

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-674)
109TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P.
415, L.D. 1289, Bill, "AN ACT to Conform Land Use Regulation
in the Unorganized Territory to Statewide Standards."

Amend the Amendment by striking out everything after the
title and inserting in the following:

'Amend the Bill by striking out all of the title and
inserting in its place the following: 'AN ACT to Restrict
the Jurisdiction of the Land Use Regulation Commission to
State-owned or State-operated Land.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

Sec. 1. 12 MRSA §681, first sentence, as amended by PL
1975, c. 508, §1, is further amended to read:

The Legislature finds that it is desirable to extend
principles of sound planning, zoning and subdivision control to
the state-owned or state-operated land ^{within} unorganized and deorgan-
ized 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

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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Sec. 2. 12 MRSA §683, first paragraph, 2nd sentence, as repealed and replaced by PL 1973, c. 698, is amended to read: The commission is charged with implementing this chapter in all the State-owned or state-operated ^{land} within unorganized and deorganized areas of the State.

Sec. 3. 12 MRSA §685-A, ^{sub-§1,} first sentence, as amended by PL 1973, c. 569, §10, is further amended to read:

The commission, acting on principles of sound land use planning and development, shall determine the boundaries of areas within the State-owned or state-operated ^{land} within unorganized and deorganized portions of the State that fall into land use districts and designate each area in one of the following major district classifications: Protection, management and development.

Sec. 4. 12 MRSA §685-A, sub-§3, first sentence, as amended by PL 1973, c. 569, §10, is further amended to read:

The commission, acting on principles of sound land use planning and development, shall prepare land use standards prescribing standards for the use of air, lands and waters within State-owned or state-operated property.

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Sec. 5. 12 MRSA §685-A, sub-§4, last 3 paragraphs, as repealed and replaced by PL 1977, c. 390, §2, are repealed as follows:

~~Any portion of a land use district which subsequently becomes an organized municipality or part of an organized municipality or any plantation which adopts planning, zoning and subdivision control as provided in Title 30, section 5621, shall continue to be regulated by the Land Use Regulation Commission pursuant-~~

~~to this chapter until such time as the municipality or plantation of which the regulated district is then a part, shall adopt land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the commission.--Any revisions or amendments to the adopted plan and regulation that are less protective than those in the adopted plan shall be submitted to the Land Use Regulation Commission for approval.~~

~~Any municipality organized after September 23, 1971, or any plantation which adopts planning, zoning and subdivision control as provided in Title 30, section 5621, may submit to the commission and receive the approval of the commission of the following:~~

~~A.--A comprehensive land use plan for such plantation or proposed city or town,--~~

~~B.--Standards for determining land use district boundaries--~~

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~~and uses permitted within such districts in such plantation
or proposed city or town;~~

~~C. -- A land use district boundary map for such plantation
or proposed city or town;~~

~~D. -- Such other proposed regulations or standards as the
commission deems to be necessary to achieve the purpose,
intent and provisions of this chapter, and~~

~~E. -- Upon request of the municipality or plantation, the
commission shall prepare such plans, maps, regulations
and standards as it may deem necessary to meet minimum
planning and zoning standards for its approval thereof.~~

~~Upon obtaining the foregoing approval, the plantation, city
or town shall thereafter adopt, administer and enforce such
approved plans, maps, regulations and standards.~~

Sec. 6. 12 MRSA §685-C, sub-§1, first sentence, as last amended by PL 1973, c. 569, §13, is further amended to read: Not later than January 1, 1975 the commission shall adopt an official comprehensive land use plan for state-owned or state-operated ^{land} within the unorganized and deorganized townships of the State.

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Sec. 7. 12 MRSA §685-C, sub-§8, first paragraph, 2nd sentence, as enacted by PL 1973, c. 569, §15, is amended to read:

No development on ~~state-owned or state-operated~~ ^{land} ~~may~~ be undertaken, except in conformance with this chapter, the standards, rules, regulations and orders enacted or issued pursuant to this chapter, and any real estate or personal property existing in violation of such shall be a nuisance.'

Statement of Fact

This amendment would restrict the jurisdiction of the Land Use Regulation Commission to ~~state-owned or state-operated~~ land within the unorganized territory.

Filed by Mr. Marshall of Millinocket
Reproduced and distributed under the direction of the
Clerk of the House
6/6/79 (Filing No. H-674)