

MAINE STATE LEGISLATURE

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NEW DRAFT OF: S. P. 270, L. D. 908

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1596

S. P. 501

In Senate, June 12, 1969

Reported by Senator Reed of Sagadahoc from Committee on Natural Resources. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Provide Certain State Level Land Use Control.

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

Sec. 1. R. S., T. 12, part 6, additional. Title 12 of the Revised Statutes is amended by adding a new part 6, to read as follows:

PART 6

STATE LEVEL LAND USE CONTROLS

CHAPTER 423

MANDATORY ZONING AND SUBDIVISION CONTROLS

§ 4801. Shoreland areas

To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas defined as those land areas any part of which are within 500 feet of the normal high water mark of any navigable pond, lake, river, stream or salt water body be subjected to zoning and subdivision controls. The purposes of such controls shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures, and land uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

§ 4802. Municipal control

Municipal units of government pursuant to presently existing enabling legislation are authorized to plan, zone and control the subdivision of land. With

respect to the shoreland areas defined in section 4801 municipalities shall be given until June 30, 1971 to adopt zoning and subdivision control ordinances.

§ 4803. Municipal failure to accomplish purposes

If any municipality fails to adopt zoning and subdivision control ordinances for shoreland areas as defined in section 4801 by June 30, 1971 or if the Water and Air Environmental Improvement Commission determines that particular municipal ordinances because of their laxity and permissiveness fail to accomplish the purposes outlined in section 4801, the Water and Air Environmental Improvement Commission shall, with respect to these shoreland areas, adopt suitable ordinances for these municipalities, which ordinances the respective municipalities shall then administer and enforce under state direction.

§ 4804. Unorganized and plantation areas

With respect to unorganized and plantation areas in the State for which no present mechanisms exist for imposing zoning or subdivision control ordinances or regulations, the Water and Air Environmental Improvement Commission is authorized, after June 30, 1971, to prepare, promulgate, and enforce by appropriate legal action brought in any Superior Court, zoning and subdivision controls for shoreland areas as defined in section 4801 to achieve the purpose outlined in section 4801, if by the above date no other mechanism to achieve these ends has been legislatively created.

§ 4805. Cooperation

The Water and Air Environmental Improvement Commission, municipalities and all state agencies shall mutually cooperate to accomplish the objectives of this chapter. To that end, the commissioner shall consult with the governing bodies of municipalities and to whatever extent necessary with other state agencies to secure voluntary uniformity of regulations, so far as practicable, and shall extend all possible assistance therefor.

Sec. 2. R. S., T. 30, § 4956, sub-§ 1, ¶ C, amended. The 2nd sentence of paragraph C of subsection 1 of section 4956 of Title 30 of the Revised Statutes, as enacted by section 3 of chapter 401 of the public laws of 1967, is repealed as follows:

~~Where no public sewerage disposal system or no public water supply system or neither, is available to a subdivision, lots shall contain not less than 15,000 square feet of land~~