



# **120th MAINE LEGISLATURE**

# FIRST REGULAR SESSION-2001

Legislative Document

No. 919

H.P. 704

House of Representatives, February 15, 2001

An Act to Provide for Variance Notification in the Shoreland Zoning Law.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204. Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative KOFFMAN of Bar Harbor. Cosponsored by Representative JONES of Greenville.

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

#### Sec. 1. 38 MRSA §438-A, sub-§6-A is enacted to read:

6-A. Variances. A copy of a request for a variance under 6 an ordinance approved or imposed by the commissioner or board under this article must be forwarded by the municipality to the 8 commissioner at least 20 days prior to action by the municipality. The material submitted must include the 10 application plus all supporting information provided by the applicant. The commissioner may comment when the commissioner 12 determines that the municipal issuance of the variance would not be in compliance with the requirements of state law for a zoning 14 variance or that the variance would undermine the purposes stated in section 435. These comments, if submitted by the commissioner 16 prior to the action by the municipality, must be made part of the record and must be considered by the municipality prior to taking 18 action on the variance request.

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#### SUMMARY

This bill reinstates a provision that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality. It provides for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435. These comments are made part of the record to be considered when a decision is made on the variance request.