

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 501

H. P. 454

House of Representatives, January 29, 1981

Submitted by the Department of Conservation pursuant to Joint Rule 24.

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Hall of Sangerville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs."

Preamble: Whereas, in Public Law 1979, chapter 714, the Legislature provided that roads in Land Use Regulation Commission management districts are exempt from the Site Location Law, Maine Revised Statutes, Title 38, chapter 3, subchapter I, Article 6, when such roads are located, constructed and maintained in accordance with the guidelines of the Land Use Handbook, section 6, "Erosion Control on Logging Jobs;" and

Whereas, the unrevised section 6 of the Land Use Handbook did not provide meaningful and clear road guidelines necessary to implement the provisions of Public Law 1979, chapter 714; and

Whereas, the Land Use Regulation Commission has adopted a revision of the Land Use Handbook, section 6, in order to provide more meaningful road guidelines consistent with Public Law 1979, c. 714; and

Whereas, in order for the revision to be in effect beyond 90 days after adjournment of the 110th Legislature, first regular session, the Legislature must approve such revision; now, therefore, be it

Legislature approves Land Use Handbook revision. Resolved: That the Legislature approve the adopted revision to the Land Use Regulation Commission's Land Use Handbook, section 6.

STATEMENT OF FACT

Under Public Law 1979, chapter 714, roads in Land Use Regulation Commission management districts, 80% of LURC jurisdiction, are exempt from the Site Location Law, Maine Revised Statutes, Title 38, section 488, when located, constructed and maintained in accordance with the guidelines of the Land Use Handbook, section 6, "Erosion Control on Logging Jobs." That handbook, however, did not contain sufficiently clear and meaningful guidelines for major private roads. Therefore, the commission revised the guidelines in order to make them clearer and more meaningful to landowners. The revised guidelines now require legislative approval in order to remain in effect.

The revised road guidelines were adopted by the commission after a public hearing was held on November 19, 1980. All oral and written comments made during the hearing process were considered in final changes to the draft. An earlier draft had also been reviewed by the Logging Roads Subcommittee of the Paper Industry Information Office. That committee's comments were incorporated into the draft which was taken to public hearing.