

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 245

S.P. 98

In Senate, February 5, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator USHER of Cumberland.

Cosponsored by Representative WARREN of Scarborough,
Representative COLES of Harpswell, Senator GAUVREAU of
Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Expand the Number of Land Use Laws
2 Under the Jurisdiction of the District
3 Court.
4

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

7 Sec. 1. 4 MRSA §152, sub-§6, as amended by PL
8 1985, c. 746, §2, is further amended to read:

9 6. Land use laws. Original jurisdiction, con-
10 current with that of the Superior Court, to grant eq-
11 uitable relief in proceedings involving alleged vio-
12 lations of a local land use ordinance or regulation
13 or a state land use ~~statute law or regulation rule,~~
14 which ~~shall include~~ includes, but ~~shall is not be~~
15 limited to, the following: The laws pertaining to
16 the Maine Land Use Regulation Commission, Title 12,

1 chapter 206-A; minimum lot size law, Title 12, sec-
2 tions 4807 to 4807-G; shoreland zoning ordinances
3 adopted pursuant to Title 12, sections 4811 to 4817;
4 the Alteration of Rivers, Streams and Brooks law, Ti-
5 tle 38, sections 425 to 431; the plumbing and subsur-
6 face wastewater waste water disposal rules adopted by
7 the Department of Human Services pursuant to Title
8 22, section 42; laws pertaining to public water sup-
9 plies, Title 22, sections 2642, 2647 and 2648; local
10 ordinances pursuant to Title 22, section 2642; laws
11 administered by local health officers pursuant to Ti-
12 tle 22, chapters 153 and 263; laws pertaining to fire
13 prevention and protection, which require enforcement
14 by local officers, Title 25, chapter 313; laws per-
15 taining to the construction of public buildings for
16 the physically disabled, Title 25, chapter 331; local
17 ordinances adopted pursuant to Title 30, section
18 1917; local building codes adopted pursuant to Title
19 30, sections 1917 and 2151; local housing codes
20 adopted pursuant to Title 30, sections 1917 and 2151;
21 Title 30, chapter 215, subchapter I, automobile
22 junkyards and; subchapter III, electrical installa-
23 tions; subchapter X, regulation and inspection of
24 plumbing; Title 30, section 4359, malfunctioning do-
25 mestic sewage disposal units; Title 30, section 4956,
26 the subdivision law, and local subdivision ordinances
27 adopted pursuant to Title 30, section 1917 and subdivi-
28 sion regulations adopted pursuant to Title 30, sec-
29 tion 4956; local zoning ordinances adopted pursuant
30 to Title 30, section 1917 and in accordance with Ti-
31 tle 30, section 4962; the Great Ponds Act, Title 38,
32 sections 386 to 396; laws pertaining to the discharge
33 of wastes waste, Title 38, sections 413, 414, 417,
34 418 and 420; the Alteration of Coastal Wetlands Act,
35 Title 38, sections 471 to 476 and 478; the Site Loca-
36 tion of Development Act, Title 38, sections 481 to
37 485 and 488 to 490; and the Oil Discharge Prevention
38 and Pollution Control laws, Title 38, sections 543,
39 545, 563, 564, 565, 566, 567 and 568.

40 Sec. 2. 30 MRSA §4966, first ¶, as amended by PL
41 1985, c. 612, §17, is further amended to read:

42 The following provisions shall apply to enforce-
43 ment of land use laws and ordinances or ~~regulations~~
44 rules which are administered and enforced primarily
45 at the local level, including shoreland zoning ordi-

1 nances adopted pursuant to Title 12, sections 4811 to
2 4817, including those which were state-imposed; the
3 plumbing and subsurface waste water disposal rules
4 adopted by the Department of Human Services pursuant
5 to Title 22, section 42, including the land area of
6 the State which is subject to the jurisdiction of the
7 Maine Land Use Regulation Commission; laws pertain-
8 ing to public water supplies, Title 22, sections
9 2624, 2647 and 2648; local ordinances adopted pursu-
10 ant to Title 22, section 2642; laws administered by
11 local health officers pursuant to Title 22, chapters
12 153 and 263; laws pertaining to fire prevention and
13 protection, which require enforcement by local offi-
14 cers, Title 25, chapter 313; laws pertaining to the
15 construction of public buildings for the physically
16 disabled, Title 25, chapter 331; local land use ordi-
17 nanances enacted pursuant to section 1917; local build-
18 ing codes adopted pursuant to sections 1917 and 2151;
19 chapter 215, subchapter I, Automobile Junkyards and;
20 subchapter III, Electrical Installations; subchapter
21 X, Regulation and Inspection of Plumbing; section
22 4359, malfunctioning subsurface waste water disposal
23 systems; the subdivision law and local subdivision
24 ordinances adopted pursuant to section 1917 and sub-
25 division regulations adopted pursuant to section
26 4956; and local zoning ordinances adopted pursuant to
27 section 1917 and in accordance with section 4962; and
28 local housing codes adopted pursuant to Title 30,
29 sections 1917 and 2151.

30

STATEMENT OF FACT

31 In 1983, the District Court was granted jurisdic-
32 tion over all land use laws. This bill merely adds
33 specific references to several laws which fall within
34 the land use category.

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