

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2009**

**CHAPTER 110  
H.P. 43 - L.D. 50**

**An Act To Clarify the  
Definition of Hard Cider for  
the Purposes of the Returnable  
Container Law**

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

**Sec. 1. 32 MRSA §1862, sub-§1**, as amended  
by PL 1993, c. 77, §1, is further amended to read:

**1. Beverage.** "Beverage" means beer, ale or  
other drink produced by fermenting malt, spirits, wine,  
hard cider, wine coolers, soda or noncarbonated water  
and all nonalcoholic carbonated or noncarbonated  
drinks in liquid form and intended for internal human  
consumption, except for unflavored rice milk, unflavored  
soymilk, milk and dairy-derived products.

**Sec. 2. 32 MRSA §1862, sub-§7-A** is enacted  
to read:

**7-A. Hard cider.** "Hard cider" means a beverage  
produced by fermentation of the juice of fruit, includ-  
ing, but not limited to, flavored, sparkling or carbon-  
ated cider that contains not less than 1/2 of 1% alcohol  
by volume and not more than 7% alcohol by volume.

See title page for effective date.

**CHAPTER 111  
S.P. 67 - L.D. 181**

**An Act To Conform Building  
Standards in the Unorganized  
Territories with Federal  
Emergency Management  
Agency Requirements**

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

**Sec. 1. 12 MRSA §685-A, sub-§5**, as  
amended by PL 2001, c. 402, §3, is further amended to  
read:

**5. Considerations, application and exemptions.**  
A land use standard may not deprive an owner or les-  
see or subsequent owner or lessee of any interest in  
real estate of the use to which it is lawfully devoted at  
the time of adoption of that standard. Year-round and  
seasonal single residences and operating farms in exist-  
ence and use as of September 23, 1971, while so used,  
and new accessory buildings or structures or renova-  
tions of the buildings or structures that are or may be  
necessary to the satisfactory and comfortable continua-  
tion of these residential and farm uses, except for those  
located in areas of special flood hazard as defined in

the commission's rules, are exempt from the require-  
ments of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter  
for management districts may not limit the right,  
method or manner of cutting or removing timber or  
crops, the construction and maintenance of hauling  
roads, the operation of machinery or the erection of  
buildings, including buildings to store equipment and  
materials for maintaining roads, and other structures  
used primarily for agricultural or commercial forest  
product purposes, including tree farms. The commis-  
sion may not require a permit for such activities in a  
management district. 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 those roads are con-  
structed and maintained in accordance with the guide-  
lines of the commission's Land Use Handbook, Sec-  
tion 6, "Erosion Control on Logging Jobs," or as re-  
vised. The commission may require a person con-  
structing a road to notify the commission of the loca-  
tion of the road within 21 days.

Land use standards adopted pursuant to this chapter  
must establish a minimum setback of 100 feet for all  
structures within a commercial sporting camp complex  
that are constructed solely 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 work-  
shop and a parking area.

In adopting district boundaries and land use standards,  
the commission shall give consideration to public and  
private 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.

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

**Sec. 2. 12 MRSA §685-B, sub-§1, ¶A**, as re-  
pealed and replaced by PL 1999, c. 333, §12, is  
amended to read:

A. A structure or part of a structure may not be  
erected, changed, converted or wholly or partly al-  
tered or enlarged in its use or structural form ~~other  
than for normal maintenance or repair~~ without a  
permit issued by the commission. Normal main-  
tenance or repair may be made to a structure or  
part of a structure without a permit issued by the  
commission in locations other than areas of spe-  
cial flood hazard as defined in the commission's  
rules;