

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2101

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S.P. 894

In Senate, January 3, 2024

### An Act to Strengthen Shoreland Zoning Enforcement

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator NANGLE of Cumberland.  
Cosponsored by Representative FAY of Raymond and  
Senators: BENNETT of Oxford, CARNEY of Cumberland, INGWERSEN of York, LIBBY of  
Cumberland, RENY of Lincoln, Representatives: ARATA of New Gloucester, BELL of  
Yarmouth, LANDRY of Farmington.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the inability of a municipality or the Maine Land Use Planning Commission  
4 to claim a lien against real estate on which a shoreland zoning violation occurred may leave  
5 the municipality or commission without recourse to obtain payment of attorney's fees and  
6 court costs and any unpaid penalties when the real estate is sold; and

7           **Whereas,** municipalities and the Maine Land Use Planning Commission are currently  
8 taking enforcement actions against shoreland zoning violations on real estate that may be  
9 sold before the expiration of the 90-day period; and

10           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

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

15           **Sec. 1. 12 MRSA §685-C, sub-§8-A** is enacted to read:

16           **8-A. Restriction of permits when violation in the shoreland zone; lien claim.** The  
17 commission may take the following actions when an owner of real estate violates a  
18 standard, rule, permit or order adopted or issued by the commission pursuant to this chapter  
19 related to development in the shoreland zone:

20           A. The commission may restrict the issuance of or suspend or revoke any permit issued  
21 to the owner of the real estate by the commission; and

22           B. The commission may claim a lien against the real estate for all costs related to the  
23 violation incurred by the commission, including, but not limited to, attorney's fees and  
24 court costs, and any unpaid penalties imposed on the owner of the real estate. The  
25 commission or the commission's designee shall file a notice of the lien under this  
26 paragraph with the register of deeds of the county in which the real estate is located.  
27 Not less than 10 days prior to the filing, the commission or the commission's designee  
28 shall send notification of the proposed action by certified mail, return receipt requested,  
29 to the owner of the real estate.

30           For the purposes of this subsection, "shoreland zone" means the area within 250 feet of any  
31 lake or pond greater than 10 acres in size.

32           **Sec. 2. 30-A MRSA §4452, sub-§8** is enacted to read:

33           **8. Restriction of permits when shoreland zoning violation; lien claim.** A  
34 municipality may take the following actions when an owner of real estate violates a  
35 shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article  
36 2-B, including an ordinance that is state-imposed:

37           A. The municipality may restrict the issuance of or suspend or revoke any municipally  
38 issued permit to the owner of the real estate; and

39           B. The municipality may claim a lien against the real estate for all costs related to the  
40 ordinance violation incurred by the municipality, including, but not limited to,  
41 attorney's fees and court costs, and any unpaid penalties imposed on the owner of the

