

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2020

H.P. 1404

House of Representatives, December 21, 2007

An Act To Amend the Laws Governing the Granting of Disability Variances from the Zoning Laws

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CASAVANT of Biddeford.
Cosponsored by Senator HOBBS of York and
Representatives: BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BRYANT of
Windham, DUNN of Bangor, FAIRCLOTH of Bangor, MacDONALD of Boothbay,
SAMSON of Auburn, Senator: HASTINGS of Oxford.

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

2 **Sec. 1. 30-A MRSA §4353, sub-§4-A,** as amended by PL 1995, c. 212, §1, is
3 further amended to read:

4 **4-A. Disability variance.** The board may grant a variance to an owner of a dwelling
5 for the purpose of making that dwelling accessible ~~to~~ a person with a disability who
6 resides in or regularly uses the dwelling. The board shall restrict any variance granted
7 under this subsection ~~solely~~ to the installation of equipment or the construction of
8 structures necessary for access to or egress from the dwelling by the person with the
9 disability and to the construction of a garage or similar structure that will assist the person
10 with the disability. The board may impose conditions on the variance, including limiting
11 the variance to the duration of the disability or to the time that the person with the
12 disability lives in the dwelling. For the purposes of this subsection, a disability has the
13 same meaning as a physical or mental ~~handicap~~ disability under Title 5, section 4553,
14 subsection 7-A and the term "structures necessary for access to or egress from the
15 dwelling" is defined to include railing, wall or roof systems necessary for the safety or
16 effectiveness of the structure.

17 **SUMMARY**

18 This bill amends the laws governing when a variance from the zoning laws may be
19 granted to an owner of a dwelling for the purpose of making that dwelling accessible to a
20 person with a disability. It provides that such a variance may be granted for the
21 construction of a garage or similar structure that will assist the person with the disability.