

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1593

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S.P. 624

In Senate, April 11, 2023

### An Act to Increase Affordable Housing Development

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Reference to the Joint Select Committee on Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.  
Cosponsored by Representative CAMPBELL of Orrington and  
Senators: PIERCE of Cumberland, POULIOT of Kennebec, Representatives: GERE of  
Kennebunkport, GOLEK of Harpswell, LOOKNER of Portland, RANA of Bangor.

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

2 **Sec. 1. 12 MRSA §4807-A, sub-§2**, as enacted by PL 1973, c. 411, §1, is amended  
3 to read:

4 **2.** Dispose of wastes by means of subsurface waste disposal from ~~any multiple unit~~  
5 ~~housing or any other~~ land use activity which that may generate wastes in excess of the  
6 waste disposal requirements of normal single family residential units, unless such ~~multiple~~  
7 ~~unit housing or other~~ land use activity is located on a lot of a size and minimum frontage  
8 ~~which that~~ is greater than the requirements stated in subsection 1 in the same proportion as  
9 the actual waste disposal requirements of the ~~multiple unit housing or other~~ land use  
10 ~~activities~~ activity is greater than that of a single family residential unit. For purposes of  
11 computing such proportions, the amount of sewage generated by and the waste disposal  
12 requirement of such activities or land uses ~~shall be deemed to be~~ is:

13 A. ~~Single~~ For a single family residential unit, deemed to be 300 gallons per day; or

14 ~~B. Multiple unit housing, 120 gallons per bedroom;~~

15 C. ~~Other~~ For other land use activity, the actual measurement or computation of waste  
16 generated or likely to be generated except that this paragraph does not apply to multiple  
17 unit housing.

18 **Sec. 2. 30-A MRSA §4352-A** is enacted to read:

19 **§4352-A. Residential housing**

20 Notwithstanding any provision of law to the contrary, a municipality may not adopt or  
21 enforce any zoning restriction that prohibits residential housing in any zoning district;  
22 prohibits any existing allowed structure to be used as or converted for use to residential  
23 housing; or imposes a unit size requirement for residential housing.

24 **Sec. 3. 30-A MRSA §4364, sub-§2**, as enacted by PL 2021, c. 672, §4, is amended  
25 to read:

26 **2. Density requirements.** A municipality shall allow an affordable housing  
27 development where multifamily dwellings are allowed ~~to have a dwelling unit density of~~  
28 ~~at least 2 1/2 times the base density that is otherwise allowed in that location~~ and may not  
29 require more than 2 off-street parking spaces for every 3 units. The development must be  
30 in a designated growth area of a municipality consistent with section 4349-A, subsection  
31 1, paragraph A or B or the development must be served by a public, special district or other  
32 centrally managed water system and a public, special district or other comparable sewer  
33 system. ~~The development must comply with minimum lot size requirements in accordance~~  
34 ~~with Title 12, chapter 423-A, as applicable.~~

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

37 **6. Size requirements.** ~~An accessory dwelling unit must meet a minimum size of 190~~  
38 ~~square feet. If the Technical Building Codes and Standards Board under Title 10, section~~  
39 ~~9722 adopts a different minimum size, that standard applies.~~ A municipality may impose  
40 a maximum size for an accessory dwelling unit.

1 **SUMMARY**

2 This bill removes minimum lot size requirements for any multiple unit housing. The  
3 bill removes dwelling unit density requirements for single-family or multifamily housing  
4 development. The bill removes minimum size requirements for accessory dwelling units  
5 outside of the Maine Uniform Building and Energy Code.

6 The bill also prohibits a municipality from adopting or enforcing any zoning restriction  
7 that:

- 8 1. Prohibits residential housing in any zoning district;  
9 2. Prohibits any existing allowed structure to be used as or converted for use to  
10 residential housing; or  
11 3. Imposes a unit size requirement for residential housing.