

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 723

7 H.P. 575

House of Representatives, February 10, 1983

8 Referred to the Committee on Energy and Natural Resources, sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Paradis of Old Town.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Strengthen the Shoreland
18 Wetlands Alterations Law.
19

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

22 12 MRSA §4812-C is enacted to read:

23 §4812-C. Alteration without permit; contractor's
24 liability

25 Any person, firm, corporation or other legal
26 entity that engages in any activity, on behalf of the
27 landowner of land located in a shoreland area, that
28 must be preceded by the obtaining of a permit or li-
29 cence pursuant to local ordinance or state law, and
30 for which no permit or license has been issued, com-
31 mits a violation of this section. It shall be no
32 defense to a prosecution under this section that the
33 person, firm, corporation or other legal entity did

1 not know before engaging in the activity that the
2 landowner had not been issued any permit or license
3 required pursuant to local ordinance or state law.
4 Any landowner who must first obtain a permit or li-
5 cence before altering his property and who fails to
6 do so commits a violation of this section.

7 Any person who violates this section shall be
8 punished by a fine of not less than \$500 nor more
9 than \$1,000 for the first offense and not less than
10 \$1,000 nor more than \$1,500 for any subsequent
11 offense, except that if a local ordinance or other
12 state law imposes stronger penalties, then those pen-
13 alties shall apply.

14 STATEMENT OF FACT

15 The purpose of this bill is to extend liability
16 to contractors and others who make alterations on
17 lands covered by shoreland zoning ordinances and laws
18 when necessary permits and licenses authorizing
19 those alterations have not first been obtained. This
20 bill also prohibits a contractor charged with this
21 violation from asserting the defense that he did not
22 know that the landowner had not obtained the proper
23 permits and licenses before hiring him to undertake
24 the work. This bill thus imposes strict liability
25 on contractors who act without certainty that the
26 work they are about to undertake is legal. The bill
27 also imposes equal penalties on landowners who hire
28 others to undertake work when they themselves have
29 not obtained the necessary permits or licenses.

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