

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 256

H.P. 171

House of Representatives, February 1, 1991

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

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

EDWIN H. PERT, Clerk

Presented by Representative HICHBORN of Howland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Allow a Municipality to Assess an Administrative Penalty for
Violations of Timber Harvesting and Vegetation Clearing Provisions of
the Shoreland Zoning Laws.**

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

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38 MRSA §444, as amended by PL 1989, c. 403, §12, is further
4 amended to read:

6 **§444. Enforcement**

8 Any person who orders or conducts any activity in violation
9 of a municipal ordinance adopted under this chapter ~~shall-be~~ is
10 penalized in accordance with Title 30-A, section 4506 4452.

12 The Attorney General, the district attorney or municipal
13 officers or their designee may enforce ordinances adopted under
14 this chapter.

16 No public utility, water district, sanitary district or any
17 utility company of any kind may install services to any new
18 structure located in a shoreland area, as defined by section 435,
19 unless written authorization attesting to the validity and
20 currency of all local permits required under this chapter has
21 been issued by the appropriate municipal officials. Following
22 installation of service, the company or district shall forward
23 the written authorization to the municipal officials indicating
24 that installation has been completed.

26 Notwithstanding other provisions of this section and after
27 opportunity for hearing after reasonable notice, the municipal
28 officers may assess a penalty, not to exceed \$5,000, for
29 violations of a local ordinance implementing the provisions of
30 section 439-A, subsections 5 and 6. In order to assess a penalty
31 under this paragraph, the municipal officers must find:

32 1. Knowing violation. The alleged violator acted with
33 knowing disregard for the provisions of the local ordinance and
34 relevant state law; and

35 2. Damage significant. The alleged violation has caused or
36 may cause serious harm to the natural resources within the
37 shoreland area or to the adjacent surface waters.

38 A person may appeal any penalty assessed by the municipal
39 officers to Superior Court in the county in which the violation
40 is alleged to have occurred.

41 A fine assessed under this section must be deposited with
42 the Treasurer of State.
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STATEMENT OF FACT

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This bill authorizes the municipal officers of a town to enforce the timber harvesting and vegetation cutting provisions of a local shoreland zoning ordinance through the direct administrative assessment of fines.

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