MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 400

H.P. 291

House of Representatives, February 7, 2017

An Act Regarding the Construction or Placement of Decks within the Shoreland Zone

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

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative TURNER of Burlington.

Cosponsored by Representative ESPLING of New Gloucester, Senator ROSEN of Hancock and Representatives: ALLEY of Beals, CAMPBELL of Orrington, FOLEY of Wells, HANINGTON of Lincoln, KINNEY of Limington, MARTIN of Eagle Lake, REED of Carmel, STANLEY of Medway.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 38 MRSA §439-A, sub-§10 is enacted to read:
3 4 5	10. Decks. A municipality may adopt an ordinance pursuant to this subsection that allows the construction or placement of a deck within the setbacks established pursuant to subsection 4 if the following requirements are met:
6	A. The deck is for residential use or storage of portable docks and small watercraft;
7 8	B. The deck or construction or placement of the deck does not create a cleared opening greater than 250 square feet in the forest canopy:
9	C. The deck does not exceed 192 square feet in area;
10	D. The deck does not extend over the water body or wetland; and
11 12	E. No portion of the deck, including any deck support, extends into the water body or wetland.
13 14 15	A person who applies for a permit under an ordinance adopted pursuant to this subsection must receive that permit prior to applying to the department for a permit under the Natural Resources Protection Act.
16	SUMMARY
17 18 19	This bill allows municipalities to adopt ordinances that allow the construction or placement of a deck within the setbacks established pursuant to the laws governing shoreland zoning as long as certain requirements are met.