

MAINE STATE LEGISLATURE

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Date: 5/7/13

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 415, L.D. 596, Bill, "An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Platform, Walkway or Deck over a River or Marshland"

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

'An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Deck over a River within a Downtown Revitalization Project'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 38 MRSA §439-A, sub-§4-B is enacted to read:

4-B. Exemption from setback requirements for decks over rivers within a downtown revitalization project. In accordance with the provisions of this subsection, a municipality may adopt an ordinance that exempts a deck from the water and wetland setback requirements otherwise applicable under this section.

A. Notwithstanding subsections 4 and 4-A, a municipality may adopt an ordinance pursuant to this subsection that exempts a deck from the otherwise applicable water or wetland setbacks if the following requirements are met:

- (1) The deck does not exceed 700 square feet in area;
- (2) The deck is cantilevered over a segment of a river that is located within the boundaries of a downtown revitalization project; and
- (3) The deck is attached to or accessory to a use in a structure that was constructed prior to 1971 and is located within a downtown revitalization project.

B. A downtown revitalization project under this subsection must be defined in a project plan approved by the legislative body of the municipality and may include the revitalization of buildings formerly used as mills that do not meet the water or wetland setback requirements in subsections 4 and 4-A.

COMMITTEE AMENDMENT

1 C. Except for the water and wetland setback requirements in subsections 4 and 4-A,
2 a deck that meets the requirements of this subsection must meet all other state and
3 local permit requirements and comply with all other applicable rules.

4 D. A deck exempt under this subsection may be either privately or publicly owned
5 and maintained.'

6

SUMMARY

7 This amendment replaces the bill. The amendment allows the construction of a deck
8 of up to 700 square feet in area over a river without meeting certain otherwise applicable
9 water and wetland setback requirements if the proposed deck will be located within a
10 downtown revitalization project and is either attached to or accessory to a use in a
11 structure that was built prior to 1971.