

MAINE STATE LEGISLATURE

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omey
H. of S.

L.D. 1096

Date: 5/31/17 Majority

(Filing No. H-370)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 770, L.D. 1096, Bill, "An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities"

Amend the bill by striking out the title and substituting the following:

'An Act To Require a Photographic Record for Developments within the Shoreland Zone'

Amend the bill by striking out all of sections 1 to 3.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, changes the title and amends the bill as follows.

1. It strikes the requirement that the Department of Economic and Community Development, Office of Community Development provide advanced training to code enforcement officers.

2. It strikes the proposed increases in the maximum per day civil penalty for specific violations of certain municipal land use laws or ordinances.

3. It retains the provision that municipal shoreland zoning ordinances must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

The fiscal note on this amendment identifies as a potential state mandate certain requirements in the amendment relating to photographic records of developments within the shoreland zone. To be considered a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The members of the committee voting for this report find that the provisions identified in the fiscal note as a potential

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 770, L.D. 1096

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1 mandate do not require a local unit of government to expand or modify its activities so as
2 to necessitate additional expenditures from local revenue.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



128th MAINE LEGISLATURE

LD 1096

LR 1781(02)

An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-370)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
To amend and enforce municipal zoning ordinances to require photographic records.	Municipality	Moderate statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of the amendments to and enforcement of municipal zoning ordinances requiring photographic records are anticipated to be minor and can be absorbed within existing budgeted resources.