

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1263

S.P. 467

In Senate, April 11, 1995

**An Act to Delegate Permit-granting Authority to Municipalities.**

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.  
Cosponsored by Senators: CAREY of Kennebec, O'DEA of Penobscot, Representatives:  
BARTH of Bethel, BUNKER of Kossuth Township, GATES of Rockport.

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

**Sec. 1. 38 MRSA §480-F, sub-§1**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §74, is further amended to read:

**1. Delegation.** A municipality may apply to the board for authority to issue permits under this article. The board shall grant such authority if it finds that the municipality has:

A. Established a planning board and a board of appeals;

B. Adopted ~~a comprehensive plan~~ shoreland zoning, a flood hazard plan and related land use ordinances consistent with the criteria set forth in ~~Title--30-A,--chapter--187, subchapter-II~~ article 5-A;

C. The financial, technical and legal resources to adequately review and analyze permit applications and oversee and enforce permit requirements;

D. Made provision by ordinance or rule for prompt notice to the commissioner and the public upon receipt of application and written notification to the applicant and the commissioner of the issuance or denial of a permit stating the reasons for issuance or denial; ~~and~~

E. Provided an application form that is substantially the same as that provided by the commissioner; ~~and~~

F. Appointed a code enforcement officer, certified by the Department of Economic and Community Development and licensed by the State.

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

**2. Enforcement.** In addition to department staff, inland fisheries and wildlife game wardens, Department of Marine Resources marine patrol officers, certified municipal code enforcement officers, officials of the Natural Resources Conservation Service and all other law enforcement officers enumerated in Title 12, section 7055, shall enforce the terms of this article.

**STATEMENT OF FACT**

This bill makes the following changes in the laws

2 authorizing a municipality to apply to the Board of Environmental  
Protection to issue permits under certain environmental laws:

4 1. It requires a municipality to have established a board  
of appeals;

6 2. It requires a municipality to have adopted shoreland  
8 zoning and a flood hazard plan rather than a comprehensive plan;

10 3. It requires a municipality to have provided an  
application form that is substantially the same as that provided  
12 by the Commissioner of Environmental Protection; and

14 4. It requires a municipality to have appointed a  
certified, licensed code enforcement officer.

16 The bill also requires certified municipal code enforcement  
18 officers and officials of the Natural Resources Conservation  
Service to enforce certain environmental laws.