

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 709, L.D. 1014, Bill, "An Act to Amend the Shoreland Zoning Laws"

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

'38 MRSA §438-A, sub-§1-A is enacted to read:

1-A. Minimum guidelines; limitations. The minimum guidelines adopted under subsection 1 may not require a municipality, in adopting an ordinance, to:

A. Treat an increase in hours or days of operation of a nonconforming use as an expansion of a nonconforming use; or

B. Treat as a single lot, 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the municipal ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with state subsurface wastewater disposal rules, and:

(1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(2) Any lots that do not meet the frontage and lot size requirements of subparagraph (1) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

For purposes of this paragraph the term "nonconforming" means that a lot does not meet the minimum standards for lot area and shore frontage required by municipal ordinances adopted pursuant to this article.

FISCAL NOTE

Costs associated with implementing the proposed minimum guidelines for municipal ordinances, including potential advertising costs for public comments, will be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment changes the original bill to remove the prohibition from reviewing a change from seasonal to year-round operation by a nonconforming use. A prohibition on restricting the availability of variances is also removed. In addition, the bill is amended to allow nonconforming lots of record in single or joint ownership on the effective date of this Act to be considered as separate lots if they meet certain criteria.

Reported by the Committee on Energy and Natural Resources
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House
(5/23/91) (Filing No. H-434)