

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 562

H.P. 406

House of Representatives, February 5, 2019

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

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York.
Cosponsored by Senator BREEN of Cumberland and
Representatives: BAILEY of Saco, DENK of Kennebunk, FAY of Raymond, LANDRY of Farmington, McCREIGHT of Harpswell, McDONALD of Stonington, RYKERSON of Kittery.

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

2 **Sec. 1. 30-A MRSA §4451, sub-§3**, as amended by PL 2011, c. 655, Pt. FF, §8
3 and affected by §16, is further amended to read:

4 **3. Training and certification of code enforcement officers.** In cooperation with
5 code enforcement officer professional associations, the Maine Community College
6 System, the Department of Environmental Protection, the Department of Health and
7 Human Services and the Department of Public Safety, except as otherwise provided in
8 paragraph H, the Department of Economic and Community Development, Office of
9 Community Development shall establish a continuing education program for individuals
10 engaged in code enforcement. This program must provide basic and advanced training in
11 the technical and legal aspects of code enforcement necessary for certification. The basic
12 training program must include training to provide familiarity with the laws and
13 ordinances related to the structure and practice of the municipal code enforcement office,
14 municipal planning board and appeals board procedures, application review and
15 permitting procedures, inspection procedures and enforcement techniques.

16 H. If funding is not available to support the training and certification program
17 authorized under this subsection, the Department of Economic and Community
18 Development, Office of Community Development shall discontinue training and
19 certification activities related to laws and ordinances referenced in subsection 2-A,
20 paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter
21 375, subchapter 2-A a program to register code enforcement officers that meet
22 training and education qualifications. The Department of Economic and Community
23 Development, Office of Community Development shall publish the list of persons
24 registered for code enforcement who have submitted evidence of required
25 qualifications. Persons registered under this paragraph must meet the requirements
26 for training and certification under this subchapter. The Department of Economic
27 and Community Development, Office of Community Development shall consult with
28 the Department of Health and Human Services for the purposes of carrying out
29 training and certification activities related to laws and ordinances referenced in
30 subsection 2-A, paragraphs C and D. Within one month of discontinuation of
31 training and certification under this paragraph, the Department of Economic and
32 Community Development, Office of Community Development shall report to the
33 joint standing committee of the Legislature having jurisdiction over appropriations
34 and financial affairs and the joint standing committee of the Legislature having
35 jurisdiction over state and local government matters a recommendation for funding
36 the training and certification program or for further changes in program requirements.

37 **Sec. 2. 30-A MRSA §4452, sub-§3, ¶B**, as enacted by PL 1989, c. 104, Pt. A,
38 §45 and Pt. C, §10, is amended to read:

39 B. The minimum penalty for a specific violation is \$100, and the maximum penalty
40 is ~~\$2,500~~ \$5,000.

41 **Sec. 3. 30-A MRSA §4452, sub-§3, ¶B-1**, as enacted by PL 1999, c. 370, §1, is
42 amended to read:

1 B-1. Notwithstanding paragraph B, the maximum penalty is ~~\$5,000~~ \$10,000 for any
2 violation of a law or an ordinance set forth in subsection 5, paragraph Q, if the
3 violation occurs within an area zoned for resource protection.

4 **Sec. 4. 30-A MRSA §4452, sub-§3, ¶F**, as enacted by PL 1989, c. 104, Pt. A,
5 §45 and Pt. C, §10, is amended to read:

6 F. The maximum penalty may exceed ~~\$2,500~~ the amounts set forth in paragraphs B
7 and B-1, but may not exceed \$25,000, when it is shown that there has been a previous
8 conviction of the same party within the past 2 years for a violation of the same law or
9 ordinance.

10 **Sec. 5. 38 MRSA §439-A, sub-§10** is enacted to read:

11 **10. Photographic record required.** A municipal ordinance adopted pursuant to this
12 article must require an applicant for a permit for development within the shoreland zone
13 to provide to the municipal permitting authority preconstruction photographs and, no later
14 than 20 days after completion of the development, postconstruction photographs of the
15 shoreline vegetation and development site.

16 SUMMARY

17 This bill amends the laws relating to the State's regulation of the shoreland zone as
18 follows.

19 1. It requires the Department of Economic and Community Development, Office of
20 Community Development to provide both basic and advanced training to code
21 enforcement officers in the technical and legal aspects of code enforcement. Current law
22 only requires that the office provide basic training to code enforcement officers.

23 2. It increases the maximum per day civil penalty for a specific violation of a
24 municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum
25 per day civil penalty for a specific violation of a municipal shoreland zoning ordinance
26 occurring within an area zoned for resource protection from \$5,000 to \$10,000.

27 3. It provides that a municipal shoreland zoning ordinance must require an applicant
28 for a permit for development within the shoreland zone to provide to the municipal
29 permitting authority preconstruction and postconstruction photographs of the shoreline
30 vegetation and development site.