

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 628

S.P. 200

In Senate, January 30, 1997

**An Act to Authorize the Maine Land Use Regulation Commission to Regulate the Location and Use of Roads in the Unorganized and Deorganized Areas.**

---

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator RUHLIN of Penobscot.  
Cosponsored by Representative JONES of Bar Harbor.

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

2  
4       **Sec. 1. 12 MRSA §685-A, sub-§5**, as amended by PL 1995, c. 386,  
§2, is further amended to read:

6       **5. Considerations, application and exemptions.** A land use  
8 standard may not deprive an owner or lessee or subsequent owner  
10 or lessee of any interest in real estate of the use to which it  
12 is lawfully devoted at the time of adoption of that standard.  
14 Year-round and seasonal single residences and operating farms in  
16 existence and use as of September 23, 1971, while so used, and  
new accessory buildings or structures or renovations of the  
buildings or structures that are or may be necessary to the  
satisfactory and comfortable continuation of these residential  
and farm uses are exempt from the requirements of section 685-B,  
subsection 1.

18 Land use standards adopted pursuant to this chapter for  
20 management districts may not limit the right, method or manner of  
22 cutting or removing timber or crops, ~~the construction and~~  
~~maintenance of hauling roads,~~ the operation of machinery or the  
24 erection of buildings and other structures used primarily for  
26 agricultural or commercial forest product purposes, including  
28 tree farms. ~~Notwithstanding this subsection, a permit from the~~  
~~commission is required for roads covering a ground area of 3~~  
~~acres or more constructed in management districts, unless these~~  
~~roads are constructed and maintained in accordance with the~~  
~~guidelines of the commission's Land Use Handbook, Section 6,~~  
~~"Erosion Control on Logging Jobs," or as revised. The commission~~  
~~may require a person constructing a road to notify the commission~~  
~~of the location of the road within 21 days. The commission shall~~  
~~adopt rules, including those that establish a permitting system,~~  
~~regulating the location, use and construction of hauling roads to~~  
~~ensure that those roads do not cause degradation to the~~  
~~ecological, natural and recreational values of the jurisdiction.~~  
~~Rules adopted regulating the location, use and construction of~~  
~~hauling roads are routine technical rules pursuant to Title 5,~~  
~~chapter 375, subchapter II-A. At a minimum, a permit from the~~  
~~commission is required for roads covering a ground area of 3~~  
~~acres or more constructed in management districts, unless those~~  
~~roads are constructed and maintained in accordance with the~~  
~~guidelines of the commission's Land Use Handbook, Section 6,~~  
~~"Erosion Control on Logging Jobs," or as revised.~~

44 Land use standards adopted pursuant to this chapter must  
46 establish a minimum setback of 100 feet for all structures within  
48 a commercial sporting camp complex that are constructed solely  
50 for the housing of guests, including structures within a main  
sporting camp complex and an outpost camp. The standards must  
establish a minimum setback of 150 feet for all other structures  
within a sporting camp complex, including, but not limited to, a

main lodge, a dining area, a workshop and a parking area.

2

In adopting district boundaries and land use standards, the  
4 commission shall give consideration to public and private  
6 planning reports and other data available to it, and shall give  
weight to existing uses of land and to any reasonable plan of its  
owner as to its future use.

8

A permit from the commission is not required for the repair or  
10 maintenance of county-owned roads, bridges or culverts as long as  
the repair or maintenance is conducted in accordance with  
12 commission standards that pertain to these activities.

14

### SUMMARY

16

This bill gives the Maine Land Use Regulation Commission  
18 authority to regulate the location, use and construction of  
hauling roads within the commission's jurisdiction.