



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 219

S.P. 70

In Senate, February 1, 2011

An Act To Amend the Laws Governing Shoreland Zoning

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senators: THIBODEAU of Waldo, THOMAS of Somerset and
Senators: COLLINS of York, McCORMICK of Kennebec, SAVIELLO of Franklin,
Representatives: DAVIS of Sangerville, MALABY of Hancock, McKANE of Newcastle,
O'CONNOR of Berwick.

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

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

4 To aid in the fulfillment of the State's role as trustee of its waters and to promote
5 public health, safety and the general welfare, it is declared to be in the public interest that
6 shoreland areas be subject to zoning and land use controls. Shoreland areas include those
7 areas within ~~250~~ 75 feet of the normal high-water line of any great pond, river or
8 saltwater body, within ~~250~~ 75 feet of the upland edge of a coastal wetland, within ~~250~~ 75
9 feet of the upland edge of a freshwater wetland except as otherwise provided in section
10 438-A, subsection 2, or within 75 feet of the high-water line of a stream. The purposes of
11 these controls are to further the maintenance of safe and healthful conditions; to prevent
12 and control water pollution; to protect fish spawning grounds, aquatic life, bird and other
13 wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to
14 protect archaeological and historic resources; to protect commercial fishing and maritime
15 industries; to protect freshwater and coastal wetlands; to control building sites, placement
16 of structures and land uses; to conserve shore cover, and visual as well as actual points of
17 access to inland and coastal waters; to conserve natural beauty and open space; and to
18 anticipate and respond to the impacts of development in shoreland areas.

19 **Sec. 2. 38 MRSA §435, 4th ¶**, as repealed and replaced by PL 1987, c. 815, §§1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

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

25 **SUMMARY**

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