

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 575, L.D. 723)  
2 (New Title)

3 FIRST REGULAR SESSION  
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
6

7 Legislative Document

No. 1531

8  
9 H.P. 1160

House of Representatives, May 2, 1983

10 Reported by Representative Ridley from the Committee on Energy and  
11 Natural Resources and printed under Joint Rule 2.

12 Original bill presented by Representative Paradis of Old Town.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-THREE  
18

19 AN ACT to Amend Mandatory Zoning and  
20 Subdivision Control.  
21

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

24 Sec. 1. 12 MRSA §4814, as amended by PL 1979, c.  
25 672, Pt. A, §49, is further amended to read:

26 §4814. Cooperation

27 The Board of Environmental Protection and the  
28 Maine Land Use Regulation Commission, municipalities  
29 and all state agencies shall mutually cooperate to  
30 accomplish the objectives of this chapter. To that  
31 end, the board and the commission shall consult with  
32 the governing bodies of municipalities and to what-  
33 ever extent necessary with other state agencies to

1 secure voluntary uniformity of regulations, so far as  
2 practicable, and shall extend all possible assistance  
3 therefor. The State Planning Office shall be respon-  
4 sible for coordinating the efforts and responsibili-  
5 ties of the Board of Environmental Protection and the  
6 Maine Land Use Regulation Commission acting pursuant  
7 to this chapter.

8 If a municipality fails to administer and enforce  
9 zoning ordinances adopted by it or the State, pur-  
10 suant to the requirements of this chapter, the Attor-  
11 ney General shall seek an order of the Superior Court  
12 of the county in which the municipality lies, requir-  
13 ing the municipal officials to enforce such zoning  
14 ordinance. ~~The district attorney may enforce the~~  
15 ~~provisions of a local shoreland zoning ordinance upon~~  
16 ~~the request of an authorized municipal official.~~ The  
17 Attorney General shall be made a party to all civil  
18 and criminal actions in which the pleadings challenge  
19 the legality of any ordinance or portion thereof  
20 adopted pursuant to the guidelines promulgated under  
21 section 4813.

22 Sec. 2. 12 MRSA §4815 is enacted to read:

23 §4815. Enforcement

24 Any person who orders or conducts any activity in  
25 violation of a municipal ordinance adopted under this  
26 chapter shall be subject to a civil forfeiture of not  
27 less than \$100 nor more than \$1,000 for each offense.

28 The Attorney General, the district attorney and  
29 the municipal officers may enforce ordinances adopted  
30 under this chapter. The court may award municipali-  
31 ties reasonable attorney fees for actions under this  
32 section, and ordinances may provide that civil for-  
33 feitures shall inure to the municipality.

34 STATEMENT OF FACT

35 This new draft provides that persons such as con-  
36 tractors who carry out work in violation of shoreland  
37 zoning ordinances are subject to fines. This new  
38 draft clarifies enforcement authority for these ordi-

1 nances, provides municipalities attorney fees for  
2 enforcement and authorizes municipalities to enact  
3 ordinances that allow civil forfeitures for shoreland  
4 zoning violations to be paid to the municipality.

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