
**Testimony in Support of LD 1904, An Act to Establish the Municipal Shoreline Protection
Legal Fund****Before the Committee on Environment and Natural Resources****Luke Frankel, Woods, Waters, & Wildlife Director****May 12, 2025**

Senator Tepler, Representative Gramlich, and distinguished members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Woods, Waters, & Wildlife Director at the Natural Resources Council of Maine (NRCM). NRCM is Maine's leading nonprofit, nonpartisan membership organization dedicated to protecting the environment on behalf of our nearly 20,000 supporters statewide and beyond. I am here today to testify in support of LD 1904, An Act to Establish the Municipal Shoreline Protection Legal Fund.

In Maine, we are known for our excellent water quality. In 2023, our lakes, rivers, and beaches helped to attract more than 15 million visitors to the state, who contributed more than \$9 billion to Maine's economy.¹

Due to the key role that waterbodies serve in our state, in 1971 Maine became a national leader in protecting water quality by establishing the Mandatory Shoreland Zoning Act (MSZA), which requires municipalities to adopt shoreland zoning ordinances that meet minimum state guidelines. This act, in addition to other state laws like the Natural Resources Protection Act (NRPA), set the foundation for how our waterbodies are protected on the state level.

However, these laws are only as effective as their enforcement. For the MSZA, enforcement of shoreland zoning regulations falls to municipalities. In my previous role as an environmental consultant working on water resource projects across the state, I saw firsthand just how difficult this task is for municipalities with tight budgets. Many communities in Maine have great shoreland zoning ordinances on the books and excellent Code Enforcement Officers who work hard to stay on top of violations within their jurisdictions. However, like many environmental issues, the limiting factor for enforcing shoreland zoning violations is often a lack of resources.

Many towns in rural parts of the state share Code Enforcement Officers with their neighbors and therefore only have staff working on these issues for a few hours each week. Even though they may have more staff, larger municipalities in Maine often lack the resources to engage in prolonged legal battles with wealthy landowners over specific violations.

LD 1904 represents a creative solution to address these problems by establishing the Municipal Shoreline Protection Legal Fund to provide financial assistance to municipalities engaged in legal disputes for "egregious" shoreland zoning violations. Through a one-time allocation of

¹ Maine Office of Tourism: https://motpartners.com/wp-content/uploads/2024/05/MOT_GovCon_HighlightSheet_2023_Printed-Paper_FNL-0430.pdf

\$100,000 from the General Fund, which would be reimbursed by fund recipients within 6 months after they have settled their legal claims, this fund would provide long-term support for municipalities to do this important work.

To provide more clarity regarding the specific legal cases that this fund could support, we recommend that the bill language be amended to include an explicit definition for “egregious” shoreland zoning violations. One potential solution could be to define “egregious” violations using a threshold value for the total fine cost imposed by the municipality for the violation. Even though fines may vary across municipalities with different ordinances, there are minimum and maximum fine amounts established within 38 M.R.S.A. section 4452 that make establishing a threshold feasible. These are a minimum fine of \$100 and a maximum fine of \$10,000 on a per day basis.

To close, we would like to thank Senator Nangle for bringing this important bill forward. Protecting the precious water resources that we have here in Maine by enforcing shoreland zoning laws should be of high importance when it comes to protecting our environment. LD 1904 would help municipalities in need of support to do this work, and for this reason, we strongly encourage the Committee to vote Ought to Pass.

Thank you for your time and consideration.