



Timothy Nangle  
Senator, District 26

THE MAINE SENATE  
131st Legislature

3 State House Station  
Augusta, Maine 04333

*Testimony of Senator Timothy Nangle introducing*  
**LD 2101, “An Act to Strengthen Shoreland Zoning Enforcement”**

Before the Joint Standing Committee on State and Local Government

*February 6, 2024*

Representative Stover and distinguished members of the Joint Standing Committee on State and Local Government, I am Senator Tim Nangle. I represent Senate District 26, which includes the towns of Windham, Raymond, Casco, Frye Island, and part of Westbrook. Today, I’m introducing LD 2101, “An Act to Strengthen Shoreland Zoning Enforcement.”

Our local water bodies are crucial to the economy and environment of our smaller communities and the entire state. These lakes, rivers, and streams are natural wonders and provide access to both summer and winter outdoor recreation. Protecting these resources is essential, but our municipalities face significant challenges in enforcing shoreland zoning laws due to the current legal framework.

While the state sets and mandates these environmental regulations, the responsibility for enforcement falls entirely on the municipalities, often leading to lengthy and costly legal battles for the towns and, ultimately, the local property taxpayers.

Moreover, the current laws impede municipalities from effectively intervening when violations occur. For instance, even when property owners openly flout shoreland zoning regulations, towns are unable to withhold permits for further development. This loophole not only jeopardizes the enforcement of environmental standards but also undermines the very essence of local control.

Many shoreland zoning violations are genuinely accidental, and the property owner works with the town to resolve the violation quickly and willingly. Unfortunately, there are instances where a property owner with deep pockets considers the violation a “cost of doing business” and works to drag out a resolution, requiring the town to spend hundreds of thousands of dollars to enforce the shoreland zoning ordinances in the hopes that the community will just give up.

LD 2101 directly addresses these challenges by empowering municipalities and the Land Use Planning Commission (LUPC) with the necessary tools to enforce shoreland zoning laws effectively. Specifically, the bill allows municipalities and the LUPC to restrict, suspend, or revoke any locally issued permits for properties where violations of shoreland zoning laws have occurred. This would give our towns a tool to prevent further unauthorized development until the existing violations are adequately resolved.



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Typically, when the violation is resolved in the courts, the court assigns the cost of enforcing the violation and any applicable fines to the property owner. Then another fight ensues to collect those costs, which place an undue burden on taxpayers in the town.

The second part of LD 2101 allows the city or town to place a lien on the property's title to prevent the transfer of the property until the court-determined costs have been paid. This provision not only holds violators accountable but also alleviates the financial burden on local taxpayers and reinforces the principle that compliance with our environmental laws is non-negotiable.

After speaking with staff at the LUPC, we updated the bill to recognize their similar enforcement challenges and provide them with comparable tools, enhancing the effectiveness of shoreland zoning law enforcement across our unorganized territories and other jurisdictions.

LD 2101 is a step towards empowering our communities by providing them with the tools necessary to ensure that the state-mandated shoreland zoning laws are not just symbolic but are effectively enforced. By allowing municipalities and the LUPC to restrict, suspend, or revoke permits in cases of violations and by enabling them to place a lien on properties to cover enforcement costs, we are not only supporting our local communities but also safeguarding our state's precious natural resources for future generations.

In conclusion, the passage of LD 2101 represents a commitment to responsible stewardship of our natural resources, a reinforcement of our local governance and the concept of "home rule," and an acknowledgment of the challenges faced by our municipalities and the LUPC. LD 2101 is essential in ensuring that our shoreland zoning laws are not mere statutes but effective tools for environmental protection and community sustainability.

Thank you for your consideration, and I'm happy to answer any questions.

Sincerely,

A handwritten signature in black ink that reads "Tim Nangle".

**Tim Nangle**  
State Senator, Senate District 26  
*Casco, Frye Island, Raymond, Windham, and part of Westbrook*