

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

trative funds from programs the commissioner is authorized to administer.

Effective September 23, 1983.

CHAPTER 306

H.P. 1160 - L.D. 1531

AN ACT to Amend Mandatory Zoning and Subdivision Control.

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

Sec. 1. 12 MRSA §4814, as amended by PL 1979, c. 672, Pt. A, §49, is further amended to read:

§4814. Cooperation

The Board of Environmental Protection and the Maine Land Use Regulation Commission, municipalities and all state agencies shall mutually cooperate to accomplish the objectives of this chapter. To that end, the board and the commission shall consult with the governing bodies of municipalities and to whatever extent necessary with other state agencies to secure voluntary uniformity of regulations, so far as practicable, and shall extend all possible assistance therefor. The State Planning Office shall be responsible for coordinating the efforts and responsibilities of the Board of Environmental Protection and the Maine Land Use Regulation Commission acting pursuant to this chapter.

If a municipality fails to administer and enforce zoning ordinances adopted by it or the State, pursuant to the requirements of this chapter, the Attorney General shall seek an order of the Superior Court of the county in which the municipality lies, requiring the municipal officials to enforce such zoning ordinance. ~~The district attorney may enforce the provisions of a local shoreland zoning ordinance upon the request of an authorized municipal official.~~ The Attorney General shall be made a party to all civil and criminal actions in which the pleadings challenge the legality of any ordinance or portion thereof adopted pursuant to the guidelines promulgated under section 4813.

Sec. 2. 12 MRSA §4815 is enacted to read:

§4815. Enforcement

Any person who orders or conducts any activity in violation of a municipal ordinance adopted under this chapter shall be subject to a civil forfeiture of not less than \$100 nor more than \$1,000 for each offense.

The Attorney General, the district attorney and the municipal officers may enforce ordinances adopted under this chapter. The court may award municipalities reasonable attorney fees for actions under this section, and ordinances may provide that civil forfeitures shall inure to the municipality.

Effective September 23, 1983.

CHAPTER 307

H.P. 790 - L.D. 1082

**AN ACT to Override the Federal Preemption
of State Authority to Regulate Alternative
Mortgage Transactions.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Garn-St. Germain Depository Institutions Act of 1982, Public Law 97-320, Section 804, has preempted certain provisions of the Maine Banking Code and Consumer Credit Code relating to alternative mortgage instruments; and

Whereas, the federal preemption is effective unless a state overrides the preemption by an explicit state law; and

Whereas, state laws and regulations designed to protect consumers can be ignored during this preemption period and can only be reinstated upon the effective date of this override; and

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

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