

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
S.P. 894 - L.D. 2101

An Act to Strengthen Shoreland Zoning Enforcement

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

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

8-A. Shoreland zoning violations; commission authority. The commission may take the following actions when an owner or occupant of land within the commission's jurisdiction violates a standard, rule, permit or order adopted or issued by the commission pursuant to this chapter applicable to development in a shoreland zone, as long as the commission sends written notice to the last known address of the owner and occupant, if applicable, by certified mail, return receipt requested, demanding the owner or occupant remove, abate or otherwise correct the violation within 10 days and the violation is not removed, abated or otherwise corrected in that time period:

A. Deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development in the shoreland zone of the land on which the violation occurred until the violation is removed, abated or otherwise corrected and any penalties and court-awarded costs are paid; and

B. File a civil action against the owner or occupant to recover unpaid penalties, the cost to remove, abate or otherwise correct the violation, court costs and reasonable attorney's fees.

If the commission is the prevailing party in a civil action filed pursuant to this subsection, the commission may claim a lien against the land on which the violation occurred for all costs awarded by the court. The commission shall file a notice of a lien with the register of deeds in the county in which the land is located.

For the purposes of this subsection, "shoreland zone" means the shoreland area as described in Title 38, section 435 and "occupant" means a person occupying land with the owner's permission.

Sec. 2. 30-A MRSA §4452, sub-§1-A is enacted to read:

1-A. Shoreland zoning violations; municipal authority. A municipality may take the following actions when an owner or occupant of land in the municipality violates a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article

2-B, including an ordinance or standard established or imposed by the State, as long as the municipality sends written notice to the last known address of the owner and occupant, if applicable, by certified mail, return receipt requested, demanding the owner or occupant remove, abate or otherwise correct the violation within 10 days and the violation is not removed, abated or otherwise corrected in that time period:

A. Deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development of the land on which the violation occurred until the violation is removed, abated or otherwise corrected and any penalties and court-awarded costs are paid; and

B. File a civil action against the owner or occupant to recover unpaid penalties, the cost to remove, abate or otherwise correct the violation, court costs and reasonable attorney's fees.

If the municipality is the prevailing party in a civil action filed pursuant to this subsection, the municipality may claim a lien against the land on which the violation occurred for all costs awarded by the court. The municipal officers or the officers' designee shall file a notice of the lien with the register of deeds in the county in which the land is located.

For the purposes of this subsection, "occupant" means a person occupying land with the owner's permission.

This subsection does not limit the powers of a municipality provided in any other provision of law.

A suspension or revocation of a permit pursuant to paragraph A remains in effect during any appeal of the suspension or revocation to a municipal board of appeals.

Sec. 3. 33 MRSA §173, sub-§5, as amended by PL 2017, c. 181, §2, is further amended to read:

5. Known defects. Any known defects; ~~and~~

Sec. 4. 33 MRSA §173, sub-§6, ¶B, as enacted by PL 2017, c. 181, §3, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; ~~and~~

Sec. 5. 33 MRSA §173, sub-§7 is enacted to read:

7. Notice of violation. Detailed information on an actual or alleged violation of a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, including those that were state-imposed, imposed on and applicable to the property.