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Date: (Filing No. S-)

HOUSING AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 734, L.D. 1864, “An Act to Facilitate the Reconstruction of Storm-damaged Commercial Fisheries Facilities and Infrastructure”

Amend the bill in the emergency preamble in the 2nd paragraph in the last 2 lines (page 1, lines 6 and 7 in L.D.) by striking out the following: "town of Harpswell" and inserting the following: 'State's coastal municipalities'

Amend the bill in the emergency preamble in the 3rd paragraph in the 2nd line (page 1, line 9 in L.D.) by striking out the following: "Harpswell" and inserting the following: 'the State'

Amend the bill in the emergency preamble in the 4th paragraph in the first line (page 1, line 12 in L.D.) by striking out the following: "local law" and inserting the following: 'certain local laws'

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. Variance petition; exemption from reasonable return variance standard. The Maine Revised Statutes, Title 30-A, section 4353, subsection 4, paragraph A does not apply to a petition for a variance from one or more provisions of a municipal shoreland zoning ordinance or a municipal floodplain management ordinance that is filed with the municipality's board of appeals established pursuant to Title 30-A, section 4353 if:

A. The petitioner demonstrates to the board of appeals that the petitioner suffered substantial damage to a dock, pier or wharf, or a structure placed thereon, as a result of the severe storms or flooding that occurred from January 9, 2024 to January 13, 2024;

B. The damaged dock, pier or wharf, or structure placed thereon, identified pursuant to paragraph A is proposed to be reconstructed or replaced in kind and is a functionally water-dependent structure or has a functionally water-dependent use; and

C. The petition is determined complete for processing by the board of appeals no later than December 31, 2027.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment amends the bill by providing a time-limited exemption to the Maine
5 Revised Statutes, Title 30-A, section 4353, subsection 4, paragraph A to allow any person
6 in the State, not just those in the Town of Harpswell as proposed in the bill, whose dock,
7 pier or wharf was damaged by the severe storms and flooding that occurred from January
8 9, 2024 to January 13, 2024, to, no later than December 31, 2027, petition a municipality’s
9 board of appeals for and be granted a variance from a municipal shoreland zoning ordinance
10 or a municipal floodplain management ordinance, even if the land on which the structure
11 is located was not damaged to such an extent that it yields no reasonable return, so that the
12 person may conduct repairs on those structures and may do so in time to take advantage of
13 federal funds available pursuant to an emergency declaration. The amendment also
14 changes the bill from a private and special law to a public law.