

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Amend the Laws Governing Shoreland Zoning**

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

**Sec. 1. 38 MRSA §435, first ¶**, as amended by PL 1995, c. 625, Pt. B, §15, is further amended to read:

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 25075 feet of the normal high-water line of any great pond, river or saltwater body, within 25075 feet of the upland edge of a coastal wetland, within 25075 feet of the upland edge of a freshwater wetland except as otherwise provided in section 438-A, subsection 2, or within 75 feet of the high-water line of a stream. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

**Sec. 2. 38 MRSA §435, 4th ¶**, as repealed and replaced by PL 1987, c. 815, §§1 and 11, is amended to read:

All existing municipal ordinances dealing with subjects of this section ~~currently~~ in effect and operational on ~~April 18, 1986~~, January 1, 2011 are declared to be valid and shall continue in effect until rescinded, amended or changed according to municipal ordinance, charter or state law.

### **SUMMARY**

This bill reduces the width of land that is subject to shoreland zoning and land use controls from 250 feet to 75 feet from the normal high-water line or upland edge of any body of water, river or wetland. A municipal ordinance regarding shoreland zoning in effect on January 1, 2011 is considered valid and remains in effect until rescinded, amended or changed by that municipality.