

# MAINE STATE LEGISLATURE

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**STATE AND LOCAL GOVERNMENT**

Reported by: Senator CARPENTER of York for the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 408, L.D. 1096, Bill, "An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements"

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. 30-A MRSA §4353, sub-§4-A,** as amended by PL 1991, c. 659, §2, is further amended to read:

**4-A. Disability variance.** The board may grant a variance to a ~~property~~ an owner of a dwelling for the purpose of making that ~~property dwelling~~ accessible to a person with a disability who is living on the property resides in or regularly uses the dwelling. 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 dwelling~~ 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~~ in the property dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, section 4553 and the term "structures necessary for access to or egress from the ~~property dwelling~~" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.'

**STATEMENT OF FACT**

This amendment replaces the original bill. The amendment clarifies that variances for accessibility purposes are limited

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COMMITTEE AMENDMENT "A" to S.P. 408, L.D. 1096

2 to the dwelling and for a person who resides in or regularly uses  
the dwelling.

4 Section 2 of the bill is removed, which would have repealed  
6 the public hearing requirement prior to approval of a community  
living facility.