MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 220

H.P. 168

House of Representatives, February 1, 1993

An Act to Amend the Shoreland Zoning Law.

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

OSEPH W. MAYO, Clerk

Presented by Representative LORD of Waterboro. Cosponsored by Representatives: ALIBERTI of Lewiston, ANDERSON of Woodland, BAILEY of Township 27, GOULD of Greenville, GRAY of Sedgwick, HILLOCK of Gorham, HOGLUND of Portland, KERR of Old Orchard Beach, SPEAR of Nobleboro, Senators: FOSTER of Hancock, TITCOMB of Cumberland.

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

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Sec. 1. 38 MRSA §438-A, sub-§4, as amended by PL 1991, c. 346, §5, is further amended to read:

Failure to adopt ordinances. Ιf the determines, after notice to a municipality, that the municipality has failed to adopt ordinances as required under this article or that an ordinance which - that the municipality has adopted does not satisfy the requirements and purposes under this article, and that the commissioner is unable to make the ordinance consistent with the minimum guidelines by the imposition of conditions, as set forth in subsection 3, then the commissioner shall request and the board may adopt, acting in accordance with Title 5, chapter 375, subchapter II, suitable ordinances, or suitable provisions of ordinances, on behalf of the municipality. board may not adopt an ordinance that establishes or modifies the shoreland zone without first adopting a zoning map that is of a scale sufficient to identify parcel ownership. Notwithstanding subsections 2 and 3, if the board determines that special water quality considerations on a great pond warrant more restrictive standards than those contained in the minimum quidelines, the board may adopt the additional standards for all municipalities the jurisdiction of the Maine Land Use Regulation Commission which that abut those waters. Following adoption by the board, these ordinances or provisions are effective and binding within the municipality and must be administered and enforced by that municipality.

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STATEMENT OF FACT

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In 1989 the Legislature expanded the definition of "shoreland area" to include the area within 75 feet of the high-water line of a stream and within 250 feet of the upland edge of a freshwater wetland. The effects of this change on a municipality and on individual property owners can only be sufficiently understood by the creation of a zoning map. Zoning maps have always been a mandatory legal prerequisite to the adoption of a zoning ordinance in Maine Revised Statutes, Title 30-A, section 4352, subsection 3.

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This bill requires that the zoning map be of a scale sufficient to identify parcel ownership and that such a map be adopted by the Board of Environmental Protection before an ordinance may be imposed on a municipality.