

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
 SENATE  
 109TH LEGISLATURE  
 SECOND REGULAR SESSION

(Filing No. S-449)

D OF R.

COMMITTEE AMENDMENT " A" to S.P. 696, L.D. 1832, Bill,  
 "AN ACT to Clarify the Board of Environmental Protection's  
 Responsibility to Regulate Roads under the Site Location Law."

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

'38 MRSA §488, as last amended by PL 1977, c. 374, §4,  
 is further amended by adding at the end the following:

Developments which consist only of a municipal or private  
 road or way shall be exempt from the requirements of this Article  
 under the following conditions.

1. Unorganized areas. Roads and ways in areas subject  
 to the jurisdiction of the <sup>Maine</sup> Land Use Regulation Commission under  
 Title 12, chapter 206-A shall be exempt, provided they are located,  
 constructed and maintained in accordance with the standards and  
 regulations adopted by that commission.

2. Organized areas. Roads and ways in areas not subject  
 to the jurisdiction of the <sup>Maine</sup> Land Use Regulation Commission shall  
 be exempt, provided they are located, constructed and maintained  
 in accordance with the standards adopted by the board. The  
 board, in consultation with the <sup>Maine</sup> Land Use Regulation Commission,  
 shall adopt and periodically amend standards for road construction.  
 These standards shall be consistent with good engineering practice  
 and designed to prevent soil erosion and achieve the purposes of  
 this Article. These standards and any revisions to the standards,  
 may not become effective until 30 days after they have been submitted  
 to the Joint Standing Committee on Energy and Natural Resources  
 for review.

Statement of Fact

This amendment exempts municipal and private roads from the requirements of the Site Location Law, provided they are located, constructed and maintained according to standards/<sup>that</sup> will be developed by the/<sup>Maine</sup>Land Use Regulation Commission. In the organized part of the State, the standards will be developed by the Board of Environmental Protection, in consultation with the Maine Land Use Regulation Commission. The amendment provides for legislative oversight of these standards.

Reported by the Majority of the Committee on Energy and Natural Resources.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 11, 1980

(Filing No. S-449)