

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1289

H.P. 911

House of Representatives, February 16, 1999

An Act to Establish Municipal Zoning Regulations for Community Living Arrangements.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator MacKINNON of York and
Representatives: AHEARNE of Madawaska, BAGLEY of Machias, BOWLES of Sanford,
BUMPS of China, KASPRZAK of Newport, PERRY of Bangor, RINES of Wiscasset, SAXL
of Portland.

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

2
4 **Sec. 1. 30-A MRSA §4357-A, sub-§2,** as enacted by PL 1997, c. 442, §2, is amended to read:

6 **2. Single-family use.** In order to implement the policy of
8 this State that persons with disabilities are not excluded by
10 municipal zoning ordinances from the benefits of normal
12 residential surroundings, a community living arrangement is
14 deemed a conditional single-family use of property for the
16 purposes of zoning.

18 **Sec. 2. 30-A MRSA §4357-A, sub-§§3 to 4** are enacted to read:

20 **3. Procedures for conditional single-family uses.** Prior to
22 the issuance of a permit for conditional single-family uses, the
24 person proposing the community living arrangement must file an
26 application for conditional approval. In accordance with the
28 usual procedures for notice and hearing, the board of appeals
30 shall hear the application. The board may approve, approve with
32 conditions or deny the application.

34 **4. Application.** The conditional use requirements of this
36 section do not apply to a community living arrangement in
38 existence in municipalities prior to October 1, 1999 for which a
40 permit application was filed prior to October 1, 1999 or for
42 which a permit was granted by a municipality prior to October 1,
44 1999.

46 **Sec. 3. Study established.** There is established the Commission
48 to Study and Develop Criteria for Siting Community Living
50 Arrangements, referred to in this section as the "commission."

1 **1. Membership.** The commission consists of 15
representative members appointed as follows.

2 A. The Governor shall appoint one person from the office of
the Governor and one person from the State Planning Office.

3 B. The Executive Director of the Maine State Housing
Authority shall appoint one person from among providers of
services to persons who are homeless.

4 C. The Commissioner of Human Services shall appoint one
person from the Department of Human Services to represent
providers and recipients of services to children.

5 D. The Commissioner of Mental Health, Mental Retardation
and Substance Abuse Services shall appoint one person to
represent providers and recipients of mental health services.

2 E. The Commissioner of Mental Health, Mental Retardation
4 and Substance Abuse Services shall appoint one person to
represent providers and recipients of mental retardation
services.

6 F. The Commissioner of Mental Health, Mental Retardation
8 and Substance Abuse Services shall appoint one person to
represent providers and recipients of substance abuse
10 prevention services.

12 G. The Commissioner of Mental Health, Mental Retardation
and Substance Abuse Services shall appoint one person to
14 represent providers and recipients of services to children.

16 H. The Speaker of the House shall appoint 4
Representatives, 2 of whom must be from each major political
18 party.

20 I. The President of the Senate shall appoint 2 Senators,
one from each major political party.

22 J. The Speaker of the House shall appoint 2 persons to
24 represent municipalities from among names recommended to the
Speaker of the House by the Maine Municipal Association.

26 **2. Appointments.** All appointments must be made no later
28 than 30 days following the effective date of this Act. The
appointing authorities shall notify the Executive Director of the
30 Legislative Council upon making their appointments. When the
appointment of all members is complete, the Chair of the
32 Legislative Council shall call and convene the first meeting of
the commission no later than October 1, 1999. The commission
34 shall select a chair from among its legislative members.

36 **3. Duties.** The commission shall study criteria for siting
community living arrangements, including community living
38 arrangements as defined in the Maine Revised Statutes, Title
30-A, section 4357-A, in municipalities. In examining these
40 issues, the commission shall study density and dispersion of
population within municipalities, financial criteria, public
42 meetings prior to siting decisions, municipal participation in
siting decisions, socioeconomic effects of siting decisions and
44 the financial impact of community living arrangement siting on
the municipality and surrounding properties. The commission may
46 make recommendations for action in its report. The commission
may meet up to 4 times.

48 **4. Staff assistance.** The commission may request staffing
50 and clerical assistance from the Department of Human Services and

2 the Department of Mental Health, Mental Retardation and Substance
Abuse Services.

4 **5. Reimbursement.** The commission members who are
Legislators are entitled to receive the legislative per diem, as
6 defined in the Maine Revised Statutes, Title 3, section 2, and
reimbursement for travel and other necessary expenses for each
8 day's attendance at meetings of the commission. The Executive
Director of the Legislative Council shall administer the
10 commission's budget.

12 **6. Report.** The commission shall submit its report with any
accompanying legislation to the Second Regular Session of the
14 119th Legislature by December 1, 1999.

16
18 **SUMMARY**

20 This bill establishes a conditional approval process, using
a board of zoning appeals, for community living arrangements.
22 This bill also establishes the Commission to Study and Develop
Criteria for Siting Community Living Arrangements. The
24 commission is required to submit a report with any necessary
implementing legislation to the Second Regular Session of the
26 119th Legislature by December 1, 1999.