

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

State Police officer after July 1, 1995 must make the election no later than 30 days after the date of first employment. A person already employed as a State Police officer on July 1, 1995 must make the election no later than 90 days after July 1, 1995.

Sec. 2. Methodology for calculation. Prior to July 1, 1995, the Maine State Retirement System must prepare a methodology for calculating the full actuarial cost and interest to be applied when a person elects to retire under the Maine Revised Statutes, Title 5, section 17852, subsection 4, paragraph C-2. The retirement system must also establish the procedure for election under that paragraph. In establishing the methodology and procedure, the retirement system shall inform the Maine State Troopers Association and the Department of Public Safety. Any actuarial services necessary to the development of the methodology and procedure must be obtained by the retirement system from its actuary and the cost of these services must be paid by the Maine State Troopers Association.

See title page for effective date.

CHAPTER 627

H.P. 1369 - L.D. 1853

An Act to Amend the Laws Concerning Set-back Variances

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

Sec. 1. 30-A MRSA §4353, sub-§4-B, as enacted by PL 1991, c. 659, §3, is amended to read:

4-B. Set-back variance for single-family dwellings. A municipality may adopt an ordinance that permits the board to grant a set-back variance for a single-family dwelling. An ordinance adopted under this subsection may permit a variance from a set-back requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- B. The granting of a variance will not alter the essential character of the locality;
- C. The hardship is not the result of action taken by the applicant or a prior owner;

D. The granting of the variance will not substantially reduce or impair the use of abutting property; and

E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

An ordinance adopted under this subsection is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. An ordinance may allow for a variance under this subsection to exceed 20% of a set-back requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter I, article 2-B, if the petitioner has obtained the written consent of an affected abutting landowner.

See title page for effective date.

CHAPTER 628

H.P. 1372 - L.D. 1856

An Act Concerning the 1993 Apportionment of Legislative Districts

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain legislative districts will be delineated pursuant to the apportionment plan after their primary elections are held but before the general election; and

Whereas, it would be easier and less confusing for towns and municipalities to know the delineation of legislative districts before any further elections are held; and

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

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

Sec. 1. 21-A MRSA §1201, as amended by PL 1993, c. 7, §1, is repealed.