of property for purposes of zoning. It also corrects a cross-reference to the
42	repealed and rewritten section.
	reposited and restriction occiton.
44	The amendment also adds a fiscal note to the bill.

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