

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1022

H.P. 707

House of Representatives, March 1, 2005

An Act To Amend the Laws Governing Shoreland Zoning

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LERMAN of Augusta.

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

Sec. 1. 38 MRSA §438-A, sub-§1-A, ¶¶A and B, as enacted by PL 1991, c. 419, are amended to read:

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; ~~or~~

Sec. 2. 38 MRSA §438-A, sub-§1-A, ¶C is enacted to read:

C. Prohibit the construction of a residential structure on a lot on which an existing subsurface sewage disposal system is located when the lot is adjacent to a lot on which an existing residential structure is located and both lots are owned by the same person or persons.

SUMMARY

This bill provides that the shoreland zoning guidelines established by the Board of Environmental Protection may not require municipalities to prohibit the construction of a residential structure on a lot on which an existing subsurface sewage disposal system is located when the lot is adjacent to a lot on which an existing residential structure is located and both lots are owned by the same person or persons.