

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1543**

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H. P. 1125

House of Representatives, March 16, 1971

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Martin of Eagle Lake.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT to Provide Certain State Level Land Use Controls.**

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

R. S., T. 12, Part 7, additional. Title 12 of the Revised Statutes is amended by adding a new Part 7, to read as follows:

**PART 7**

**STATE LEVEL LAND USE CONTROLS**

**CHAPTER 424**

**MANDATORY ZONING AND SUBDIVISION CONTROL**

§ 4811. 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.

§ 4812. 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 4811, municipalities shall be given until June 30, 1973 to adopt zoning and subdivision control ordinances.

§ 4813. Municipal failure to accomplish purposes

If any municipality fails to adopt zoning and subdivision control ordinances for shoreland areas as defined in section 4811 by June 30, 1973 or if the Environmental Improvement Commission and the Maine Land Use Regulation Commission determine that particular municipal ordinances because of their laxity and permissiveness fail to accomplish the purposes outlined in section 4811, the Environmental Improvement Commission and the Maine Land Use Regulation Commission shall, following consultation with the State Planning Office, with respect to these shoreland areas, adopt suitable ordinances for these municipalities, which ordinances the respective municipalities shall then administer and enforce.

§ 4814. Cooperation

The Environmental Improvement Commission, the Maine Land Use Regulation Commission, municipalities and all state agencies shall mutually cooperate to accomplish the objectives of this chapter. To that end, these commissions 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.

### STATEMENT OF FACT

This proposed legislation for mandatory zoning and subdivision controls is designed to protect a highly sensitive environmental zone where land and water meet. The anti-pollution efforts now underway in Maine to clean up our waters may induce adverse land uses in river corridors that will defeat the very purpose of clean-up efforts. Once the pollution is abated, once the waters become attractive again, unplanned resort sprawl, motels and commercial developments may block public access to the water and impair the aesthetic quality of the shores and natural setting.

This will defeat the very uses and benefits sought in establishing water quality standards. The appeal of our state's remaining magnificent rivers and shorelines lies in these natural settings and in convenient access for all the people of Maine. For many areas along our rivers this attractive natural state has remained undisturbed mainly because of the gross pollution which has kept people away. We will gain little if our water clean-up effort ends with channeling clean waters through the midst of a Route 1 strip development.

This uncontrolled development may itself, in turn, create more pollution through the direct discharge of pollutants into the waters, poorly sited septic tanks, siltation, dumps, debris and oil. Planning to prevent future pollution in itself dictates providing effective land use controls. The related recreation, fish and wildlife, aesthetic and urban amenity benefits of land use controls and other environmental programs must reinforce each other to preserve this highly sensitive area.