

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 214

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H.P. 135

House of Representatives, January 20, 2023

**An Act to Amend the Laws Regarding Zoning and Land Use  
Restrictions to Limit Certain Requirements to Municipalities with a  
Population of More than 10,000**

(EMERGENCY)

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Reference to the Committee on Labor and Housing suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative CAMPBELL of Orrington.  
Cosponsored by Senator LYFORD of Penobscot and  
Representatives: SOBOLESKI of Phillips, THORNE of Carmel.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** current law requires, beginning July 1, 2023, all municipalities to allow a  
4 certain number of dwelling units under certain circumstances and the construction of  
5 accessory dwelling units on the same lot as a single-family dwelling unit and to comply  
6 with certain other zoning requirements; and

7           **Whereas,** this legislation proposes to limit those requirements to municipalities with  
8 a population over 10,000; and

9           **Whereas,** it is the intent of this legislation to exempt municipalities with a population  
10 of 10,000 or less from these requirements entirely;

11           **Whereas,** this legislation needs to take effect prior to the end of the 90-day period so  
12 that municipalities with a population of 10,000 or less will not be subject to those  
13 requirements between July 1, 2023 and the end of the 90-day period; and

14           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
15 the meaning of the Constitution of Maine and require the following legislation as  
16 immediately necessary for the preservation of the public peace, health and safety; now,  
17 therefore,

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

19           **Sec. 1. 30-A MRSA §4364-A, sub-§1,** as enacted by PL 2021, c. 672, §5, is  
20 amended to read:

21           **1. Use allowed.** Notwithstanding any provision of law to the contrary, except as  
22 provided in Title 12, chapter 423-A, for any area in which housing is allowed, a  
23 municipality shall allow structures with up to 2 dwelling units per lot if that lot does not  
24 contain an existing dwelling unit, except that a municipality with a population over 10,000  
25 shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling  
26 unit and the lot is located in a designated growth area within a municipality consistent with  
27 section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special  
28 district or other centrally managed water system and a public, special district or other  
29 comparable sewer system in a municipality without a comprehensive plan.

30 A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2  
31 dwelling units: one additional dwelling unit within or attached to an existing structure or  
32 one additional detached dwelling unit, or one of each.

33 A municipality may allow more units than the number required to be allowed by this  
34 subsection.

35           **Sec. 2. 30-A MRSA §4364-A, sub-§2,** as enacted by PL 2021, c. 672, §5, is  
36 amended to read:

37           **2. Zoning requirements.** With respect to dwelling units allowed under this section,  
38 municipal zoning ordinances in municipalities with a population over 10,000 must comply  
39 with the following conditions.

1 A. If more than one dwelling unit has been constructed on a lot as a result of the  
2 allowance under this section or section 4364-B, the lot is not eligible for any additional  
3 increases in density except as allowed by the municipality.

4 B. A municipal zoning ordinance may establish a prohibition or an allowance for lots  
5 where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot  
6 results.

7 **Sec. 3. 30-A MRSA §4364-A, sub-§10**, as enacted by PL 2021, c. 672, §5, is  
8 amended to read:

9 **10. Implementation.** A municipality is not required to implement the requirements  
10 of this section until ~~July 1, 2023~~ October 1, 2023.

11 **Sec. 4. 30-A MRSA §4364-B, sub-§1**, as enacted by PL 2021, c. 672, §6, is  
12 amended to read:

13 **1. Use permitted.** Except as provided in Title 12, chapter 423-A, a municipality with  
14 a population over 10,000 shall allow an accessory dwelling unit to be located on the same  
15 lot as a single-family dwelling unit in any area in which housing is permitted.

16 **Sec. 5. 30-A MRSA §4364-B, sub-§13**, as enacted by PL 2021, c. 672, §6, is  
17 amended to read:

18 **13. Implementation.** A municipality is not required to implement the requirements  
19 of this section until ~~July 1, 2023~~ October 1, 2023.

20 **Sec. 6. 30-A MRSA §4364-B, sub-§14** is enacted to read:

21 **14. Applicability.** The requirements of this section apply only to a municipality with  
22 a population over 10,000.

23 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
24 takes effect when approved.

## 25 SUMMARY

26 This bill makes the following provisions applicable only to a municipality with a  
27 population over 10,000:

28 1. The requirement that a municipality allow up to 4 dwelling units per lot if that lot  
29 does not contain an existing dwelling unit and the lot is located in a designated growth area  
30 within a municipality or if the lot is served by a public, special district or other centrally  
31 managed water system and a public, special district or other comparable sewer system in a  
32 municipality without a comprehensive plan;

33 2. Certain zoning conditions that apply to dwelling units;

34 3. The requirement that a municipality allow an accessory dwelling unit on the same  
35 lot as a single-family dwelling unit in any area in which housing is permitted; and

36 4. Other requirements relating to accessory dwelling units.