

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2194

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S.P. 858

In Senate, January 16, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KANY of Kennebec.

Cosponsored by Representative SIMPSON of Casco, Representative LORD of Waterboro and Senator TITCOMB of Cumberland.

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STATE OF MAINE

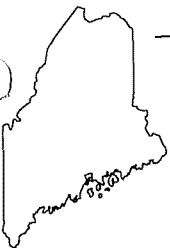
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act Allowing Affected Citizens to Sue for Injunctive Relief Regarding Lake Water Quality.

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

4 38 MRSA §444-A is enacted to read:

6 §444-A. Civil suit

8 1. Suit authorized. Any person may bring a civil suit for  
10 injunctive relief for a violation of this article or a shoreland  
12 zoning ordinance. Notwithstanding the Maine Tort Claims Act,  
14 suit under this section may be brought against the State or an  
agency or political subdivision of the State. The Superior Court  
in the county in which the alleged violation occurred has  
jurisdiction over such a suit.

16 2. Notice. An action may not be commenced under this  
18 section unless the plaintiff has given written notice to the  
alleged violator at least 60 days prior to bringing suit.

20 3. Suit prohibited. A suit may not be brought under this  
22 section if the Federal Government or the State has commenced and  
is diligently pursuing the alleged violator in a court of law.

24 4. Attorney's fees. If the plaintiff is successful, the  
26 court shall award reasonable attorney's fees to the plaintiff.

28 STATEMENT OF FACT

30 Under this bill, any person may commence a civil suit for  
32 injunctive relief against any person, including the State or any  
of its subdivisions or any state agency, for an alleged violation  
34 of the local shoreland zoning ordinance, or violation of other  
local land use laws that regulate the lake watershed. The  
36 Superior Court for the county in which the alleged violation  
occurred has jurisdiction over the suit and shall award  
reasonable attorney's fees if the plaintiff is successful.  
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