

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1583

H.P. 1157 House of Representatives, May 15, 1987
Reference to the Committee on Business Legislation
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MURPHY of Kennebunk.
Cosponsored by Representatives HOLLOWAY of Edgecomb and
BEGLEY of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Amend the Maine Condominium Act.

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

33 MRSA §1601-106, as enacted by PL 1981, c. 699,
is amended to read:

§1601-106. Applicability of local laws and regula-
tions

A zoning, subdivision, building code or other
real estate use law, ordinance or regulation may not
prohibit the condominium form of ownership or--impose
any-requirement-upon-a-condominium-which-it-would-not
impose--upon-a-physically-identical-development-under
a-different-form-of-ownership,--except--as--permitted
under--section--1604-111,--subsection-(f). Otherwise,

1 no provision of this Act invalidates or modifies any
2 provision of any zoning, subdivision, building code
3 or other real estate use law, ordinance or regula-
4 tion. No county, municipality, village corporation
5 or other political subdivision, whether or not acting
6 under the municipal home rule powers provided for un-
7 der the Constitution of Maine, Article VIII, Part
8 Second or Title 30, sections 1911 through 1920, or
9 any other authority from time to time, shall may
10 adopt or enforce any law, ordinance, rule, regulation
11 or policy which conflicts with the provisions of this
12 Act.

13 STATEMENT OF FACT

14 In an effort to combat the loss of affordable
15 housing amidst escalating property values, several
16 high-growth coastal municipalities have enacted zon-
17 ing provisions which allow greater density for apart-
18 ment units than for separate ownership units. Cur-
19 rent law seems to prohibit differentiation between
20 apartment units and condominiums. This bill amends
21 that section of the Maine Condominium Act to allow
22 municipalities to impose different requirements for
23 condominiums. It still would prohibit municipalities
24 from prohibiting the condominium form of ownership.

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