

State Level Laws that Impact Zoning and Land Use in Maine

Non-comprehensive quick reference guide
(prepared by OPLA Staff)

Municipal Home Rule Authority:

The Constitution of Maine, [Article VIII, Part Second, Section 1](#), is generally interpreted to give municipalities the right to freely adopt ordinances regulating almost any subject, unless the ordinance conflicts with another state or federal law. This principle is further delineated in the Maine Revised Statutes [Title 30-A, Chapter 111](#) (Home Rule) and [Title 30-A, Chapter 141](#) (Ordinances).

In practice this principle, known as Municipal Home Rule Authority, means that municipalities in Maine generally have the authority to self-govern in all areas where the State of Maine or the federal government has not passed laws that would restrict them.

Municipal Planning and Land Use:

Municipal planning and land use is partially constrained by a number of chapters within the Maine Revised Statutes, Title 30-A. Generally, these chapters set forth processes that municipalities must follow in adopting planning and land use ordinances. There are also specific provisions regarding the issuance of variances, growth management, development, comprehensive plans, and a number of other areas. Links to major provisions are below.

[Title 30-A, Chapter 187: Planning and Land Use Regulation](#)

[Subchapter 2: Growth Management Program](#)

[Subchapter 3: Land Use Regulation](#)

[Subchapter 4: Subdivisions](#)

[Title 30-A, Chapter 201: Housing Authority](#)

[Subchapter 2: Maine State Housing Authority established; powers, duties and restrictions](#)

[Subchapter 5: Loans to Financial Institutions](#)

[Subchapter 6: Construction loans](#)

[Subchapter 7: Housing Opportunities for Maine Program](#)

[Subchapter 7-A: Maine Energy, Housing and Economic Recovery Program](#)

[Subchapter 12: Preservation of Moderate-Income and Low-Income Housing Constructed with Federal Assistance](#)

[Title 30-A, Chapter 206: Development Districts](#)

[Subchapter 3: Municipal Affordable Housing Development Districts](#)

Additional Planning and Land Use Laws:

There are a number of other areas within the Maine Revised Statutes that touch on planning and land use directly. These include but are not limited to the following:

Shoreland Zoning:

The Mandatory Shoreland Zoning Act requires municipalities to adopt, administer, and enforce local ordinances that regulate land use activities in the shoreland zone. The shoreland zone is comprised of 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.

The Mandatory Shoreland Zoning Act: [Title 38, §§ 435-339](#)

Department of Environmental Protection: [Mandatory Shoreland Zoning Rules and Info](#)

River Corridor Commissions:

River corridor commissions exist, and are encouraged by statute, to assist local governments in implementing their responsibilities under shoreland zoning, and to enhance coordination and cooperation among municipalities. For more information about the approval of such commissions, interlocal agreements, comprehensive plans, ordinance power, and powers generally, see the links below.

River Corridor Commissions: [Title 30-A, Chapter 189](#)

See also - Saco River Corridor

Enabling Legislation: [Title 38, Chapter 6](#)

Website: [Saco River Corridor Commission](#)

Land Use Planning Commission:

The Land Use Planning Commission serves as the planning and zoning authority for the unorganized and deorganized areas of the State, including townships and plantations. These areas either have no local government or have chosen not to administer land use controls at the local level. The commission issues permits for smaller development projects, such as home constructions and camp renovations. For larger development projects requiring Department of Environmental Protection review under the [Site Location of Development Law](#), the commission certifies that proposed land uses are allowed and that proposed development activities comply with applicable land use standards.

Department of Agriculture, Conservation & Forestry: [Land Use Planning Commission](#)

Land Use Planning Commission establishing legislation: [Title 12, §§ 681-689](#)

Minimum Lot Sizes for Waste Disposal:

Maine has certain statutorily designated minimum lot sizes for single family and multiple unit housing when it comes to waste disposal, approval of lesser frontage, exemptions (certain lots and structures prior to 1970 or 1973), and violations.

[12 MRSA §§ 4807 – 4807-G](#)

Traffic Movement Permits:

Any project which generates 100 or more passenger car equivalents trips during peak hour of traffic generation, must file a Traffic Movement Permit application with the Maine Department of Transportation. Such permits could potentially apply to major housing developments and require traffic mitigation measures.

Traffic Movement Permit statute: [Title 23, §704-A](#)

Department of Transportation: [Traffic Movement Permit Rules](#)

Tiny Homes:

Non-traditional structures such as “Tiny Homes” have recently become more popular in Maine and raised a set of unique issues (including the enforcement of building code standards) both at the state and municipal level. Regulation varies slightly based on whether such structures are built on trailers (requires a title through Bureau of Motor Vehicles and subject to trailer road safety equipment requirements) or built on land. Relevant statutory provisions and recent legislation are linked below.

Recently adopted legislation (not yet on MRS website): [Title 30-A, §4363 \(as LD 1530\)](#)

Statutory Requirements for Certificate of Title: Title 29-A, [§651](#) & [§708](#)

Enforcement of Land Use and Zoning Laws:

Land use and zoning laws are enforced by municipal code enforcement officers, trained by the Office of the State Fire Marshal and governed under [Title 30-A §4452](#). Code enforcement officers are responsible for the enforcement of all enabling state laws and local ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, subsurface waste water disposal, and building standards.

The State has explicitly limited municipal home rule authority in the area of building codes. Any municipality above 4,000 residents is required to enforce the Maine Uniform Building and Energy Code, and while municipalities below that threshold are not required to enforce the code, they may not adopt or enforce any other building or energy code.

The requirements of the Maine Uniform Building and Energy Code do not apply to:

- (1) Log homes or manufactured housing as defined in [chapter 951](#);
- (2) Post and beam or timber frame construction; or
- (3) Warehouses or silos used to store harvested crops.

Resources:

Office of State Fire Marshal: [Code Enforcement](#)

Office of State Fire Marshal: [Maine Uniform Building and Energy Codes](#)

Enforcement of Land Use Regulations: [Title 30-A, Subchapter 5, §§4451-4453](#)

Maine Uniform Building and Energy Code: [Title 10, Chapter 1103](#)

Municipal Home Rule Limitation: [Title 10, §9724](#)