

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 838

H.P. 587

House of Representatives, February 26, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Senator CLARK of Cumberland, Representative AULT of Wayne and Representative POWERS of Coplin Plantation.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Allow Reconstruction of Structures Destroyed by Acts of God.



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

2 Sec. 1. 12 MRSA §685-B, sub-§7, as amended by PL 1989, c. 22,
4 §2, is further amended to read:

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

18 A. Changes in nonconforming uses to another nonconforming
20 use;

22 B. Extension or enlargement of nonconforming uses or
24 nonconforming structures;

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

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

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

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

Damaged or destroyed nonconforming dwelling units may be
reconstructed within 10 years of the damage or destruction if the
new structure covers the same dimensions on the ground.

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.

Sec. 2. **Applicability.** This Act applies to all nonconforming
structures that have been damaged or destroyed 20 years before
the effective date of this Act.

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STATEMENT OF FACT

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6 This bill grandfathers the rebuilding of nonconforming
8 structures within the jurisdiction of the Maine Land Use
Regulation Commission provided that the new structure covers the
same dimensions on the ground.