

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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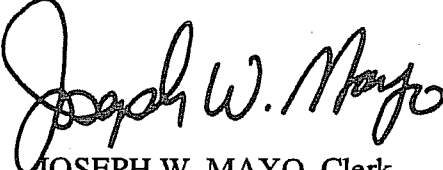
Legislative Document

No. 103

H.P. 73

House of Representatives, January 21, 1993

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.

Cosponsored by Representative MARSH of West Gardiner, Representative NASH of Camden and Senator SUMMERS of Cumberland.

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STATE OF MAINE

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

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**An Act to Utilize Local Enforcement Mechanisms for Land Use  
Violations.**

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

4 Sec. 1. 38 MRSA §347-A, sub-§6 is enacted to read:

6 6. Land use violations. The department may not initially  
8 investigate any complaint or allegation of a violation of a land  
10 use law or rule, including laws or rules regulating the use of  
12 shorelands under section 438-A or protected natural resources  
14 under chapter 3, subchapter I, article 5-A, made to the  
16 department, but shall refer such a complaint or allegation to the  
local code enforcement officer or comparable local authority for  
the locality in which the alleged violation occurred. The  
department may investigate such a complaint or allegation if the  
local code enforcement officer or comparable local authority  
refers the complaint or allegation back to the department.

18 Sec. 2. 38 MRSA §480-R, sub-§2, as affected by PL 1989, c.  
20 890, Pt. A, §40 and amended by Pt. B, §82, is further amended to  
read:

22 2. Enforcement. In addition to department staff, inland  
24 fisheries and wildlife game wardens, Department of Marine  
Resources marine patrol officers, local code enforcement officers  
and all other law enforcement officers enumerated in Title 12,  
section 7055, shall enforce the terms of this article.

28 STATEMENT OF FACT

30 This bill encourages the use of local enforcement mechanisms  
32 for land use violations by prohibiting the Department of  
Environmental Protection from investigating a complaint or  
34 allegation of a violation of a land use law or rule, including  
those pertaining to protected natural resources and shorelands,  
36 unless the complaint or allegation is first referred back to the  
local code enforcement officer and the code enforcement officer  
then refers the matter back to the department. The bill also  
38 specifically grants enforcement authority of the protected  
natural resources laws to local code enforcement officers.