

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
105TH LEGISLATURE

HOUSE AMENDMENT " C " S.P. 610, L.D. 1788, Bill, "AN ACT
Revising the Maine Land Use Regulation Commission Law."

Amend said Bill in section 2 in that part designated "§682."
by inserting before the period at the end of subsection 2 the
following: ', except for the renewal from time to time of leases
in existence on June 1, 1971'

Further amend said Bill in section 5 in that part designated
"§685-A." by striking out all of paragraph B of subsection 1 and
inserting in place thereof the following:

'B. Management districts shall include, but not
be limited to, those lands which are held primarily
for commercial forest product or agricultural uses.'

Further amend said Bill in section 5 in that part designated
"§685-A." by striking out all of the first sentence of subsection
5 and inserting in place thereof the following:

'No land use guidance standard shall deprive any owner or
lessee of any interest in real estate of the use to which it is then
lawfully devoted at the time of adoption of said standard. All
single family dwellings and camps, presently in existence, whether
occupied for all or part of the year, and operating farms presently
in existence and use, while so used, and new accessory buildings or
structures or renovations of existing buildings or structures which
are or may be necessary to the satisfactory and comfortable

(Filing No. # - 465)

continuation of these residential and farm uses shall be exempt from land use guidance standards and from the requirements of section 685-B, subsection 1, paragraph A.'

Further amend said Bill in section 5 in that part designated "§685-A." by striking out all of the 2nd blocked paragraph of subsection 5 and inserting in place thereof the following:

'Land within management districts shall not be subject to land use guidance standards or to any other regulation under this chapter.'

Further amend said Bill in section 5 in that part designated "§685-B." by striking out all of the last 2 blocked paragraphs of subsection 6 and inserting in place thereof the following:

'A registrar of deeds shall not record any plat or plan or any other document purporting to subdivide land located within the unorganized and deorganized lands of the State unless the Commission's approval is evidenced thereon.'

Any unrecorded conveyance of land subdivided in violation of this section shall be void. Any structure erected on land subdivided in violation of this section shall constitute a nuisance.'

Further amend said Bill in section 5 in that part designated "§685-B." by striking out all of the 2nd blocked paragraph of subsection 7.

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Further amend said Bill in section 5 in that part designated "§685-B." by striking out in the 3rd line from the end of subsection 7 (2nd from end in L.D.) the underlined word and figure "subsection 5" and inserting in place thereof the underlined word and figure 'subsection 10'

Further amend said Bill in section 5 in that part designated "§685-B." in subsection 9, by inserting after the word "access" in the 13th line (11th line in L.D.) the underlined words 'at reasonable hours'; and by inserting before the word "violation" in the 15th line (13th in L.D.) the underlined word 'willful'

Statement of Fact

The purpose of these amendments are as follows:

The first amendment excepts existing leases from subdivision requirements so as to protect the existing several thousand lessees in the unorganized territory.

The second amendment changes the definition of management districts so as to permit the continuation of multiple use of forest lands.

The third amendment expands the earlier House amendment to cover all single-family dwellings and camps, presently in existence, whether occupied for all or part of the year; and makes the exception applicable to the building permit section which was overlooked in the earlier amendment.

The fourth amendment exempts management districts from guidance standards and regulation so that they may be managed

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without interference for forest product or agricultural use.

The fifth amendment eliminates the requirement that every deed have the Commission's approval written on it and removes the language making recorded deeds void so as not to create a situation where a lawyer doing a title search cannot rely upon the documents reflected in the Registry of Deeds.

The sixth amendment eliminates the provisions for terminating or amortizing nonconforming uses, which are the provisions which would permit the Commission to eliminate the land uses presently in existence of which they may disapprove.

The seventh amendment corrects the subsection number of the special exception section which is presently in error.

The eighth amendment requires that access to lands and structures be within reasonable hours and that violations punishable by a fine of up to \$500 per day be limited to those which are willful.

The ninth amendment eliminates the Commission's power to purchase conservation easements to avoid an unconstitutional combination of the power to zone and regulate the landowner on the one hand and to negotiate for the purchase of his land on the other hand.

Filed by Mr. Bragdon of Perham.

Reproduced and distributed under the direction of the Clerk of the House.

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