

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-320)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 946, L.D. 1122, Bill,
"AN ACT to Amend an Existing Law Pertaining to Conversion
of Seasonal Residences in Shoreland Areas."

Amend the Bill by striking out everything after the enacting
clause and inserting in its place the following:

'Sec. 1. 30 MRSA §3223, sub-§3, 1st ¶, as enacted
by PL 1977, c. 523, §1, is amended to read:

Any person, prior to converting a seasonal dwelling
to a year-round dwelling, which dwelling is located in an
area zoned under Title 12, section 4811, et seq., mandatory
shoreland zoning, shall obtain from the local plumbing
inspector a conversion permit. For the purposes of this
subsection, a seasonal dwelling is ~~one which is not adapted
to year-round habitation due to the absence of sufficient
insulation; heating system or year-round water supply and
which was not occupied on a year-round basis during the 1977-
calendar year~~ a dwelling which has not been utilized as a
principal or year-round dwelling during the 5 calendar year
period from 1977 to 1981 inclusive. This subsection shall
not be construed to require a permit for any dwelling which will
not be occupied on a year-round basis or is not the principal
dwelling place of the occupant. For the purposes of this sub-
section, conversion of a seasonal dwelling to a year-round
dwelling means ~~the installation of sufficient insulation,
heating systems or year-round water supply to make the dwelling
suitable for year-round habitation~~ a change of occupancy from

seasonal to year-round or principal dwelling.

Sec. 2. 30 MRSA §3223, sub-§4, as enacted by PL 1977, c. 523, §2, is amended by adding at the end 2 new sentences to read:

No variance for a new expanded or replacement subsurface disposal system shall be approved within the shoreland zoning area which is less restrictive than the requirements of this subsection or rules promulgated based on the subsection.

A seasonal conversion permit shall not be approved if a holding tank is utilized as a means of wastewater disposal or storage.'

Statement of Fact

This amendment makes several changes in the existing seasonal conversion law. First, it clarifies the dwellings that are grandfathered from the requirements of the law. Dwellings that have not been used as principal dwellings from 1977 to 1981 are considered seasonal dwellings. The present law defines a conversion in terms of addition of insulation, heating system or water supply. The amendment substitutes the concept of "principal dwelling" as used in federal rules such as the ^{United States} Internal Revenue Service code, instead of physical criteria for conversion. Finally, the amendment provides that variances can be no less restrictive than requirements of existing rules, and that holding tanks are not acceptable for seasonal conversion.

Reported by the Committee on Energy & Natural Resources.
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