

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)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 1040, L.D. 1330, Bill,
"AN ACT Concerning the Land Use Regulation Statutes."

Amend said Bill by striking out everything after the
enacting clause and inserting in place thereof the following:

'Sec. 1. 12 MRSA §681, first ¶, as last amended by PL 1973,
c. 569, §1, is further amended to read:

The Legislature finds that it is desirable to extend prin-
ciples of sound planning, zoning and subdivision control to the
unorganized and deorganized townships of the State: To
preserve public health, safety and general welfare; to prevent
inappropriate residential, recreational, commercial and
industrial uses detrimental to the proper use or value of these
areas; to prevent the intermixing of incompatible industrial,
commercial, residential and recreational activities; to provide
for appropriate residential, recreational, commercial and
industrial uses; to prevent the development in these areas of
substandard structures or structures located unduly proximate
to waters or roads; to prevent the despoliation, pollution and
inappropriate use of the water in these areas; and to preserve
ecological and natural values.

Sec. 2. 12 MRSA §685-A, sub-§6, as last amended by PL 1973,
c. 569, §10, is further amended by adding at the end a new
paragraph to read:

In addition to the criteria stated in ← → paragraph A of
subsection 1, no boundaries for any protection district or

subdistrict relating to deer wintering habitat may be adopted unless the following requirements are met:

A. The Department of Inland Fisheries and Game has met with the landowner for the purpose of reaching agreement as to the areas to be designated. The terms of any such agreement shall be reported to the commission by the department. If the parties were unable to agree, the substance of and reasons for such disagreement shall be reported to the commission by the department and the landowner;

B. In absence of agreement, in addition to the other requirements of this subchapter, a wildlife biologist of the Department of Inland Fisheries and Game shall substantiate the proposed protection district or subdistrict for wintering habitat, by the results of on-the-ground observation during a period of winter conditions when such areas are used for cover by the deer.

If the foregoing provisions work an undue hardship on the Department of Inland Fisheries and Game so that they are unable to substantiate these areas as deer wintering habitats, said areas shall continue to be designated as interim P-4 districts or subdistricts until the required on-the-ground observations are conducted.

Sec. 3. 12 MRSA §685-C, sub-§4, as enacted by PL 1971, c. 457, §5, is repealed. '

Statement of Fact

Section 1 adds to the purpose clause the promotion of appropriate residential, recreational, commercial and industrial uses.

Section 2 provides that, before permanent protection districts for deer wintering habitat are adopted, the Department of Inland Fisheries and Game shall meet with the landowners for the purpose of reaching agreement on the areas to be so designated; and in the absence of agreement, that a department wildlife biologist shall substantiate the proposal by on-the-ground observation during the period of winter conditions when such areas are used for cover by the deer.

Section 3 eliminates the power to acquire conservation easements. Other agencies have this power and this amendment will avoid combining the power to purchase and the power to zone in a single agency.

Reported by the Committee on Natural Resources.

Reproduced and distributed under the direction of the Clerk of the House.
5/30/75

(Filing No. H-558)