

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 200

6
7 H.P. 166

House of Representatives, January 29, 1985

8 Reference to the Committee on Energy and Natural Resources suggested
9 and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Dexter of Kingfield.

11 Cosponsored by Representative Ridley of Shapleigh, Representative
Masterman of Milo and Representative Lander of Greenville.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Streamline Review of Road
18 Construction in Unorganized Areas.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 12 MRSA §685-A, sub-§5, as amended by PL
23 1973, c. 569, §10, is further amended to read:

24 5. Considerations, application and exemptions.
25 No land use standard shall deprive any owner or les-
26 see or subsequent owner or lessee of any interest in
27 real estate of the use to which it is lawfully de-
28 voted at the time of adoption of said standard.
29 Year-round and seasonal single residences and operat-
30 ing farms in existence and use as of September 23,
31 1971, while so used, and new accessory buildings or
32 structures or renovations of such buildings or struc-
33 tures which are or may be necessary to the satisfac-
34 tory and comfortable continuation of these residen-
35 tial and farm uses shall be exempt from the require-
36 ments of section 685-B, subsection 1.

1 Land use standards adopted pursuant to this chapter
2 for management districts shall in no way limit the
3 right, method or manner of cutting or removing timber
4 or crops, the construction ~~and maintenance~~ of hauling
5 roads which occupy a ground area of less than 3
6 acres, the operation of machinery or the erection of
7 buildings and other structures used primarily for ag-
8 ricultural or commercial forest product purposes, in-
9 cluding tree farms. A permit from the commission
10 shall be required for roads covering a ground area of
11 3 acres or more constructed in management districts,
12 unless those roads are constructed and maintained in
13 accordance with the guidelines of the commission's
14 Land Use Handbook, Section 6, "Erosion Control on
15 Logging Jobs," or as revised. The commission may re-
16 quire a person constructing a road to notify the com-
17 mission of the location of the road within 21 days.

18 In adopting district boundaries and land use stan-
19 dards, the commission shall give consideration to
20 public and private planning reports and other data
21 available to it, and shall give weight to existing
22 uses of land and to any reasonable plan of its owner
23 as to its future use.

24 Sec. 2. 38 MRSA §488, sub-§1, as enacted by PL
25 1979, c. 714, is amended to read:

26 1. Unorganized areas. Within those areas of the
27 State which are subject to the jurisdiction of the
28 Maine Land Use Regulation Commission under Title 12,
29 chapter 206-A, such roads and ways are exempt pro-
30 vided they are located, constructed and maintained in
31 accordance with the following provisions: standards
32 adopted by the Maine Land Use Regulation Commission.

33 A- In protection and development districts, the
34 standards adopted by the Maine Land Use Regula-
35 tion Commission for such districts, and

36 B- In management districts, the guidelines of
37 the Maine Land Use Regulation Handbook, section
38 6, "Erosion Control on Logging Jobs," or as re-
39 vised. The Maine Land Use Regulation Commission
40 may adopt such definitions as are necessary to
41 implement the provisions of this paragraph.

1

STATEMENT OF FACT

2 The Maine Land Use Regulation Commission has been
3 charged with adopting the standards for forestry
4 roads built in management zones. The Department of
5 Environmental Protection is responsible for enforcing
6 those standards under the Site Location Law. This
7 bill eliminates this confusing overlap by vesting
8 sole responsibility in the Maine Land Use Regulation
9 Commission for overseeing road building regulations
10 for the unorganized areas.

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