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# **Biennial Shoreland Zoning Report to the 123<sup>rd</sup> Legislature**

Submitted Pursuant to 38 MRSA, Section 449

**Maine Department of Environmental Protection**  
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## EXECUTIVE SUMMARY

The Mandatory Shoreland Zoning Act, Title 38 MRSA sections 435-449, requires Maine's organized municipalities to enact ordinances regulating land use activities in shoreland areas. The Department of Environmental Protection (Department) establishes, through its *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances* (Guidelines), minimum standards for the municipally-adopted ordinances. It also provides general oversight of municipal administration and enforcement of shoreland zoning ordinances.

In March of 2006, the Department amended its Guidelines. Significant changes included: updates to wetlands ratings, increased setbacks adjacent to unstable coastal bluffs, inclusion of the new statewide timber harvesting standards, and modifications to the vegetative buffer requirements. Municipal ordinances must now be updated to be consistent with the amended Guidelines by July 1, 2009.

The Department's shoreland zoning unit (Unit) continues to focus its efforts on education and assistance. The Unit continues to serve as the faculty for the State Planning Office's code enforcement officer training and certification program, and conducts many other workshops for town officials. Training of persons in the real estate profession has also been a high priority for the Department, as realtors are often the first contact that prospective buyers have when purchasing shoreland property. Unit staff spends much time assisting local officials with permitting and enforcement issues, and site visits occur frequently in order to assist local officials. Many requests for assistance are also addressed through written and oral communications.

The Department has authored an additional educational pamphlet providing guidance on replanting requirements when trees are cut in violation of the shoreland buffer standards. Additionally, the *Handbook for Shoreland Owners* is being updated and will be available by mid-May 2008.

Department staff reviewed and acted on 150 shoreland zoning ordinances and amendments during the last two years.

The Department has issued a Request for Proposals to evaluate the effectiveness of the shoreland zoning program. That study will evaluate the overlapping aspects of the Mandatory Shoreland Zoning Act and the Natural Resources Protection Act, (38 MRSA Section 480-A et.seq.) including recommendations for eliminating statutory and regulatory conflicts. The study report is expected before the end of 2008.

Code enforcement officers are required to submit permit and enforcement data to the Department on a biennial basis. The municipal reporting rate remains quite low at between 50 and 60 percent. The average number of new principal and accessory structures per town has not changed significantly between 2002 and 2005. The number of variances granted in the shoreland zone remains a concern of the Department, as approximately half of the applications are granted by municipal boards of appeals.

The vast majority of shoreland zoning violations are resolved informally between the landowner and the municipalities. Only about 3 percent of all violations proceed to court actions, and approximate 10 percent are resolved through administrative consent agreements.

The Department is recommending one legislative change to the Mandatory Shoreland Zoning Act. Currently, there is no authority for the Department to recover the costs funded by the State associated with the adoption or amendment of a State-imposed Shoreland Zoning Ordinance. The Department believes it is unfair to the 400 municipalities that adopt an ordinance as required and that pay the costs associated with the adoption and subsequent amendments, to allow the 50 or so municipalities that do not adopt a suitable ordinance to avoid those costs.

## **Introduction**

This report is submitted to the Maine Legislature pursuant to 38 MRSA, section 449 which requires the Commissioner of the Maine Department of Environmental Protection (Department) to biennially report on the implementation and impact of local shoreland zoning ordinances.

This report must include:

1. a description of the assistance and supervision that the Commissioner has provided to the municipalities in carrying out their shoreland zoning responsibilities;
2. a summary of the shoreland zoning violations investigated by municipal code enforcement officers; and
3. any recommendations for legislation relating to shoreland zoning.

## **Program Description**

The Mandatory Shoreland Zoning Act (Act), commonly referred to as the shoreland zoning law, was implemented in the early 1970's. The Act, as amended, requires all organized municipalities to adopt ordinances that regulate land use activities in the shoreland zone. The shoreland zone consists of land areas within 250 feet, horizontal distance, of the normal high-water line of great ponds, rivers and tidal waters; within 250 feet, horizontal distance, of the upland edge of freshwater and coastal wetlands; and within 75 feet, horizontal distance, of streams.

The Board of Environmental Protection (BEP) establishes minimum standards for the municipally-adopted shoreland ordinances. Those minimum standards are contained in the *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances* (Guidelines) which is Chapter 1000 of the Department's rules. The Act allows a municipality to enact a different set of standards than those of the Guidelines when it documents to the Commissioner that special local conditions warrant other standards.

The Commissioner must approve all shoreland ordinances and amendments thereto before they become effective. If a municipality fails to adopt a suitable shoreland zoning ordinance, the Act requires the BEP to adopt an ordinance for the municipality. The BEP-adopted ordinance is referred to as a *State-imposed ordinance*, and must be administered and enforced by the municipality just as if the municipality had adopted it. A State-imposed ordinance consists of the Guidelines and an accompanying zoning map. Both the ordinance text and the map are adopted following the procedures required for rulemaking activities.

The Department's shoreland zoning program is presently administered by three full-time staff members; one in the Augusta office, one in the Portland office, and one in the Bangor office. Some additional assistance is provided by a staffer at the Department's Presque Isle office, whose primary job is enforcement of the Natural Resources Protection Act (NRPA), the Site Location of Development Act (Site Law), and other laws administered directly by the Department. Regionalization of the shoreland zoning staff has proven to be a much more

efficient method of providing assistance to the municipalities and affected landowners than a centralized program.

The primary work of the shoreland zoning unit is that of education and technical assistance. Enforcement is becoming a greater part of the Department's efforts, but assistance and education can not be reduced if the program is to remain effective. Municipal boards are made up of volunteers who do not deal with land use issues on a regular basis. Furthermore, the make-up of volunteer boards changes regularly therefore requiring continual training and assistance efforts. This assistance must be readily available to these citizen boards.

### **Amendments to the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances**

The BEP adopted numerous significant amendments to the Guidelines in February of 2006, and established July 1, 2008 as the deadline for municipalities to update their respective shoreland zoning ordinances. The July 1, 2008 deadline has since been extended to July 1, 2009. To assist the 450 organized municipalities, the Department has edited and published a version of the Guidelines for towns with only inland water bodies and wetlands and a version for coastal towns that have both tidal and non-tidal waters.

Some of the more significant Guideline amendments that must be incorporated into municipal ordinances include:

1. Coastal bluff setbacks

The Department of Conservation's Maine Geological Survey has mapped coastal bluffs and has characterized them as being stable, unstable or highly unstable. The amended Guidelines now require that setbacks be measured from the top of the unstable and highly unstable coastal bluffs rather than the upland edge of the coastal wetland. Setbacks from non-bluff and stable bluff areas will continue to be measured from the upland edge of the coastal wetland. This new standard will better protect unstable shorelines and will reduce the chance of damage to structures from slumping bluffs.

2. Modifications to the vegetated buffer requirements

To better protect water quality, wildlife habitat and natural beauty of the shoreland zone, the amended Guidelines now require vegetation less than three feet in height, and other ground cover, to be maintained within the setback/buffer area, except for a winding six-foot wide path to the water. While these requirements previously applied to areas adjacent to great ponds, they now apply to all shoreland areas except in General Development districts and Commercial Fisheries/Maritime Activities districts.

We have also incorporated changes to the "point system" which guides the amount of tree removal that can occur within the buffer area. The amended point system is nearly identical to that which is contained in NRPA and which is applied to cutting along small streams.

3. An additional General Development district

Since the inception of the shoreland zoning program, the Guidelines have included a General Development District. This district is the least restrictive district, allowing for new commercial and industrial uses with a minimal 25-foot setback requirement. While a 25-foot setback requirement may be appropriate where heavy commercial and industrial development is already close to the water, new intensive development in areas that are not developed within 75 feet of the water should be set back at least 75 feet. Therefore, the Department created a second General Development district. This new district (General Development District II) will require a 75-foot setback, while the General Development District I will maintain a 25-foot setback requirement.

4. Updated freshwater wetlands ratings

The Department has incorporated the Department of Inland Fisheries and Wildlife's (IF&W's) inland waterfowl and wading bird habitat ratings as of May 1, 2006 into the Guidelines. Previously the Guidelines referenced the IF&W ratings from 1973, which are significantly outdated and are no longer used by the IF&W. After the adoption of the May 1, 2006 ratings it was determined that there were some errors in those ratings. Therefore, working with IF&W, it has been agreed that the wetlands data would be reviewed and any corrections would be made and provided to the municipalities by the end of October 2008. Municipalities are receiving the revised data as it becomes available, and IF&W has agreed to review, on a priority basis, the data for those towns that are actively working on their ordinances. It is primarily because of the wetlands data revision that the BEP has voted to extend the deadline for updating ordinances until July 1, 2009.

After all of the town data has been re-evaluated, the Department plans to replace the May 1, 2006 ratings date in the Guidelines to the date on which all of the town maps have been reviewed and made available to the municipalities.

It is worth noting that the wetlands ratings for inland waterfowl and wading bird habitat for shoreland zoning purposes is nearly identical to that used for administering the NRPA pursuant to Significant Wildlife Habitat protection. The primary difference is that the NRPA is applicable to wetlands that are less than 10 acres.

5. Modifications to non-conformance standards

The amended Guidelines now apply the 30% expansion limitation for non-conforming structures to "tributary streams." These are the small streams that flow through the shoreland zone to larger water bodies and wetlands.

The amendments also provide guidance for replanting areas where vegetation is removed in order to relocate a structure further from the water or wetland. Furthermore, the Guidelines now make it clearer that when a non-conforming structure is relocated it must be set back beyond the setback area, if feasible, before determining how much allowable expansion can then be applied to the structure.

6. State-wide timber harvesting standards

Municipalities will no longer be required to regulate timber harvesting activities in the shoreland zone. Options available to the municipalities will be to:

- A. keep their existing standards and get no assistance from the State in the administration and enforcement of those standards;
- B. adopt the new state-wide timber harvesting standards for shoreland areas, administer them at the local level, and get assistance from the Department of Conservation's Bureau of Forestry, if necessary; or
- C. repeal all timber harvesting regulation at the local level and turn that role over to the Bureau of Forestry.

There is a statutory transition period before the various options listed above take effect. Not until 252 of the 336 municipalities with the most timber harvesting activities adopt the new standards, or opt to repeal the regulation of timber harvesting in the shoreland zone, will the new standards take effect.

The Department, as part of its many educational activities, is discussing the various options with town code officers and planning boards. To simplify the process for local officials we have also provided municipalities with edited versions of the Guidelines for both the adoption of the new standards and the repeal of timber harvesting regulation on the local level. It appears as though more than half of the towns will be choosing the "repeal" option, and half of the remaining towns will opt to adopt the state-wide standards and administer them on the local level with assistance from the Bureau of Forestry.

### **Assistance to Municipalities and Other Organizations**

Municipal assistance makes up the core of the Department's shoreland zoning efforts and is accomplished in numerous ways. The following are some of the activities that were undertaken during the past two-year period to assist municipalities with their shoreland zoning responsibilities.

Training. The Department continues to work cooperatively with the State Planning Office's (SPO's) *Code Enforcement Officer (CEO) Certification and Training Program*. All CEOs who administer and enforce municipal shoreland zoning ordinances must be certified by the SPO as being qualified in shoreland zoning issues. The Department's Shoreland Zoning Unit conducts the annual day-long training of CEOs for SPO's certification program. In 2006, staff conducted training in Belfast, Biddeford, Lewiston, Machias, Orono, and Presque Isle. In 2007 training was held in seven statewide locations. The main topic in both of these years centered on the revised shoreland zoning guidelines and amending local ordinances in accordance with the schedule established by the BEP. Each year nearly 200 CEOs attend these sessions.

Shoreland zoning staff participated in several other training sessions pertaining to shoreland zoning issues for CEOs, including the SPO's multi-issues workshops in the fall of both years. We also spoke at regional CEO association meetings in Camden, Jay, Skowhegan, Presque Isle, and Union.

Numerous workshops have been presented at the various regional planning agencies to provide information regarding the changes to the Department's shoreland zoning guidelines to both the agency staff and municipal officials. Since many towns contract with the planning agencies to update their ordinances, it is important that those agencies stay up to date on the amendments. Workshops for regional planning agencies were held in Bangor, Bethel, Calais, Damariscotta, North Berwick, Presque Isle, Scarborough, Union and West Bath.

On a more local level, shoreland zoning staff also conduct workshops for individual towns or groups of surrounding towns to educate planning boards on shoreland zoning issues. This training/assistance may be general in nature or be specific to a particular project or application. In 2007, for example, workshops were held in the following individual towns: Aurora, Bristol, Burnham, Fayette, Fort Kent, Franklin, Greenville, Lincolnville, Madawaska, Mercer, Otisfield, Searsport, Thorndike, Union, Waldo, West Gardiner and Willimantic. Regional workshops were held in the towns of Dexter, Gray, Milbridge, Mount Desert, New Gloucester, Saint Albans and Searsport.

Workshops and other educational efforts were also provided for various other interest groups, such as the Belgrade Regional Conservation Alliance, Branch Lake Watershed Stewards Program, Friends of Midcoast Maine, Hancock and Sand Pond Lake Association, Kennebec Land Trust, Kennebec Valley Board of Realtors, Maine Association of Planners, Maine Association of Professional Soil Scientists, Maine Association of Realtors, Maine Municipal Association Convention, Maranacook Lake Association, ReMax Realtors, Sheepscot Valley Conservation Association, and the Winnecook Lake Association.

The shoreland zoning unit has continued to serve as faculty for the University of Southern Maine's Center for Real Estate Education courses. In the past two years staff conducted 9 half-day sessions for the real estate and assessing community. More than 350 persons attended these events.

During the period between September of 2006 and December of 2007 more than 2800 individuals attended a workshop or related meeting offered by the staff of the shoreland zoning unit.

Educational Materials. The Department drafted a new educational bulletin in 2007. The Information Sheet titled *Guidelines for Restoration Plan for Shoreland Clearing Violations* was drafted in response to an amendment to 30-A MRSA section 4452(3)(C-1), requiring trees of similar size and species, to the extent practical, to be replanted when trees are cut in violation of the shoreland zoning laws. The document provides guidelines for municipal officials as they deal with cutting violations in the shoreland zone.

The Department has also updated four other Issue Profiles (*The Mandatory Shoreland Zoning Act; Clearing of Vegetation in the Shoreland Zone; Nonconforming Structures in the Shoreland Zone; and Establishing the Starting Point for Measurements of the Shoreland Zone and Related Setback Determinations*) and will be printing an updated

handbook for shoreland property owners by mid-May 2008. All of the above documents can be found on the Department's web page.

Town officials have received four issues of the *Shoreland Zoning Newsletter*. The *Newsletter* is published approximately two-three times a year, and serves to update town officials on changes in the program, as well as to serve as a general training tool.

The shoreland zoning unit has also recently provided the "highest annual tide" levels on the Department's web page to assist landowners, code officers, surveyors and other parties in determining the upland edge of coastal wetlands. These elevations change from year to year and the Department publishes those elevations at the beginning of each year.

Ordinance Reviews. All newly adopted ordinances and amendments to those ordinances must be approved by the Department's Commissioner before they become effective. During the past two years the Department has reviewed 150 draft and adopted ordinances and amendments (55 in 2006 and 95 in 2007). In 2006, four amendments to locally adopted ordinances were approved with conditions because the amendments were not fully consistent with the Department's Guidelines. In 2007 that number increased to 16, most likely due to the significant number of required amendments to those local ordinances. One new town, Chebeague Island, was created by the Legislature and that town has now adopted an ordinance that is consistent with the requirements of the Act.

There are now 54 fully State-imposed ordinances in place. This is a reduction of one since the last report was provided to the Legislature. The list of municipalities with state-imposed ordinances is found in Appendix A of this report.

Miscellaneous Technical Assistance. The greatest amount of staff's time is spent responding, either through site visits, written correspondence or by telephone, to requests and inquiries from town officials and the public. Many site visits were conducted, mostly at the request of local CEOs. The staff's policy to respond to all site visit requests within 14 days of the request is well-adhered to. The majority of Maine's towns received some sort of field assistance during the reporting year.

Hundreds of responses to inquiries were written, and phone calls have numbered in the thousands.

## **Other Initiatives and Activities**

The Department has recently advertised a Request for Proposals (RFP) to evaluate the effectiveness of the shoreland zoning program. The intent is to evaluate the programmatic aspects of the shoreland zoning law both on the municipal and state level. The evaluation will not address the scientific aspects of the standards and their adequacy, although that may come in the form of phase 2 in a future study.

Most importantly, the RFP is seeking to evaluate the overlapping aspects of the Act and the NRPA. There have always been some overlaps in jurisdiction with these laws but the recent

amendments to the NRPA pertaining to the regulation of waterfowl and wading bird habitats have significantly increased the potential for conflicts between the two laws. The Department is seeking recommendations on how to best eliminate statutory and regulatory conflicts, yet maintain adequate protection of the important natural resources in both the Act and the NRPA.

The Department expects to issue a contract for this project by mid-May 2008 and receive the contractor's report before the end of the year.

## **Enforcement and Permit Related Activities**

### 1. Statutory Clearing of Vegetation Violations

In the last year the Department has made an effort to ensure that statutory limitations on the clearing of vegetation are more strictly enforced. In doing so we have made it clear to municipalities and the public that even if a municipality falls short on its enforcement responsibilities when a violation of the vegetative clearing standards occurs, the Department will take measures to correct the violation. As a result of this effort we can report that fewer vegetative clearing violations are inadequately addressed. Landowners, once made aware of the Department's stance, are more receptive to initiating remediation measures. In addition, recent legislation requiring replanting of trees cut in violation of the shoreland zoning law with trees of the same size and species, to the extent practical, provides a significant disincentive to violate the cutting standards.

The Department initiated one formal enforcement action for excessive cutting of vegetation in the shoreland zone. This matter, which involved the creation of a nearly 100 foot-wide cleared opening to the water in the town of Cushing, resulted in the violator paying the State a \$20,000 fine and planting replacement trees. The Town of Cushing may also seek additional fines and planting.

### 2. Boards of Appeals

The Department recently filed an appeal for a variance granted by the Town of Smithfield in Somerset County Superior Court. The Smithfield Board of Appeals granted a water setback variance and a variance from the 30% expansion limitation for non-conforming structures. That variance is not supported by the statutory criteria that must be met in order to obtain a variance. The Department is seeking to have the variance nullified and the case remanded back to the local board of appeals for proper action. A court date has yet to be set and the Department is hopeful that settlement can be reached before a court hearing is held.

### 3. Reports from Municipal Code Enforcement Officers

Reports were filed for activities occurring in 2002 and 2003 by 277 of Maine's 450 municipalities, a 62% response rate. 88, or 32%, of those that responded indicated no principal structures in the shoreland zone were permitted. The majority of these responses were from rural towns with low populations. For the years 2004 and 2005, reports were received by 243 of the municipalities, a 54% response rate. 77, or 32%, of those that responded indicated no principal structures in the shoreland zone were

permitted during those two years. Again, the majority of these responses were from smaller towns. For the current reporting period (2006-2007), only 39% (173 total) of all municipalities have submitted their reports to the Department as of March 5, 2008. 66 towns (38%) of those that responded indicated no principal structures in the shoreland zone were permitted during these two years.

**Table 1.** Types of permits issued in the shoreland zone over three reporting periods.

Permit	2002-2003 (62% reporting)		2004-2005 (54% reporting)		2006-2007 (39% reporting)	
	Total Number	Average per Town	Total Number	Average per Town	Total Number	Average per Town
Principal Structures	1255	4.5	1124	4.6	667	3.8
Replacements	254	0.9	296	1.2	277	1.6
Relocations	125	0.5	91	0.4	112	0.65
Expansions	1488	5.4	1451	5.9	1088	6.3
Accessory Structures	1285	4.6	1214	5.0	822.5	4.8

#### Variations

In 2002 and 2003, 127 variances (55%) were granted out of 232 applications submitted to reporting municipalities. During 2004 and 2005, 91 variances (64%) were granted out of 143 applications submitted to reporting municipalities. Thus far, 54 variances (50%) were granted out of 107 applications submitted between 2006 and 2007.

#### Violations and Enforcement

In 2002 and 2003, 566 violations were confirmed through 1126 complaint investigations. Approximately 50% of all complaints were determined to be violations of the shoreland zoning rules. Out of these 566 violations, 87 cases were solved through consent agreements (15%), while only 15 court actions were initiated (2.7%).

During 2004 and 2005, 612 violations were confirmed through 1298 complaint investigations. Approximately 47% of all complaints are actual violations of the municipal shoreland zoning ordinance. Out of these 612 violations, 82 cases were solved through consent agreements (13%), while only 20 court actions were initiated (3.3%).

Between 2006 and 2007, 499 violations were confirmed through 969 complaint investigations. Approximately 51% of all complaints were determined to be violations of the municipal shoreland zoning ordinance. Out of these 499 violations, 38 cases were solved through consent agreements (7.6%), while only 11 court actions were initiated (2.2%).

**Table 2.** Variance and Enforcement activity in the shoreland zone over three reporting periods.

	2002-2003 (62% reporting)		2004-2005 (54% reporting)		2006-2007 (39% reporting)	
	Total Number	Biennial Average (%)	Total Number	Biennial Average (%)	Total Number	Biennial Average (%)
Variances Granted	127	55	91	64	54	50
Violations	556		612		499	
Consent Agreement Enforcement	87	15	82	13	38	7.6
Court Action Enforcement	15	2.7	20	3.3	11	2.2

Comparison between reporting periods: 2002-2003 and 2004-2005

Between the two reporting periods, we saw essentially the same numbers of new principal structures, replacements of structures, expansions, and accessory structures permitted within the shoreland zone. There was a decrease in relocations reported between the two periods. There was an increase in the percentage of variance applications granted. Staff will need to monitor this increase to determine if a trend toward more liberal interpretation of the “undue hardship” criteria is occurring.

In both reporting periods, approximately half of all complaints received by the municipality resulted in an actual violation of the municipal ordinance. Of the violations, the majority (average of 83%) were handled without formal legal action (Consent Agreement or Court Action). This fact indicates that both the municipality and the landowners involved in violations typically seek to address violations informally.

Comparison with 2006-2007 data

Because of the low response rate received by the Department to date, we can only compare the trends this data shows to the previous two reporting periods. It appears that principal structures have decreased on average, while replacements, relocations, and expansions have increased in frequency. The number of accessory structures permitted has remained stable.

Within the 2006-2007 period so far, there have been fewer variances granted, however as more reports are submitted, this may change.

In all three reporting periods, about 50% of all complaints have been found to be actual violations of the municipal ordinance. As with the years between 2002 and 2005, towns reporting for the 2006-2007 period indicate the majority (90.2%) of these violations were remedied between the landowner and the municipality, without involving Consent Agreements of the court system.

A note about reporting:

In previous reports regarding shoreland zoning to the Legislature, comment has been made regarding the number of towns which comply with the statutory requirement to file a biennial report. To look at this more closely, the Department compared which towns submitted reports over the last three reporting periods: 2002-2003, 2004-2005, and 2006-2007. The 2006-2007 data is incomplete, so the following information is a conservative estimate of response.

Only 18% of all municipalities submitted reports for all three periods. Conversely, only 21% of towns did not submit reports in any of the three required years. 79% of all towns submitted at least one report in the last three reporting periods. To obtain more consistency in municipal reporting the Department must continue to stress the reporting requirement at training sessions and in the *Shoreland Zoning News*.

## **Recommendations and Related Issues**

### **1. State Costs of Administering State-Imposed Ordinances**

Title 38 MRSA section 438-A(4) states that when a municipality fails to adopt an ordinance as required, the BEP shall adopt a suitable ordinance for that municipality. These BEP-adopted ordinances are called State-imposed Ordinances, and must be administered by the municipalities as if they had been adopted locally. Amendments to state-imposed ordinances, however, can only be undertaken by the BEP.

There are currently 51 fully state-imposed ordinances and three supplemental state-imposed ordinances. The cost of the BEP's adoption of a state-imposed ordinance is currently absorbed by the Department. Furthermore, the Department bears the costs of any future amendments that are made to the Ordinances, whether it is the ordinance text or the zoning map. Adoption of ordinances and amendments to them require public notice in newspapers at a significant cost to the Department. The Department believes that it is unfair to the nearly 400 municipalities that have met the requirements of the Act and have incurred local costs of ordinance adoption to not recover the BEP's costs of ordinance adoption and amendment for municipalities with State-imposed ordinances. However, there is currently no legislative authority to collect those costs from the respective municipalities.

The Department recommends that the Mandatory Shoreland Zoning Act be amended authorizing the Department to collect its costs related to the adoption of State-imposed ordinances. Such authorization could extend to all of the Department's costs including personnel costs and costs of drafting a suitable zoning map, as well as public notice costs. These costs, including staff time, could approach \$1000 per town if all costs of adopting a full State-imposed ordinance are to be recovered. The Department does not recommend charging a flat fee because the amount of time expended on each municipality varies significantly.

If it is decided that the Department should not seek recovery of all costs, the Department believes strongly that, at a minimum, the public notice costs (approximately \$300) should be recovered from the municipality. Cost recovery would provide a strong incentive for the

more than 50 towns with State-imposed ordinances to enact a suitable local ordinance consistent with the requirements of the Act. **Legislative action is recommended to authorize the recovery of these costs.**

## Appendix A

### Municipalities with State Imposed Shoreland Zoning Ordinances 6/17/2007

TOWN	Chapter	Town	Chapter
ACTON (deleted) 6/13/97		LIMINGTON (deleted) 3/9/99	
AMITY	1267	LOVELL (deleted) 4/9/99	
ATHENS	1245	LUBEC*	1339
AURORA	1288	LUDLOW	1277
BANCROFT	1268	MECHANIC FALLS (deleted) 12/21/98	
BOWDOINHAM (deleted) 10/7/98		MEDFORD	1279
BOWERBANK	1289	MERRILL	1281
BRADFORD	1247	MILO	1301
BRIDGTON (deleted) 6/26/97		MOOSE RIVER	1257
BROWNVILLE (deleted) 7/2/97		NEWCASTLE (deleted) 10/24/97	
CARTHAGE	1292	NORTH HAVEN	1304
CENTERVILLE (deleted/deorg. (7/01/04)		ORIENT	1282
CHARLOTTE	1249	PARIS	1260
CHESTER	1250	PARSONSFIELD (deleted) 8/27/04	
CHESTERVILLE (deleted) 4/8/98		PASSADUMKEAG	1264
COLUMBIA	1251	PENOBSCOT	1307
COLUMBIA FALLS*	1334	PLYMOUTH	1308
COOPER	1270	POLAND (deleted) 6/9/97	
CORINTH	1271	ROCKLAND (deleted) 4/2/01	
CRYSTAL	1320	SHIRLEY (deleted) 12/7/95	
DANFORTH*	1335	SO.THOMASTON	1338
DURHAM	1321	SPRINGFIELD	1261
EDINBURG	1253	STACYVILLE	1283
ETNA	1322	STEUBEN	1262
EXETER	1293	STOCKTON SPRINGS (deleted) 11/9/97	
FARMINGDALE	1294	STONINGTON (deleted) 3/19/98	
FRANKFORT	1295	STOW	1326
FREEDOM	321.1	SWANVILLE (deleted) 7/10/02	
GREENE (deleted) 5/7/01	1237	TALMADGE	1263
GUILFORD	1296	TROY	1243
HANOVER (deleted) 7/19/01	1254	VANCEBORO	1285
HARRINGTON (deleted) 5/8/2000		WADE	1286
HERSEY	1272	WAITE	1265
HIRAM (deleted) 6/29/2001	1273	WALDO	1312
ISLE AU HAUT	1323	WELLINGTON	1337
KNOX	1255	WHITEFIELD	1244
LAGRANGE	1275	WOODVILLE	1266
LIMERICK	1256		

