

MAINE STATE LEGISLATURE

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OF R.

L.D. 1832

(Filing No. S-514)

STATE OF MAINE
SENATE
109TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " B " 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 are exempt from the requirements of this Article as follows.

1. Unorganized areas. Within those areas of the State which are subject to the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A, such roads and ways are exempt provided they are located, constructed and maintained in accordance with the following provisions:

A. In protection and development districts, the standards adopted by the Maine Land Use Regulation Commission for such districts; and

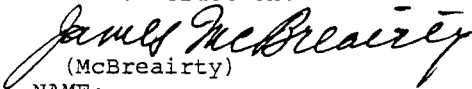
B. In management districts, the guidelines of the Maine Land Use Regulation Handbook, section 6, "Erosion Control on Logging Jobs," or as revised. The Maine Land Use Regulation Commission may adopt such definitions as are necessary to implement the provisions of this paragraph.

2. Organized areas. Within all areas of the State not subject to the jurisdiction of the Maine Land Use Regulation Commission, such roads and ways are exempt provided they are located, constructed and maintained in accordance with standards adopted by the board in accordance with this section. The board shall consider road construction standards adopted by the Maine Land Use Regulation Commission in promulgating these standards.

3. Standards, guidelines, definitions and revisions. Standards, guidelines, definitions and any revisions adopted pursuant to this section shall be in effect until 90 days after adjournment of the next regular session of the Legislature following enactment of this subsection, unless approved by legislative resolve.'

Statement of Fact

This amendment clarifies the authority of the Department of Environmental Protection and the Maine Land Use Regulation Commission to promulgate standards and guidelines for private road construction.


(McBreairty)

NAME:

COUNTY: Aroostook

Reproduced and distributed pursuant to Senate Rule 11-A.
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