

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2201

H.P. 1563

House of Representatives, January 23, 1992

Submitted by the Department of Conservation pursuant to Joint Rule 24.
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 MARSH of West Gardiner.

Cosponsored by Senator HOLLOWAY of Lincoln and Representative JACQUES of Waterville.

STATE OF MAINE

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

**An Act to Strengthen Compliance with Land Use Laws in the
Unorganized Territories.**



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

2
4 Sec. 1. 12 MRSA §685-C, sub-§9 is enacted to read:

6 9. Representation in court. The commission may authorize
8 certified employees of the commission to serve civil process and
10 represent the commission in District Court in the prosecution of
12 violations of those laws enforced by the commission and set forth
14 in Title 4, section 152, subsection 6-A. Certification of these
16 employees must be as provided under Title 30-A, section 4221,
18 subsection 2, paragraph A.

20 Sec. 2. 30-A MRSA §4221, sub-§2, ¶A, as amended by PL 1989, c.
22 104, Pt. C, §§8 and 10, is further amended to read:

24 A. The commissioner shall also establish certification
26 standards and a program to certify familiarity with court
28 procedures for:

30 (1) Plumbing inspectors appointed under this section;

32 (2) Code enforcement officers, as set forth in section
34 4506 4452 and in Title 38, section 441; and

36 (3) Department of Environmental Protection employees,
38 as set forth in Title 38, section 342, subsection 7-; and

40 (4) Maine Land Use Regulation Commission employees, as
42 set forth in Title 12, section 685-C, subsection 9.

44 Certification under this paragraph is effective for a period
46 of 3 years unless sooner revoked or suspended by the
48 Administrative Court upon complaint by the commissioner on
50 grounds of fraud, negligence, misconduct or incompetence in
the performance of duties. After being certified by the
commissioner under this paragraph, a plumbing inspector may
serve civil process on persons who violate the plumbing and
subsurface waste--water wastewater disposal rules of the
department. The municipal officers may also authorize the
inspector to represent the municipality in District Court
under section 4506 4452.

STATEMENT OF FACT

This bill provides for the certification of employees of the
Maine Land Use Regulation Commission to utilize Court Rule 80K
proceedings in the District Court involving alleged land use
violations. Under current law, if voluntary settlement

2 discussions fail, the only recourse currently available to the
commission is to have the Attorney General's office file a law
4 suit in the Superior Court. This bill allows certified employees
of the commission to process minor violations in District Court
6 without requiring the appearance of an attorney, similar to small
claims proceedings.

8 Rule 80K is an established method for resolving minor
violations of land use laws and ordinances administered at the
10 state or local level. It does not confer law enforcement powers
on the Maine Land Use Regulation Commission.

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