

MAINE STATE LEGISLATURE

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L.D. 1312

Date: 6.16.2021

(Filing No. H-697)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "4" to COMMITTEE AMENDMENT "A" to H.P. 968,
L.D. 1312, "An Act To Remove Barriers to Accessory Dwelling Units and Allow
Accessory Dwelling Units where Single-family Houses Are Allowed"

Amend the amendment in the first paragraph after the title (page 1, lines 12 to 14 in
amendment) by striking out the following: "in section 1 in §3015 in subsection 2 in
paragraph C in the first line (page 1, line 12 in L.D.) by striking out the following: "Except
as provided in paragraph E, require" and inserting the following: 'Require' " and inserting
the following: 'by striking out everything after the enacting clause and inserting the
following:'

Amend the amendment by striking out everything after the first paragraph after the title
and inserting the following:

'Sec. 1. 30-A MRSA §3015 is enacted to read:

§3015. Accessory dwelling units

A municipality shall allow one accessory dwelling unit, as defined in section 4301,
subsection 1-C, to be located on the same lot as a single-family dwelling unit as long as the
unit complies with minimum shoreland zoning guidelines adopted by the Department of
Environmental Protection, subject to all locally adopted accessory dwelling unit land use
requirements, and either the primary or accessory dwelling is owner-occupied. A
municipality may not adopt an ordinance or regulation that circumvents the provisions of
this section.

For purposes of this section, "lot" means acreage sufficient to satisfy the minimum lot
size as required by the municipality's land use or building permit ordinance or regulations
or, in the absence of any municipal minimum lot size requirement, as required by Title 12,
section 4807-A.

Sec. 2. Appropriations and allocations. The following appropriations and
allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Single Family Dwelling Units Fund N404**

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 968, L.D. 1312

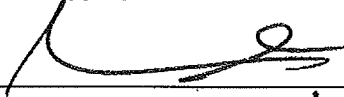
1 Initiative: Provides funding to reimburse municipalities for costs associated with requiring
2 municipalities to allow one accessory dwelling unit to be included within or on the same
3 lot as a single-family dwelling unit.

4	GENERAL FUND	2021-22	2022-23
5	All Other	\$95,004	\$95,004
6			
7	GENERAL FUND TOTAL	\$95,004	\$95,004

8
9 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
10 section number to read consecutively.

11 **SUMMARY**

12 This amendment requires municipalities to allow one accessory dwelling unit as long
13 as the unit complies with minimum shoreland zoning guidelines adopted by the Department
14 of Environmental Protection, subject to locally adopted accessory dwelling unit land use
15 requirements, and either the primary or accessory dwelling is owner-occupied. It prohibits
16 a municipality from adopting an ordinance or regulation that circumvents the requirement.
17 The amendment also adds an appropriations and allocations section.

18 **SPONSORED BY:** 
19 (Representative SYLVESTER, M.)
20 **TOWN: Portland**

FISCAL NOTE REQUIRED
(See Attached)

**130th MAINE LEGISLATURE****LD 1312****LR 1429(04)****An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed****Fiscal Note for House Amendment "A" to Committee Amendment "A"****Sponsor: Rep. Sylvester of Portland****H-697****Fiscal Note Required: Yes****Fiscal Note****State Mandate - Funded**

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$95,004	\$95,004	\$95,004	\$95,004
Appropriations/Allocations				
General Fund	\$95,004	\$95,004	\$95,004	\$95,004

State Mandates

Required Activity	Unit Affected	Local Cost
Requires municipalities to allow one accessory dwelling unit to be included within or on the same lot as a single-family dwelling unit.	Municipality	\$105,560

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This amendment removes one of two required activities of the mandate, leaving the permitting requirement for the accessory dwelling units. It also includes General Fund appropriations of \$95,004 beginning in fiscal year 2020-21 to the Department of Administrative and Financial Services to reimburse municipalities for 90% of the costs associated with the permitting activities. The cost assumes Code Enforcement Officers will be required to work additional time to issue permits for the new structures and ensure compliance with all land use requirements, ordinances and regulations.