

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 166, L.D. 200)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1058

8 H.P. 752

House of Representatives, March 20, 1985

9 Reported by Representative Michaud from the Committee on Energy and
10 Natural Resources and printed under Joint Rule 2. Original bill sponsored by
11 Representative Dexter of Kingfield. Cosponsored by Representative Ridley of
Shapleigh, Representative Masterman of Milo and Representative Lander of
Greenville.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Streamline Review of Road
19 Construction in Unorganized Areas.
20

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

23 Sec. 1. 12 MRSA §685-A, sub-§5, as amended by PL
24 1973, c. 569, §10, is further amended to read:

25 5. Considerations, application and exemptions.
26 No land use standard shall deprive any owner or les-
27 see or subsequent owner or lessee of any interest in
28 real estate of the use to which it is lawfully de-
29 voted at the time of adoption of said standard.
30 Year-round and seasonal single residences and operat-
31 ing farms in existence and use as of September 23,
32 1971, while so used, and new accessory buildings or
33 structures or renovations of such buildings or struc-
34 tures which are or may be necessary to the satisfac-
35 tory and comfortable continuation of these residen-
36 tial and farm uses shall be exempt from the require-
37 ments of section 685-B, subsection 1.

1 Land use standards adopted pursuant to this chapter
2 for management districts shall in no way limit the
3 right, method or manner of cutting or removing timber
4 or crops, the construction and maintenance of hauling
5 roads, the operation of machinery or the erection of
6 buildings and other structures used primarily for ag-
7 ricultural or commercial forest product purposes, in-
8 cluding tree farms. Notwithstanding this subsection,
9 a permit from the commission shall be required for
10 roads covering a ground area of 3 acres or more con-
11 structed in management districts, unless those roads
12 are constructed and maintained in accordance with the
13 guidelines of the commission's Land Use Handbook,
14 Section 6, "Erosion Control on Logging Jobs," or as
15 revised. The commission may require a person con-
16 structing a road to notify the commission of the lo-
17 cation of the road within 21 days.

18 In adopting district boundaries and land use stan-
19 dards, the commission shall give consideration to
20 public and private planning reports and other data
21 available to it, and shall give weight to existing
22 uses of land and to any reasonable plan of its owner
23 as to its future use.

24 Sec. 2. 38 MRSA §488, sub-§1, as enacted by PL
25 1979, c. 714, is amended to read:

26 1. Unorganized areas. Within those areas of the
27 State which are subject to the jurisdiction of the
28 Maine Land Use Regulation Commission under Title 12,
29 chapter 206-A, such roads and ways are exempt ~~pre-~~
30 ~~vided they are located, constructed and maintained in~~
31 ~~accordance with the following provisions from this~~
32 ~~Article.~~

33 A. In protection and development districts, the
34 standards adopted by the Maine Land Use Regula-
35 tion Commission for such districts, and

36 B. In management districts, the guidelines of
37 the Maine Land Use Regulation Handbook, section
38 6, "Erosion Control on Logging Jobs," or as re-
39 vised. The Maine Land Use Regulation Commission
40 may adopt such definitions as are necessary to
41 implement the provisions of this paragraph.

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STATEMENT OF FACT

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The purpose of this new draft is to clarify the intent of the original bill. The intent is that review of road construction in organized areas be the responsibility solely of the Maine Land Use Regulation Commission and not the responsibility of the Department of Environmental Protection under the Site Location law.

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