

Senator Nangle, Representative Stover, Members of the Committee on State and Local Government:

My name is Roberta Manter and I ask you to vote in favor of L.D. 2101.

When I read this bill, the first thing I thought of was something I had read in Maine's Legislative Drafting Manual.

Section 4. "A. Legal rule. The simplest legislative sentence consists of a legal subject and a legal action."

When I first read that, I thought, "Well of course. Every sentence needs a noun and a verb!" The manual goes on to explain that legislation should first identify the person who must act, followed by the action that the statute directs.

The Manual continues:

"Consider the following sentence:

Whenever a structure is in disrepair, it must be ordered demolished.

The sentence does not tell the reader who is to issue the order. The intent was probably to place a duty on someone to order the demolition. The person with the duty should be identified."

My point is that in order for a law to be enforceable, it needs to say who is to enforce it, *and it also needs to provide a practical method by which it can be enforced*. It appears that in this case, when someone violates shoreland zoning provisions there is little that can be done to stop the infraction short of taking them to Court, which is an expense a Town may not be able to take on. This bill provides sensible actions that can be taken to enforce shoreland restrictions and thus protect our precious waters. Revoking a permit is a strong incentive, and if the town does have to resort to taking court action, a lien can provide a means of recovery of court costs. A person should not be enabled to continue violations due to lack of enforcement ability.

You have heard me speak before on behalf of Maine ROADWays. I have seen far too many situations where there are laws in place that should allow a town or a law enforcement agent to remove obstructions in the access to someone's home or property, but because the law is unclear, the obstructions are allowed to remain. Often the only means of finally settling access issues is to file a lawsuit, which is prohibitively expensive - so the issues remain unresolved indefinitely. I can see the same thing happening in cases of shoreland zone violations. What's the use of having laws to protect our lakes if there is no practical means of enforcing those laws?

I can appreciate the dilemma in which a town may find itself when it needs to protect its resources, but has no power to compel a person to comply. This bill will give Municipal Officers and the Maine Land Use Planning Commission accessible tools to stop the owner of real estate in the shoreland zone from continuing to act in a manner which is harmful to the environment and/or violates a rule or ordinance. Please vote L.D. 2101 Ought to Pass.

Thank you.