

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1021

H. P. 784

House of Representatives, February 21, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Shoreland Protection.

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

R. S., T. 12, c. 424, repealed and replaced. Chapter 424 of Title 12 of the Revised Statutes, as enacted by chapter 535 of the public laws of 1971 and as amended, is repealed and the following enacted in place thereof:

CHAPTER 424

PROTECTION OF SHORELAND AREAS

§ 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 land within 250 feet of the normal high water mark of any navigable pond, lake, river or salt water body be subjected to protective regulations. The purposes of such regulations 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 uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

§ 4812. Protective regulations

1. Minimum standards. The Department of Environmental Protection shall by January 1, 1974, adopt regulations consistent with the purposes of this chapter governing and establishing minimum standards concerning sanitation, soil suitability for development, location and size of structures and

signs, erosion control, alteration of high water table areas, agriculture, and cutting of vegetation within the shoreland areas of cities and towns as defined in section 4811. These regulations shall become effective April 1, 1974. The department shall by April 1, 1974, adopt guidelines setting standards for the determination of protection districts within the shoreland areas of cities and towns. Protection districts shall include, but not be limited to, areas where development would jeopardize significant natural recreational and historic resources, including flood plains, precipitous slopes, wildlife habitat and other areas critical to the ecology of the region or state. The department shall adopt minimum standards for land use within protection districts consistent with the purposes of this chapter. All regulations and guidelines adopted pursuant to this chapter shall be promulgated after notice and hearing in accordance with Title 38, section 361, except that the municipal officers of cities and towns shall have at least 30 days written notice of all hearings.

2. Municipal control. Cities and towns, prior to April 1, 1974, shall by ordinance establish a system to administer and enforce protective regulations adopted by the department and shall establish a board of appeals pursuant to Title 30, section 2411 to hear appeals from the decisions of the administering authority. Cities and towns may by ordinance establish more restrictive regulations than those adopted by the department and may for ease of codification incorporate by reference regulations adopted by the department.

Cities and towns shall, prior to April 1, 1975, adopt ordinances establishing protection districts in accordance with criteria set by the department and provide for regulation of land use within said districts. A city or town may by ordinance adopt more restrictive land use regulations within a protection district than required by guidelines adopted by the department and may after the adoption of a comprehensive plan as defined in Title 30, section 4961 establish other land use districts within the shoreland zone. In the event any city or town having shoreland areas meeting the criteria established by the department for inclusion within a protection district, fails to adopt an ordinance consistent with the standards set by the department, the department shall by special order establish protection districts with suitable land use standards which shall be administered and enforced by the city or town. All regulations adopted by the department and municipal ordinances adopted pursuant to this chapter shall be administered and enforced by cities and towns in the same manner as municipal zoning ordinances.

STATEMENT OF FACT

The purpose of this bill is to provide for protective regulations of Maine's shorelands.