

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

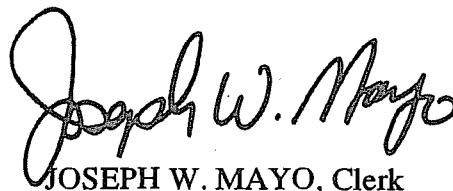
No. 1290

H.P. 959

House of Representatives, April 19, 1993

An Act to Amend the Shoreland Zoning Laws.

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


JOSEPH W. MAYO, Clerk

Presented by Representative ST. ONGE of Greene.
Cosponsored by Representatives: GOULD of Greenville, HOGLUND of Portland, LORD of Waterboro.

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

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4 Sec. 1. 38 MRSA §438-A, sub-§1-A, as enacted by PL 1991, c. 419, is amended to read:

6 1-A. **Minimum guidelines; limitations.** The minimum
8 guidelines adopted under subsection 1 may not require a
municipality, in adopting an ordinance, to:

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

14 B. Treat as a single lot, 2 or more contiguous lots, at
16 least one of which is nonconforming, owned by the same
18 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
wastewater disposal system in conformance with state subsurface
wastewater disposal rules, and:

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

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

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

36 C. Require that the following areas be included in a
resource protection district:

38 (1) Areas along the upland edge of freshwater
40 wetlands, salt marshes and salt meadows and wetlands
associated with great ponds and rivers, which are rated
42 "moderate" by the Department of Inland Fisheries and
Wildlife as of January 1, 1973; and

44 (2) Areas more than 100 feet from the upland edge of
46 freshwater, salt marshes and salt meadows and wetlands
associated with great ponds and rivers, which are rated
48 "high" by the Department of Inland Fisheries and
Wildlife as of January 1, 1973.

2 **Sec. 2. Wetland definition.** The Commissioner of Environmental
3 Protection shall develop definitions for low, moderate and high
4 value wetlands as these are referred to in the State of Maine
5 Guidelines for Municipal Shoreland Zoning and Ordinances, amended
6 July 15, 1992, and report these to the Joint Standing Committee
7 on Energy and Natural Resources by January 15, 1994. The
8 commissioner shall also submit legislation to codify these
9 definitions in the Maine Revised Statutes. The Joint Standing
10 Committee on Energy and Natural Resources shall review these
11 definitions and the legislation and act accordingly.

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STATEMENT OF FACT

16 This bill prohibits the Department of Environmental
17 Protection from requiring towns to zone the areas around moderate
18 value wetlands as resource protection in their shoreland zoning
19 ordinances. Resource protection districts greater than 100 feet
20 around high value wetlands are also prohibited.

22 This bill also requires the Commissioner of Environmental
23 Protection to set forth a definition of low, moderate and high
24 value wetlands to be incorporated into the Maine Revised Statutes.