

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 111, L.D. 148, Bill, "An Act to Require the Maine Land Use Regulation Commission to Return in a Timely Fashion Applications for the Approval of Permanent or Seasonal Structures That Have Been Destroyed by an Act of God"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act Relating to Destroyed Permanent or Seasonal Structures in the Unorganized Territories'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 12 MRSA §685-B, sub-§2-A is enacted to read:

2-A. Priority for processing. Applications to replace destroyed seasonal or permanent structures shall be given top priority for processing when hardship can be demonstrated by the applicant provided that:

A. The dimensions of the new structure are not greater than the preexisting structure; and

B. The new structure will not adversely affect surrounding uses and resources.

Sec. 2. 12 MRSA §685-B, sub-§ 7, as amended by PL 1973, c. 569, §11, is further amended to read:

7. Nonconforming uses and nonconforming structures. To achieve the purposes set forth in this chapter after the adoption of permanent district standards and permanent districts, the commission may regulate and prohibit expansion and undue perpetuation of nonconforming uses. Specifically the commission may regulate and prohibit:

A. Changes in nonconforming uses to another nonconforming use;

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B. Extension or enlargement of ~~neneenfermig~~ nonconforming uses or nonconforming structures;

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C. Resumption of nonconforming uses, by prohibiting such resumption if such use is discontinued for 2 years or abandoned; and

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D. Movement or enlargement of a nonconforming structure or of a structure containing a nonconforming use.

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The commission may also provide for the termination of commercial or industrial nonconforming uses by specifying in land use standards the period or periods in which nonconforming uses shall be terminated and by adjusting such compulsory terminations so as to allow reasonable time for the conversion of such nonconforming uses and reasonable schedules for the amortization of investment.

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Any use for which a special exception has been granted by the commission, as provided for in section 685-A, subsection 10, shall not be deemed a nonconforming use, but shall be deemed a conforming use in such district.

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For applications to reconstruct a damaged or destroyed nonconforming structure, the commission shall require the new structure to comply with provisions of this chapter to the maximum extent possible.'

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STATEMENT OF FACT

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This amendment requires the Maine Land Use Regulation Commission to give applications, for replacing a structure that has been destroyed, priority for processing when the applicant can demonstrate a hardship. However, to receive priority the new structure must be the same dimensions as the original structure and not adversely affect the surrounding uses and resources.

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In addition, this amendment directs the Maine Land Use Regulation Commission to require that any replacement structure comply to the maximum extent possible with current land use standards, when a nonconforming structure has been destroyed or damaged.

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