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Testimony of Karla Black  
Deputy Executive Director  
Maine Woodland Owners  
In Opposition to LD 2101

**“An Act to Strengthen Shoreland Zoning Enforcement”**

Senator Nangle, Representative Stover and distinguished members of the Joint Standing Committee on State and Local Government, my name is Karla Black, I am the Deputy Executive Director of Maine Woodland Owners speaking today in opposition to LD 2101, “An Act to Strengthen Shoreland Zoning Enforcement.”

The bill authorizes a municipality to restrict the issuance of or suspend or revoke any municipally issued permit to the owner of real estate who violates a shoreland zoning ordinance. It also authorizes a municipality to claim a lien against the real estate for all costs incurred by the municipality and any unpaid penalties related to the ordinance violation. It provides the same authority for the Maine Land Use Planning Commission (“LUPC”) for violations of standards, rules, permits and orders adopted or issued by the Commission related to development in the shoreland zone.

We have no interest in protecting people who violate shoreland zoning standards. Our concerns with this bill stem from its broad language. As drafted, in the event of a shoreland zoning violation, the bill would allow the municipality to restrict the issuance of or suspend or revoke “*any* municipally issued permit.” Does this mean that if a landowner violates the shoreland zoning provision on one parcel of land that the municipality could suspend or revoke a permit that is granted to the same landowner that is completely unrelated to the shoreland zone violation? The impact of the phrase “*any* municipally issued permit” suggests the answer to that question is yes. That seems fundamentally unfair and unnecessary.

Furthermore, the bill does not address what constitutes a violation for purposes of restricting, suspending or revoking a municipally issued permit. Would a finding by the code enforcement officer of an isolated and unintentional violation by a landowner result in the municipality (or LUPC) revoking or suspending their permit? What if the landowner doesn’t agree that they violated the ordinance and they want to appeal the decision? If the landowner disputes the violation, it appears that the municipality could not only place a lien on the property, but all costs borne by the municipality regardless of the appeal outcome would be the responsibility of the landowner.

Additionally, the bill appears to create a new definition of “shoreland zone” under the provisions related to the Maine Land Use Planning Commission. Traditionally, Maine

statute recognizes the shoreland zone as all land areas within 250 feet, horizontal distance, of the:

- normal high-water line of any great pond or river;
- upland edge of a coastal wetland, including all areas affected by tidal action;
- upland edge of defined freshwater wetlands; and
- all land areas within 75 feet, horizontal distance, of the normal high-water line of certain streams.

There is no specific definition of shoreland zone in the bill section pertaining to lands in a municipality.

The provisions in the bill seem unnecessarily broad and far-reaching and could result in unintended consequences for landowners. In particular, the bill could unfairly penalize landowners for a shoreland zone violation and discourage landowners from challenging a violation even when they have a legitimate basis to do so.

Thank you for the opportunity to testify on this bill.