

# MAINE STATE LEGISLATURE

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46  
48

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 135, L.D. 195, Bill, "An Act Regarding Zoning Variances"

Amend the bill in section 1 in subsection 4 in paragraph A in the first 2 lines (page 1, lines 12 and 13 in L.D.) by striking out the following: "exclusive of any building or appurtenance attached to the land."

Further amend the bill in section 2 by striking out all of subsection 4-A (page 1, lines 34 to 39 in L.D.) and inserting in its place the following:

'4-A. Disability variance. The board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, section 4553.'

STATEMENT OF FACT

This amendment strikes a provision of the bill affecting the manner in which a zoning board of appeals would determine undue hardship when considering requests for zoning variances. The amendment also adds language clarifying the bill's intent to allow municipal zoning boards of appeal to grant variances for the construction or installation of structures or equipment solely intended to improve accessibility for a person living on the property who has a disability, as defined in the Maine Human Rights Act, the Maine Revised Statutes, Title 5, section 4553.

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