

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 219

S.P. 70

In Senate, February 1, 2011

### An Act To Amend the Laws Governing Shoreland Zoning

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.  
Cosponsored by Senators: THIBODEAU of Waldo, THOMAS of Somerset and  
Senators: COLLINS of York, McCORMICK of Kennebec, SAVIELLO of Franklin,  
Representatives: DAVIS of Sangerville, MALABY of Hancock, McKANE of Newcastle,  
O'CONNOR of Berwick.

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

2 **Sec. 1. 38 MRSA §435, first ¶**, as amended by PL 1995, c. 625, Pt. B, §15, is  
3 further amended to read:

4 To aid in the fulfillment of the State's role as trustee of its waters and to promote  
5 public health, safety and the general welfare, it is declared to be in the public interest that  
6 shoreland areas be subject to zoning and land use controls. Shoreland areas include those  
7 areas within ~~250~~ 75 feet of the normal high-water line of any great pond, river or  
8 saltwater body, within ~~250~~ 75 feet of the upland edge of a coastal wetland, within ~~250~~ 75  
9 feet of the upland edge of a freshwater wetland except as otherwise provided in section  
10 438-A, subsection 2, or within 75 feet of the high-water line of a stream. The purposes of  
11 these controls are to further the maintenance of safe and healthful conditions; to prevent  
12 and control water pollution; to protect fish spawning grounds, aquatic life, bird and other  
13 wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to  
14 protect archaeological and historic resources; to protect commercial fishing and maritime  
15 industries; to protect freshwater and coastal wetlands; to control building sites, placement  
16 of structures and land uses; to conserve shore cover, and visual as well as actual points of  
17 access to inland and coastal waters; to conserve natural beauty and open space; and to  
18 anticipate and respond to the impacts of development in shoreland areas.

19 **Sec. 2. 38 MRSA §435, 4th ¶**, as repealed and replaced by PL 1987, c. 815, §§1  
20 and 11, is amended to read:

21 All existing municipal ordinances dealing with subjects of this section ~~currently~~ in  
22 effect and operational on ~~April 18, 1986~~, January 1, 2011 are declared to be valid and  
23 ~~shall~~ continue in effect until rescinded, amended or changed according to municipal  
24 ordinance, charter or state law.

25 **SUMMARY**

26 This bill reduces the width of land that is subject to shoreland zoning and land use  
27 controls from 250 feet to 75 feet from the normal high-water line or upland edge of any  
28 body of water, river or wetland. A municipal ordinance regarding shoreland zoning in  
29 effect on January 1, 2011 is considered valid and remains in effect until rescinded,  
30 amended or changed by that municipality.