

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1784

6  
7 S.P. 699

In Senate, January 9, 1986

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Energy and Natural Resources suggested  
and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

11 Cosponsored by Senator Kany of Kennebec and Representative Brown  
of Livermore Falls.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SIX  
16

17 AN ACT to Clarify Set-back Requirements under  
18 the Shoreland Zoning Law.  
19

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

22 38 MRSA §436, sub-§5, as reallocated by PL 1985,  
23 c. 481, Pt. A, §24, is amended to read:

24 5. Structure. "Structure" means anything built  
25 for the support, shelter or enclosure of persons, an-  
26 imals, goods or property of any kind, exclusive of  
27 fences. Notwithstanding any provisions in a local  
28 ordinance to the contrary, all new principal and  
29 accessory structures shall meet the set-back require-  
30 ments from normal high watermark of any water body,  
31 except structures which require direct access to the  
32 water as an operational necessity, such as piers,  
33 docks and retaining walls. This subsection is not in-  
34 tended to prohibit variances from these set-back re-  
35 quirements where otherwise allowed in a local ordi-  
36 nance nor is it intended to prohibit the expansion of

1     a nonconforming use or structure where otherwise al-  
2     lowed by ordinance.

3                                 STATEMENT OF FACT

4             This bill is intended to eliminate any confusion  
5     created by the original law. The purpose of this bill  
6     is to require that both new principal and accessory  
7     structures meet whatever set-back requirement from  
8     normal high watermark is established by local ordi-  
9     nance. It is not intended to prohibit local ordi-  
10    nance provisions which allow variances from the  
11    set-back requirements or which allow the expansion of  
12    a nonconforming use or structure. This bill makes  
13    that clear.

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