

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 1161

DATE: 5/23/5

(Filing No. H-477)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 804, L.D. 1161, Bill, "An Act To Require Notification from the Department of Environmental Protection and the Maine Land Use Regulation Commission upon Permit Application, Issuance and Denial"

Amend the bill by striking out the title and substituting the following:

'An Act To Provide for Variance Notification in the Shoreland Zoning Law'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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

COMMITTEE AMENDMENT

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SUMMARY

This amendment strikes and replaces the bill and requires 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. It provides that these comments are made part of the record to be considered when a decision is made on the variance request.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1161

LR 0962(02)

**An Act To Require Notification from the Department of Environmental Protection and the Maine
Land Use Regulation Commission upon Permit Application, Issuance and Denial**

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund