

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 970

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H.P. 725

House of Representatives, February 26, 2019

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

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Reference to the Committee on State and Local Government suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative CAMPBELL of Orrington.  
Cosponsored by Senator DIAMOND of Cumberland and  
Representatives: DRINKWATER of Milford, FAY of Raymond, KESCHL of Belgrade,  
O'CONNOR of Berwick, PERKINS of Oakland, STANLEY of Medway, VEROW of Brewer,  
Senator: CHIPMAN of Cumberland.

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

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

3 **1-B. Accessory dwelling unit.** "Accessory dwelling unit" means a dwelling unit  
4 located within a detached single-family dwelling unit.

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

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

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

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

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

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

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

21 H. Residential housing stock, including affordable housing, ~~and~~ policies that assess  
22 community needs and environmental effects of municipal regulations, lessen the  
23 effect of excessive parking requirements for buildings in downtowns and on main  
24 streets and provide for alternative approaches for compliance relating to the reuse of  
25 upper floors of buildings in downtowns and on main streets and policies that provide  
26 for accessory dwelling units;

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

29 G. Ensure that the municipality's or multimunicipal region's land use policies and  
30 ordinances encourage the siting and construction of affordable housing within the  
31 community and comply with the requirements of section 4358 pertaining to  
32 individual mobile home and mobile home park siting and design requirements. The  
33 municipality or multimunicipal region shall seek to achieve a level of at least 10% of  
34 new residential development, based on a 5-year historical average of residential  
35 development in the municipality or multimunicipal region, that meets the definition  
36 of affordable housing. A municipality or multimunicipal region is encouraged to  
37 seek creative approaches to assist in the development of affordable housing,  
38 including, but not limited to, cluster housing, reduced minimum lot and frontage  
39 sizes, increased residential densities, use of municipally owned land ~~and,~~

1 establishment of policies that assess community needs and environmental effects of  
2 municipal regulations, lessen the effect of excessive parking requirements for  
3 buildings in downtowns and on main streets and provide for alternative approaches  
4 for compliance relating to the reuse of upper floors of buildings in downtowns and on  
5 main streets and establishment of policies that provide for accessory dwelling units;

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

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

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

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

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

20 L. Establish policies that provide for accessory dwelling units.

21 **SUMMARY**

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