

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 520

H.P. 389

House of Representatives, March 1, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative ADAMS of Portland, Representative ANTHONY of South Portland and Representative WENTWORTH of Wells.

STATE OF MAINE

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

**An Act to Expand the Jurisdiction of the District Courts to Include
Violations within Municipal Harbors and to Impose the Same Penalties
for Harbor Violations that Have Been Created for Land Use Violations.**



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

3 **Sec. 1. 4 MRSA §152, sub-§6, ¶¶R and S,** as repealed and
5 replaced by PL 1987, c. 737, Pt. C, §§2 and 106, are amended to
read:

7 R. The site location of development laws, Title 38,
9 sections 481 to 485 and 488 to 490; and

11 S. The oil discharge prevention and pollution control laws,
13 Title 38, sections 543, 545 and 560+; and

15 **Sec. 2. 4 MRSA §152, sub-§6, ¶T** is enacted to read:

17 T. The site location of development laws, Title 38,
19 sections 481 to 485 and 488 to 490; the laws pertaining to
21 harbors in Title 38, chapter 1, subchapter I; local harbor
23 ordinances adopted in accordance with Title 38, section 7
25 and regulations adopted by municipal officers pursuant to
27 Title 38, section 2.

29 **Sec. 3. 38 MRSA §12,** as enacted by PL 1987, c. 655, §8 is
31 repealed and the following enacted in its place:

33 **§12. Violation of subchapter**

35 Notwithstanding any provision in this subchapter, a
37 violation of this subchapter or any harbor ordinance may be
39 prosecuted and relief, fees, fines and penalties granted and
41 assessed pursuant to the provisions of Title 30-A, section 4506.
43 Nothing in this section may be construed to prevent an act
45 declared to be a crime from being prosecuted both as a civil
47 violation and as a crime.

49

37 **STATEMENT OF FACT**

39 This law gives harbor masters, or code enforcement officers
41 serving as harbor masters, the same enforcement authority and
43 power that exist in relation to land use violations. It is also
45 designed to impose the same penalties on individuals or entities
47 that violate harbor ordinances as are imposed upon individuals or
49 entities that violate land use ordinances. This bill responds to
a district court case, Municipality of Wiscasset v. Glidden,
Maine District Court, District 6, Civil Action Docket #88-LU-1,
decided May 10, 1988, in which the court decided that a violation
of a municipal harbor ordinance could not be prosecuted under the
Maine Revised Statutes, Title 30-A, section 4506 or the Maine
Rules of Civil Procedure, Rule 80K.