

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

S.P. 745 - L.D. 1904

**An Act to Establish the Municipal Shoreline Protection Legal Fund**

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

**Sec. 1. 38 MRSA §450** is enacted to read:

**§450. Municipal Shoreline Protection Legal Fund**

**1. Fund established.** The Municipal Shoreline Protection Legal Fund, referred to in this section as "the fund," is established within the department to provide financial assistance to municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning violations. The fund consists of money received from any public or private source, including, but not limited to, any monetary penalties deposited in the fund in accordance with section 480-R, subsection 1. The fund must be held separate and apart from all other money, funds and accounts. Interest earned by the fund must be credited to the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year.

**2. Administration; use of money in fund.** The department shall administer the fund. In accordance with rules adopted by the department pursuant to subsection 4, the department shall use money in the fund to provide financial assistance to municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning violations. The department may use money in the fund to cover the department's actual costs incurred in administering the fund.

**3. Reimbursement.** In accordance with rules adopted by the department pursuant to subsection 4, a municipality that receives financial assistance from the fund under subsection 2 may be required to reimburse the fund following the settlement or final adjudication of the legal claim for which the financial assistance was received.

**4. Rules.** The department shall adopt rules necessary for the implementation and administration of the fund, including, but not limited to, rules establishing standards for the provision of financial assistance from the fund to a municipality pursuant to subsection 2 and rules establishing standards for municipal reimbursement of financial assistance received from the fund pursuant to subsection 3. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 38 MRSA §480-R, sub-§1**, as enacted by PL 1987, c. 809, §2, is amended by enacting at the end a new first blocked paragraph to read:

Notwithstanding any provision of law to the contrary, of the total penalties paid by all persons found to have violated this article in any fiscal year, the commissioner shall ensure that \$100,000 of that amount, or the total amount of penalties paid in the fiscal year if that amount is less than \$100,000, is deposited in the Municipal Shoreline Protection Legal Fund established in section 450.

**Sec. 3. Transfer from General Fund unappropriated surplus; Department of Environmental Protection, Municipal Shoreline Protection Legal Fund.** On or before September 1, 2026, the State Controller shall transfer \$100,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Municipal Shoreline Protection Legal Fund, Other Special Revenue Funds account to provide financial assistance to municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning violations in accordance with the provisions of the Maine Revised Statutes, Title 38, section 450.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Land Resources Z188**

Initiative: Provides funding for one Environmental Specialist III position and associated All Other costs.

| <b>GENERAL FUND</b>           | <b>2025-26</b> | <b>2026-27</b>   |
|-------------------------------|----------------|------------------|
| POSITIONS - LEGISLATIVE COUNT | 0.000          | 1.000            |
| Personal Services             | \$0            | \$79,114         |
| All Other                     | \$0            | \$22,767         |
| <b>GENERAL FUND TOTAL</b>     | <b>\$0</b>     | <b>\$101,881</b> |

**Municipal Shoreline Protection Legal Fund N528**

Initiative: Provides ongoing allocations to allow for the provision of financial assistance to municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning violations in accordance with the Maine Revised Statutes, Title 38, section 450.

| <b>OTHER SPECIAL REVENUE FUNDS</b>       | <b>2025-26</b> | <b>2026-27</b>   |
|--|----------------|------------------|
| All Other                                | \$0            | \$100,000        |
| <b>OTHER SPECIAL REVENUE FUNDS TOTAL</b> | <b>\$0</b>     | <b>\$100,000</b> |

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

|                                    | <b>2025-26</b> | <b>2026-27</b>   |
|------------------------------------|----------------|------------------|
| <b>GENERAL FUND</b>                | <b>\$0</b>     | <b>\$101,881</b> |
| <b>OTHER SPECIAL REVENUE FUNDS</b> | <b>\$0</b>     | <b>\$100,000</b> |

**DEPARTMENT TOTAL - ALL FUNDS**

            
**\$0**

            
**\$201,881**