

Maine Land Use Planning Commission
Department of Agriculture, Conservation and Forestry



BASIS STATEMENT AND SUMMARY OF COMMENTS FOR
PROPOSED CHAPTER 2 AND CHAPTER 10 RULE REVISIONS:
SHORT-TERM RENTALS

June 5, 2024

STATUTORY AUTHORITY: 12 M.R.S. §§ 685-A(3); 685-A(7-A); and 685-C(5)

FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENTS

Seasonal and short-term rentals have a long history in rural Maine, including within the Land Use Planning Commission's service area. In recent years, short-term rental use has become more intensive (i.e., more guests per dwelling, more frequent rental activity, and more rental density), and the number of complaints has risen. Because of the many issues and policy considerations relating to the increase in this activity, the Commission researched regulatory approaches of other jurisdictions and developed a conceptual regulatory approach. That approach would require owners of short-term rentals in the Commission's service area to provide notice to the Commission, in conjunction with the adoption of specific standards related to short-term rental activities. During the summer of 2023, Commission staff held three in-person meetings, one virtual meeting, and a written public comment period to gather feedback from residents and property owners on the conceptual proposal.

The Commission reviewed and considered the feedback and materials received, as well as other data and resources gathered, and used the information to refine the conceptual approach and draft rule revisions that aim to:

- Respond to public comments heard during the outreach last summer and to complaints received over time from property owners;
- Start with a simple system that is less burdensome for short-term rental owners and LUPC staff than a permitting process and that can be modified, if needed, going forward;
- Collect data over time on short-term rental activity in the LUPC service area by requiring a notice;
- Implement minimal standards that apply to all short-term rentals with a focus on environmental impacts and renter safety, and use the notice as one way to communicate standards to property owners;

- Recognize the challenges and limitations in terms of enforcement of standards for short-term rentals, but clarify the basis for enforcement when warranted; and
- Provide best practice information to short-term rental owners, renters, and neighbors through guidance materials.

The proposed amendments to the Commission’s rules are summarized below. They would define short-term rental and adopt new performance standards for short-term rental activity. These standards include requiring property owners to provide notice to the Commission if they are renting their dwelling as a short-term rental and self-verifying that they are meeting the proposed standards. If adopted, the rule changes would apply to all new and existing short-term rentals. Existing short-term rental owners would have 180 days after the rule's effective date to file a notice with the Commission.

Proposed revisions to Chapter 2 add a new definition of “short-term rental” and clarify related definitions to differentiate between the residential use of a single dwelling unit, bunkhouse, or residential campsite as a short-term rental and the commercial use of two or more short-term rentals on a single lot. A definition of “use notification” is also added to provide clarification regarding the notice requirement included in the new Chapter 10 standards for short-term rentals and the concurrent rulemaking regarding accessory structures.

Revisions to Chapter 10 include the addition of “short-term rental” to the use listings for subdistricts where residential dwelling units or residential campsites are allowed by permit or special exception. The changes also establish standards related to short-term rentals allowed without a permit subject to standards, including:

- Written notice required for new and existing short-term rentals;
- A maximum allowable occupancy based on the number of bedrooms in the rental unit;
- The subsurface wastewater disposal system that serves the short-term rental must comply with all applicable subsurface wastewater disposal rules;
- Information must be posted in the rental identifying a local contact person with 24-hour contact information and the E-911 address or other specific information describing the property's location;
- Sufficient off-street parking must be provided on the property for guests to ensure that entrances to private driveways are not obstructed and to allow for access by emergency vehicles; and
- Provision must be made for regular solid waste disposal.

During the development of this basis statement, staff identified a grammatical error in the draft rule language and have made the following corrections in the draft for adoption (highlighted):

T. SHORT-TERM RENTALS

Short-term rentals allowed in a subdistrict without a permit must comply with the following standards. Short-term rental activities within legally existing dwelling units and residential campsites in D-PD or P-RP subdistricts must comply with the following standards. Short-term rental activities not in conformance with Section 10.27,T,2 may be allowed upon issuance of a permit from the Commission, provided that short-term rentals are an allowed use in the subdistrict involved. An applicant for such a permit must show by substantial evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,T,2, will must be conducted in a manner that produces no undue adverse impact upon the resources and uses in the area.

PUBLIC NOTICE OF RULEMAKING

At a meeting held on February 14, 2024, staff presented the draft rule revisions to the Commission and requested to post the revisions to public comment. The Commission voted to post the revisions to public comment with a 45-day public comment period and an additional 14-day rebuttal period.

Notice of the rulemaking was provided in the Secretary of State's consolidated rulemaking notice on February 28, 2024. In addition to the legal notice, the Commission posted notice by email through the State's GovDelivery system to all individuals on the short-term rental GovDelivery list and also those wishing to be contacted regarding any proposed rule changes. Notice of the proposed revisions was also posted on the agency's rulemaking webpage. Additionally, staff forwarded the GovDelivery notice by email to 139 individuals who had previously participated in the rule development process or provided comments during initial outreach.

The record remained open until April 17, 2024, to allow interested persons to file written statements with the Commission; and for an additional 14 days until May 1, 2023, to allow interested persons to file written rebuttal comments.

COMMENTS AND RESPONSES

The Commission received written comments from forty-seven parties,¹ and one rebuttal comment. Three people submitted comments after the comment period deadline. Comments included numerous statements on various themes. In accordance with state statute and Commission policy, the staff has summarized all comments received. To fully consider the range of comments in the context of the rule revision proposal, the comments have been organized into four broad topics, some of which include sub-categories on that larger topic. This document identifies various themes or core ideas for each topic or sub-category, summarizes comments received, and provides a response to the comments.

1. Topic: Comments Identifying Issues with Short-term Rentals, or Support for Regulations

Some commenters expressed support for regulating short-term rentals or noted specific issues or impacts that can be associated with them. Noise, parking, lighting, trespassing, and the "disruptive" effect of properties with high occupancy rates were specifically mentioned, as was the need for a 24-hour contact. One commenter stated that the proposed rules are "a good starting point."

Commenter(s): K. Johnson; C. McGee; T. Regan; K. Smith; V. Starbird; L. Taylor

Response: During the 2023 outreach effort, Commission staff heard from many people that have been negatively affected by short-term rentals in some way or have concerns about potential impacts to area resources, particularly water resources. Ultimately, the Commission proposed standards determined to be most important for minimizing impacts to resources and in terms of public safety, and that provide the basis for enforcement when warranted.

In addition to the proposed rule changes, LUPC staff will concurrently develop "best practices" guidance for short-term rental owners, renters, and neighbors. This guidance will address issues like good neighbor practices, for example in terms of noise and lighting, and include information about

¹ A "party" includes individuals, businesses, organizations, or single set of comments signed by multiple people (e.g., spouses).

who to contact if there are concerns about these issues. LUPC compliance and enforcement staff can respond to certain complaints related to its regulatory requirements, but there are other entities that should be contacted if issues outside the LUPC purview arise.

Action(s): No action taken.

2. Topic: General Opposition to Regulating Short-term Rentals

A. Comments Opposing the Regulation of Short-term Rentals in General

Multiple commenters expressed that there should not be regulations for short-term rentals. Concerns about private property rights and over-regulation were noted. Some commenters stated that they could not see any benefits to the proposed rules, the LUPC is "punishing the many for the sins of a few," and the proposal is "a one-size-fits-all solution for a problem that doesn't exist or is much more minor than what is being presented by the state." Some commenters believe that the goals can be accomplished without creating rules, and that these new rules will inevitably lead to more regulations.

Commenter(s): G. Bogdanich; S. Burton; E. Byrne; J. Eakin; L. and C. Jakub; J. Ladd; A. LeBlanc; M. Leclerc; M. McAdams; T. McGonagle, Maine Investment Properties, LLC; S. and D. Roerig; S. Russell; R. and J. Sahagen; L. Sherr; L. and J. Smidt; L. Sorota; K. Trudel; L. and L. Uggeri; G. Wingate

Response: In response to the increase in short-term rental activity and complaints associated with short-term rentals, the Commission gathered information and considered whether to regulate them in its service area. The Commission considered multiple regulatory approaches, including taking no action. During the 2023 outreach effort, there were varied opinions about short-term rentals and the conceptual regulatory approach presented for discussion. Some participants expressed concerns about creating barriers to short-term rentals. Other participants described how they have been negatively affected by short-term rentals or expressed concerns about potential impacts to water or other natural resources. Ultimately, the Commission determined that minimal standards related to environmental concerns and public safety were appropriate.

The Commission recognizes that the majority of short-term rentals in its service area are not creating significant impacts on resources or neighbors. Therefore, one major objective of this rulemaking is to implement a simple system that is less burdensome for short-term rental owners and LUPC staff than a permitting process. The no-fee, one-time notice requirement and minimal standards present less of a burden than a full permitting process with more complex standards. For more intensive rentals (e.g., sites hosting more than two people per bedroom), the activity is still allowed but requires a permit as opposed to being allowed without a permit subject to standards. The proposed addition of an online submission option is a first for the Commission and is being developed specifically to make it easier for short-term rental owners to meet the notice requirement. Staff will collect data over time to help evaluate short-term rental activity and impacts, and the approach can be modified or even discontinued if deemed unnecessary or ineffective.

Action(s): No action taken.

B. Comments Expressing Concern about the Economic Impact of the Proposed Rules

Many comments were received related to the important role short-term rentals play in the local economy in terms of increasing the availability of lodging and support for local businesses by bringing people to the area. Multiple commenters expressed that the extra income they earn allows them to keep and maintain their property. Many commenters expressed concern that the proposed rules could have impacts on the regional/statewide economy and drive potential visitors to choose other locations. Several commenters expressed concern that these rules would lead to the Town of Rangeley adopting its own rules. Concern about the cost of having a 24-hour contact person was noted by several commenters. Some commenters expressed concern that the proposed rules will prohibit them from using their properties as short-term rentals.

Commenter(s): C. Babbitt; P. Blais; G. and L. Boyd; F. Brown; K. Brunelle; S. Burton; E. Byrne; R. Considine; C. Eliason; L. Insley; D. and S. Kirchheimer; J. Ladd; M. Leclerc; M. MacAdams; R. Mahara; C. McGee; T. McGonagle, Maine Investment Properties, LLC; M. Melanson; R. Mewer; J. Rodgers; S. Russell; L. Sherr; L. Sorota; M. St. Cyr; E. Trayner; S. Volger; G. Wingate

Response: Vacation rentals have been, and remain, an important part of the economy in rural Maine. Short-term rentals yield economic benefits to property owners as well as local, regional, and state-wide economies. Many participants in the outreach effort associated with this rulemaking, as well as some commenters, communicated how important it is to them to be able to offer their homes as rentals. However, as the prevalence of short-term rentals has increased in the Commission's service area, so have concerns about how the more intensive use of single-family dwellings (i.e., more guests per dwelling, more frequent rental, and more rental density) affects natural resources and neighbors. An overarching goal of these rule revisions has been to minimize the burden of any requirements on short-term rental owners while simultaneously addressing the impacts.

The new rules allow short-term rentals wherever single-family residential dwelling units are allowed and require only the one-time submission of a short notice form. No fee is required, and there will be a system in place for property owners to complete the notice requirement online. Under the proposed rules, short-term rental property owners must self-verify that their rental meets applicable activity standards, including the requirement to submit a notice. The other standards cover basic health and safety issues such as adequate subsurface wastewater disposal to avoid contamination of neighboring water bodies, posting of property and contact information, parking, and solid waste disposal.

The Commission does not consider meeting these minimal standards an unreasonable burden on property owners. For most short-term rentals, no permit would be required, the notice only must be submitted one time, no fee will be assessed, and materials can be filed with the Commission online. Should the owner of a short-term rental wish to exceed the occupancy standard, a permit will be required to ensure existing infrastructure can accommodate the increased occupancy. Permit application fees would range from \$50-100, depending on the specifics of the project (e.g., location). In these cases, the owner will need to provide documentation regarding the adequacy of their subsurface wastewater disposal system but there should be minimal cost involved in obtaining a copy of their plumbing permit.

The intent of the proposed rules is not to prevent or preclude owners of single-family dwelling units to rent their property as a short-term rental. The only cases where a current short-term rental would no longer be allowed would be if the standards cannot be met even through permitting. These cases are anticipated to be rare if they occur at all.

In terms of the local contact person requirement, the proposed standard states:

“Local contact person and contact information. The local contact person must be an individual who is personally available by telephone on a 24-hour basis and who has access and authority to assume management of the short-term rental.”

The Commission acknowledges that short-term rental owners may live some distance from their rentals, or even may be out of state, and therefore purposefully did not define the term “local” for this reason. However, it is important that contact information for someone who is reasonably able to respond to management needs or emergency situations be provided to renters and neighbors. Ideally, this contact would be located in close proximity to the rental, but the Commission recognizes that some properties may be remote.

Action(s): The Commission replaced the word “local” with “rental” in the proposed rule section 10.27,T,4,a as indicated below.

“4. Information posted.

The following information must be posted in a visible location both within the short-term rental and at an exterior location visible to emergency responders:

- a. ~~Local-Rental~~ contact person and contact information. The ~~local-rental~~ contact person must be an individual who is personally available by telephone on a 24-hour basis and who has access and authority to assume management of the short-term rental. An owner-authorized agent or professional property management company that meets the availability requirements can serve as the ~~local-rental~~ contact person.”

C. Comments Regarding Short-term Rental Owners Experience with Their Rental

Multiple commenters stated that they had been operating a short-term rental for years and have not had any issues. Many commenters noted that they use a management company that takes care of any issues associated with their rentals. Several commenters stated that they believe they already comply with the proposed standards.

Commenter(s): G. Bogdanich; G. and L. Boyd; E. Byrne; J. Eakin; C. Eliason; J. Freese; C. Keiter; D. and S. Kirchheimer; J. Ladd; R. Subernat; G. Wingate

Response: The Commission appreciates that most short-term rental owners have a positive experience with their rentals and already implement best practices. However, not all owners have rental management companies to respond to issues with renters or the property. The proposed minimal standards will apply to all short-term rentals, including those that are not managed by a professional management company, with the idea of minimizing potential environmental impacts, ensuring renter safety, and providing an avenue for communication for neighboring property owners.

Action(s): No action taken.

3. Topic: Comments Regarding How Short-term Rentals Are Proposed to Be Regulated

A. Comments Regarding Requiring a Permit or a Notice

Commenters expressed a variety of opinions regarding the notice requirement. Some commenters expressed concern that a permit is not being required, while others suggested the desired standards

could be met without adopting regulations. One commenter suggested that owners should just have to post the house rules, and a notice to the LUPC “for further judgment” is not necessary. One commenter suggested that the LUPC should require a permit and use the fees collected to fund additional staff.

Commenter(s): K. Johnson; K. Smith; V. Starbird; E. Trayner; K. Trudel; L. and L. Uggeri

Response:

The Commission considers short-term rentals as defined in the proposed rules as a residential use. The goal for adopting standards is to ensure that short-term rental activities are consistent with other residential uses in terms of intensity and impacts. Requiring a notice and self-verification that the rental conforms with the standards will help ensure that this is the case for the majority of short-term rentals, eliminating the need for a permit requirement in most instances.

One objective in considering how best to address short-term rentals within the Commission’s regulatory framework was to identify an approach that results in minimal burden to owners of existing short-term rentals. The notice form would require much less time and information for the owner to complete, with an online submission option available. This approach also results in little to no processing time for staff because it is anticipated that most notices would be completed online with the information incorporated directly into the Commission’s action tracker database.

Action(s): Staff will track data collected and periodically evaluate the rule’s implementation and effectiveness.

B. Comments Regarding the Classification of Use

Multiple commenters stated that short-term rentals should be considered a commercial use. Commenters referred to current LUPC definitions of "Dwelling Unit" and "Commercial Use" or noted that owners earn income and pay lodging tax to support their statements. One commenter opposed considering short-term rentals as commercial. One commenter noted that some properties have restrictive covenants regarding commercial activities. One commenter wanted to know what type of permit application will be required when needed, since building permits are for residential uses and development permits are for non-residential uses. A few commenters were unclear how the proposed rules classified the use or that two short-term rentals on a single lot would be considered a commercial use.

Commenter(s): J. Freese; K. Johnson; M. Lambert; K. Smith; V. Starbird; R. Subernat

Response: Based on review of feedback received in response to outreach and during the rulemaking process, the Commission determined that the rental of a single dwelling unit on a single lot would continue to be considered a residential use, provided it meets the standards for short-term rentals.

The Commission defines “dwelling unit” as: “A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any minor home occupations, for one family.” The Commission does not have the staff capacity to implement complex thresholds for determining the percentage of time a property is rented or monitor whether there is more than one family unit renting a particular property. Alternatively, standards focused on environmental protection and public health and safety can more easily be assessed and enforced. For example, the proposed occupancy standard

is intended to limit the number of people staying in a short-term rental to that which would be similar to one family occupying the dwelling unit.

Regarding restrictive covenants, the notice form will require that an owner attest that the short-term rental is an allowed use if it is located on a property that is part of an owners' association. If an owner applies for a permit to exceed the occupancy standard, part of the permitting process will be to review the applicant's title, right, and interest in the subject property, including any deed covenants and restrictions. How an owner's association defines short-term rentals and considers them in terms of type of use is a civil matter beyond the Commission's purview.

Because a short-term rental is not considered a commercial use by the Commission, the Building Permit application would be used. However, because there would not be any construction associated with the permitting of a short-term rental that wishes to exceed the standards, the Commission will develop a specific exhibit within the Building Permit application requiring only the information relevant for short-term rentals.

Based on comments received from several parties, there seems to be a lack of clarity that commercial use only applies if two or more short-term rentals operate on a single lot. To help ensure a smooth transition in the application of the new standards and the notice, staff will provide outreach materials that highlight the distinction between short-term rentals and commercial uses.

Action(s): Staff will develop an exhibit specific to short-term rentals for the Building Permit application that addresses the requirements needed for approval to exceed the occupancy standard allowed by notice. Staff will provide clarification regarding the distinction between short-term rentals and commercial uses in outreach materials, on application forms, and on the Commission's website.

C. Comments Regarding the Proposed Occupancy Standards

There was a spectrum of opinions regarding the standard limiting the capacity of a short-term rental to two people per bedroom. Multiple commenters expressed concerns about the two-person per bedroom standard for occupancy. Those commenting noted that children often share a parent's room, or a "bunkroom" is set up to provide sleeping quarters for multiple children. Several stated their property "comfortably" fits more than two people per bedroom. One commenter asked how the occupancy standard would be enforced, and what would be the consequences for having more occupants than allowed. They questioned if occupancy is enforced for non-short-term rental dwellings. On the other hand, one commenter noted that they have seen "up to 14 people stay in a 3 bedroom rental; often 10+ people staying in these cabins". The commenter also suggested the LUPC consider different requirements for different types of short-term rentals, such as those that are part of an owners' association.

Commenter(s): J. Bishop; E. Byrne; C. Eliason; L. Insley; C. Keiter; C. McGee; R. Mewer; J. Rodgers; L. Taylor; L. and L. Uggeri

Response: During the summer 2023 outreach, by far, the most common issue reported was concern about occupancy and septic system capacity and the potential water quality impacts that result from the failure or overuse of septic systems. Concern was expressed by participants that properties are being rented to a number of guests exceeding the design capacity of the septic system. The Commission believes most short-term rental owners do not want the use of their property to result in the pollution of any adjacent water bodies and will not overburden their septic systems. The proposed rulemaking seeks to strike a balance between requiring only a notice for the majority of short-term rentals that are able to comply with applicable regulations and therefore less likely to cause adverse impacts; and

requiring a permit only where the proposed activity, or deviation from the standards, warrants review.

Owners of short-term rentals will be able to apply for a permit to exceed the occupancy standard, provided that short-term rentals are an allowed use in the subdistrict involved. The applicant would have to demonstrate by substantial evidence that the additional occupancy produces no undue adverse impact upon the resources and uses in the area. This means, for example, the owner must provide evidence that the subsurface wastewater disposal system is designed to accommodate the needed additional flows and there is adequate parking available to accommodate the increase in tenants. To reduce the burden on applicants wishing to exceed the standard, the Commission will create a new permit exhibit that will require only the information relevant for short-term rentals.

In terms of enforcement of the proposed occupancy standard, due to the size and scope of the service area, and the significant number of short-term rentals, the Commission recognizes that the majority of compliance and enforcement checks or inspections will be the result of complaints received or incidental investigations regarding the rental property or a nearby property. If staff receive a complaint related to a short-term rental, staff will investigate the complaint in accordance with standard procedures and the Compliance and Enforcement Response Policy. If a septic system for any property in the Commission's service has been reported as failing, whether through a complaint or inspection, Commission staff will contact the Maine Subsurface Wastewater Disposal Program staff, who oversee enforcement of Maine's Subsurface Wastewater Disposal rules.

Action(s): No action taken.

D. Comments Regarding the Need for Additional Standards

Several commenters suggested additional standards for the Commission to consider. Different standards for properties with owners' associations versus large, single lot rentals was suggested, along with additional standards for lighting, water testing, and sign-off by the State Fire Marshall.

Commenter(s): T. Regan; K. Smith; L. Taylor

Response:

The notice form will require that an owner attest that the short-term rental is an allowed use if it is located on a property that is part of an owners' association. If an owner applies for a permit to exceed the occupancy standard, part of the permitting process will be to review the applicant's title, right, and interest in the subject property, including any deed covenants and restrictions.

As noted above, LUPC staff will develop and publish "best practices" guidance for short-term rental owners, renters, and neighbors. This guidance will address issues like lighting and noise and include information about who to contact if there are concerns about these issues.

Activities within the Commission's service area are subject to all applicable state and federal laws, including any requirements for water testing and fire safety. The notice form will include a self-verification that the short-term rental is being operated in compliance with all applicable state and federal laws and rules. As part of its "best practice" outreach materials, the Commission will provide information and contacts regarding water and fire safety, and other public safety considerations. Ultimately, water testing (like numerous other factors) is the purview of other agencies and need not be duplicated by the Commission.

Action(s): Information and links regarding issues including lighting, noise, water testing, and fire safety will be provided in "best practice" outreach materials.

E. Comments Regarding Subdistrict Designations

Two comments specific to subdistrict designations were received. One recommended that the LUPC consider zones individually and prohibit short-term rentals in the Residential (D-RS) subdistrict. The other requested that the Great Pond Protection 2 subdistrict (P-GP2) be added to the list of zones where short-term rentals are listed as an allowed use.

Commenter(s): V. Starbird; H. Stevens, Seven Island Land Company

Response: Because the proposed regulations consider short-term rentals as a residential use, the Commission has proposed including them in the list of allowed uses without a permit subject to standards in subdistricts where single-family residential uses are allowed, including the D-RS. One objective of the proposed regulations is to collect data on short-term rental activity within the Commission's service area. Staff will review the data periodically and consider other factors, such as complaints received, to evaluate short-term rental activity and impacts. The regulatory approach can be modified in the future if needed.

At this time, the P-GP2 subdistrict applies to Aziscohos Lake within Lincoln Plantation and Lower Richardson Lake in Township C. Uses in the subdistrict are limited to seasonal recreational uses and subdivisions are allowed without the need to rezone. Single family seasonal dwellings are allowed with a permit in this subdistrict. However, this subdistrict was not included in the proposed list of subdistricts where short-term rentals are allowed because there is a provision in the current rule (Section 10.23,F,3,h) that states that:

Campground, campsite, and rental cabin management. All such facilities offered for rent must be managed and supervised by an attendant who provides regular and routine oversight.

Seven Islands Land Company manages the majority of the area included in the P-GP2 subdistrict. In their comments, Seven Islands expressed concern that the ability to offer seasonal rentals may be limited if short-term rentals are excluded from this subdistrict. Because one of the standards requires a 24-hour contact for renters and another requires regular solid waste disposal, the Commission believes the intent of Section 10.23,F,3,h is met and agrees that it is appropriate to add the P-GP 2 to the list of subdistricts where short-term rentals are allowed as presented in the draft rule.

Action(s): The Great Pond Protection 2 (P-GP2) subdistrict was added to the list of subdistricts where short-term rentals are allowed as presented in the draft rule.

4. Topic: Comments Regarding Clarifying Terminology or with General Questions

A. Comments Regarding the Definitions

The following comments were received regarding definitions:

- The definition of "dwelling unit" is not properly written and doesn't follow a logical progression. It should start with "A dwelling unit is a single family dwelling unit. A dwelling unit consists of a room or group of rooms designed and equipped for use primarily as living quarters, including any minor home occupations, for one family". Then continued to be qualified.
- What does "regular or recurring" mean in the definition of "rental unit"?

- What is the definition of a bedroom?

Commenter(s): C&M Home Rentals; K. Smith

Response:

The Commission strives for consistency within its rules. The preferred practice for Chapter 2, Definitions, is to provide the statutory definition for a given term first if a term is also defined in 12 M.R.S. § 682. The change to the definition of “dwelling unit” in Chapter 2 makes it consistent with the preferred practice of putting the statutory definition first.

If a definition is not provided in rule or statute, the Commission follows the “plain meaning rule” which states that unless defined within the statute or rule, words must be given their plain, ordinary, and literal meaning. In this case, “regular” is defined by Merriam-Webster² as “recurring, attending, or functioning at fixed, uniform, or normal intervals,” and “recurring” is defined as “occurring repeatedly.”

The Commission’s rules do not include a separate definition for bedroom. Given the intent of the standard, the Commission would likely defer to the Maine Department of Health and Human Services Subsurface Wastewater Disposal Rules ([Chapter 241](#)), which do define bedroom: “Bedroom means any room within a dwelling unit that primarily serves as sleeping quarters.”

Action(s): No action taken.

B. Comments with General Questions or Requiring Clarification

One commenter was unsure about the proposed changes. One commenter asked about the frequency of and locations for complaints received by the LUPC, and how they could access a map showing the zoning for their property. One commenter suggested that changes should be made at the local level and not by the state. Another commenter suggested that additional public outreach is needed and requested a “text explanation” of the changes proposed.

Commenter(s): P. Blais; M. St. Cyr; L. and J. Smidt; K. Tiffany

Response:

Community meetings were held in E. Millinocket, Greenville, and Rangeley, where multiple participants reported issues or concerns regarding short-term rentals nearby or in general.³ In addition, Commission permitting, compliance, and enforcement staff were informally surveyed in 2022 when planning staff initiated a study of short-term rentals in the Commission’s service area. All staff reported a rise in inquiries about short-term rentals, and staff in the Western and Moosehead regions reported increases in complaints.

The LUPC Parcel Viewer⁴ is available to help identify the zoning designation for a particular property.

The Commission serves as the planning and zoning authority for the unorganized areas of Maine, plantations, and towns that have elected not to assume local authority. Though it is a state agency, it serves as the local land use and permitting authority for these areas.

² See [Merriam-Webster: America's Most Trusted Dictionary](#)

³ See [STR_SummaryofPublicComment.pdf \(maine.gov\)](#)

⁴ See [LUPC digital and online data \(maine.gov\)](#)

The proposed rules have resulted from a two-year process that has included multiple community meetings, an informal written comment period, presentations at public Commission meetings, GovDelivery notices, and emails to interested parties. In addition, a project website⁵ has been kept up to date with links to important information, reports, and Commission memoranda. The draft rule text has been available on both the project website and the Commission's Proposed Rules webpage since the public comment period was initiated in February.

Action(s): No action taken.

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⁵ See [Short-Term Rentals in the Commission's Service Area : LUPC : Maine DACF](#)