

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 733

S.P. 223

In Senate, February 18, 2011

**An Act To Allow a Person Who Has Lost a Home in a Shoreland
Zone To Obtain a Building Permit**

Received by the Secretary of the Senate on February 18, 2011. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator WHITTEMORE of Somerset.
Cosponsored by Senators: MARTIN of Kennebec, ROSEN of Hancock, SHERMAN of
Aroostook, THIBODEAU of Waldo, THOMAS of Somerset.

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

2 **Sec. 1. 38 MRSA §439-A, sub-§4-A, ¶F** is enacted to read:

3 F. A nonconforming structure that is located less than the required setback from the
4 shoreland zone and that is removed, or damaged or destroyed regardless of the cause,
5 if the removal or damage or destruction devalues the structure by more than 50% of
6 the structure's market value before such removal or damage or destruction, may be
7 reconstructed or replaced if a permit is obtained within 36 months of the date of the
8 removal or damage or destruction. The reconstruction or replacement must be in
9 compliance with the water setback requirement to the greatest practical extent as
10 determined by the municipal planning board in accordance with the purposes of the
11 municipal ordinance.

12 **SUMMARY**

13 This bill allows an owner of a structure in a shoreland zone up to 36 months to obtain
14 a building permit to rebuild or replace the structure when the structure has been removed,
15 damaged or destroyed to the extent that it has lost over 50% of its market value.