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Testimony of the Maine Municipal Association

In Support of

LD 2101 - An Act to Strengthen Shoreland Zoning Enforcement

February 6, 2024

Sen. Nangle, Rep. Stover, and distinguished members of the State and Local Government Committee, my name is Rebecca Graham, and I am submitting testimony in support for LD 2101, *An Act to Strengthen Shoreland Zoning Enforcement*, on behalf of the Maine Municipal Association, which represents the interests of municipal government before the Legislature. The positions of the Association are established by our 70-member Legislative Policy Committee (LPC), who are elected by the councils and selectboards of municipalities in each of Maine's 35 Senate districts.

While rare, some upland homeowners have repeatedly flouted their obligations to be a steward of shared natural resources under the principle that it is "easier to beg for forgiveness than to ask for permission," and chosen the path to use legal resources to wear down municipalities when they are found in violation of shoreland zoning rules. This poses a significant burden on the financial health of municipalities that balance fiscal prudence for their taxpayers and their obligations to protect the water resources that belong to all Maine residents. The normal legal budget line for a municipality is easily expanded when they are forced to battle an individual owner who refuses to remediate a violation, or pay fines and fees incurred sometimes repeatedly and knowingly.

State guidelines are meant to be the minimum requirements for shoreland zoning rules and municipalities are explicitly allowed to apply more stringent rules to mitigate threats in that waterbody that would otherwise be burdensome for other municipalities that do not have the same pressures. Some municipalities have found it necessary to adopt stricter shoreland zoning ordinances due to the localized threats to a water body such as toxic algae blooms and locations that have dense historic development. Most municipalities use the state standards where development run off and intense usage is not an issue.

It is for these reasons that municipal officials welcome this effort to strengthen the penalties for individuals when both the department and the municipality are pursuing compliance to the standards all neighbors on a body of water must meet. Nothing in current law prohibits an individual from applying for additional development permits on another parcel, revoking other permits or empowers a community to recoup their losses for enforcement action on an uncooperative resident that are found to be valid by court action. This bill proposes to make the community whole for their efforts in protecting the waters of Maine and appropriately hold bad faith actors accountable.