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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON STATE AND  
LOCAL GOVERNMENT  
IN SUPPORT OF LD 2101**

*An Act to Strengthen Shoreland Zoning Enforcement*

**February 6, 2024**

Senator Nangle, Representative Stover, and members of the Joint Standing Committee on State and Local Government, my name is Stacie Beyer, and I am the Executive Director of the Maine Land Use Planning Commission (LUPC) within the Department of Agriculture, Conservation and Forestry (DACF). I am speaking in favor of LD 2101, *An Act to Strengthen Shoreland Zoning Enforcement*.

The bill would authorize a municipality to restrict the issuance of, suspend, or revoke any municipal permit to a landowner who violates a shoreland zoning ordinance. It also would authorize the municipality to claim a lien against the land for all costs incurred by the municipality and any unpaid penalties related to the ordinance violation. In addition, the bill would authorize LUPC to take the same actions for violations of standards, rules, permits, and orders adopted or issued by the Commission related to development in the shoreland zone.

LUPC has the authority to consider violations of its rules in evaluating the technical ability of an applicant prior to issuing a permit. However, the explicit authority to consider violations in the shoreland zone when reviewing applications would improve the staff's ability to bring parcels into compliance. Furthermore, having authority on its own to suspend or revoke a permit based on a violation of that permit would provide LUPC with another tool to ensure compliance with its rules.

The authority to suspend or revoke permits, other than temporary suspensions in cases of immediate threats to health or safety, rests with the courts. Improving compliance with Commission rules and permits is a high priority of the current Commission. Since LUPC does not have stop-work order authority, work has continued on construction projects even after LUPC staff have notified the landowner of a violation. Remediating the impacts is much more difficult once a project has been completed, particularly a dwelling with a permanent foundation.

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The authority to claim a lien on land to recover costs incurred by the Commission related to violations of its rules, permits, or orders would create significant efficiencies. Although LUPC staff strive to resolve violations through voluntary compliance, and most cases are resolved in that way at a lesser cost to the State, some cases are larger and more challenging. The Attorney General's Office provides legal services to LUPC, including services to prosecute violations when court action is required. LUPC pays the Attorney General's Office for services from its "All Other" General Fund allotment, typically around \$20,000 per fiscal year. A lengthy, complex court proceeding could quickly draw down the LUPC's "All Other" funds and impact the agency's ability to pay for other critical agency expenses, such as those associated with Commission meetings, rulemaking, vehicle operation and maintenance, and staff training.

The bill contains a definition of "shoreland zone" for the purposes of the additional Title 12 subsection. That is helpful because LUPC does not have a definition of "shoreland zone" in its rules. I note that the included definition only addresses Great Ponds. In municipalities, the broader shoreland zone includes resources such as rivers and the ocean. If the intent is to limit the authority to Great Ponds, LUPC has no concerns with that approach. However, if there is an interest in being consistent with shoreland zoning in the organized areas of the state, we would be happy to suggest or review amendment language for defining "shoreland zone" that would be more inclusive.

Thank you for your time. I would be happy to answer any questions now or at the work session.