

Testimony of the Maine Municipal Association

Neither For Nor Against

LD 907 - *An Act to Amend the Law Governing Zoning Ordinance Variances for Persons with Permanent Disabilities*

March 13, 2025

Sen. Curry, Rep. Gere and esteemed members of the Housing and Economic Development Committee, my name is Rebecca Graham, and I am submitting testimony neither for nor against LD 907, *An Act to Amend the Law Governing Zoning Ordinance Variances for Persons with Permanent Disabilities* of MMA's Legislative Policy Committee (LPC). Our LPC will not meet to comprehensively review the language of this bill or take a formal position due to the shortened period of time from the bill printing and the public hearing. As a result, a poll was conducted to provide general feedback on the bill to guide your decision-making process, but not enough responses were received to confirm a position.

While there was general support for making the application of law less restrictive on the permanently disabled, there was a significant amount of confusion around why there would be restrictions on the types of vehicles a person may own to necessitate a variance for construction of storage and parking of a vehicle. There was general consensus that variances to permit reasonable construction would already be possible under current law. The parameters in the bill seem so specific in nature that LPC members believed this was a very targeted local issue and not a statewide problem.

Zoning is not a statewide practice, and officials wondered how many permanently disabled individuals who have vehicles weighing more than 6,000 pounds and are unable to store them indoors because of zoning restrictions this would impact.

Officials were concerned with the removal of language "for no other purpose" that allows for the storage of personal adaptive vehicles and opens the allowance to place grossly oversized garages and car ports for large commercial vehicles and larger motor homes in the shoreland zone.

The intent of the law was to provide reasonable allowances for those who are mobility challenged and storage of their personal vehicles, not to allow variance for unrestricted sized buildings for multiple purposes, or to create a future footprint to be used for new purposes by a current or future occupant once the building has been established. As drafted, an individual could receive a variance for storage purposes or parking from all setbacks with no size restrictions and use that footprint to expand a residence into the shoreland zone that would otherwise not be permitted or allowed under the current language.

While the official position has not been established, the consensus of the LPC is leaning towards opposition with a desire to understand the true problem this bill seeks to address. There is unanimity that the existing limitations appear reasonable and perhaps the vehicle weight limits might be appropriate to address but the other restrictions should remain in spirit of the intended purpose as not all disabilities are visible or related to a mobility issue intended for the variance. If the committee has not taken a position

on the legislation before the LPC reaches a formal position, I will return with additional information, but I hope this will help inform your review of LD 903. I will be happy to work with the stakeholders and the committee on more appropriate language in the interim if desired.