

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 627, L.D. 779)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1612

H.P. 1216

House of Representatives, May 16, 1983

Reported by Report "B" from the Committee on Energy and Natural Resources and printed under Joint Rule 2.

Original bill presented by Representative Mitchell of Freeport.  
Cosponsored by Representative Michael of Auburn.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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AN ACT to Require Review of Road  
Construction.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §685-A, sub-§5, as amended by PL 1973, c. 569, §10, is further amended to read:

5. Considerations, application and exemptions.  
No land use standard shall deprive any owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of said standard. Year-round and seasonal single residences and operating farms in existence and use as of September 23, 1971, while so used, and new accessory buildings or structures or renovations of such buildings or structures which are or may be necessary to the satisfactory and comfortable continuation of these residen-

1 tial and farm uses shall be exempt from the require-  
2 ments of section 685-B, subsection 1.

3 Land use standards adopted pursuant to this chapter  
4 for management districts shall in no way limit the  
5 right, method or manner of cutting or removing timber  
6 or crops, ~~the construction and maintenance of hauling~~  
7 ~~roads~~, the operation of machinery or the erection of  
8 buildings and other structures used primarily for  
9 agricultural or commercial forest product purposes,  
10 including tree farms.

11 In adopting district boundaries and land use stan-  
12 dards, the commission shall give consideration to  
13 public and private planning reports and other data  
14 available to it, and shall give weight to existing  
15 uses of land and to any reasonable plan of its owner  
16 as to its future use.

17 Sec. 2. 38 MRSA §488, sub-§1, as enacted by PL  
18 1979, c. 714, is amended to read:

19 1. Unorganized areas. Within those areas of the  
20 State which are subject to the jurisdiction of the  
21 Maine Land Use Regulation Commission under Title 12,  
22 chapter 206-A, such roads and ways are exempt pro-  
23 vided they are located, constructed and maintained in  
24 accordance with the following provisions: standards  
25 adopted by the Maine Land Use Regulation Commission.

26 A- In protection and development districts, the  
27 standards adopted by the Maine Land Use Regula-  
28 tion Commission for such districts; and

29 B- In management districts, the guidelines of  
30 the Maine Land Use Regulation Handbook, section  
31 67, "Erosion Control on Logging Jobs," or as  
32 revised. The Maine Land Use Regulation Commission  
33 may adopt such definitions as are necessary to  
34 implement the provisions of this paragraph.

35 Sec. 3. 38 MRSA §488, sub-§4 is enacted to read:

36 4. Notice. The board or commission may require  
37 that written notice of proposed road construction be  
38 filed prior to actual construction.

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STATEMENT OF FACT

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This new draft authorizes the Maine Land Use  
Regulation Commission to review road construction in  
management districts.

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