

MAINE STATE LEGISLATURE

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L.D. 561

DATE: April 10, 1995

(Filing No. S- 51)

AGRICULTURE, CONSERVATION AND FORESTRY

Reported by: Senator CASSIDY of Washington for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 219, L.D. 561, Bill, "An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §685-A, sub-§5, as amended by PL 1985, c. 70, §1, is further amended to read:

5. Considerations, application and exemptions. No A land use standard shall ~~may not~~ deprive any an 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 that 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 the buildings or structures which that are or may be necessary to the satisfactory and comfortable continuation of these residential and farm uses shall ~~be~~ are exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts shall may in no way limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings and other structures used primarily for agricultural or commercial forest product purposes, including tree farms. Notwithstanding this subsection, a permit from the commission shall ~~be~~ is required for roads covering a

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2 ground area of 3 acres or more constructed in management
3 districts, unless those roads are constructed and maintained in
4 accordance with the guidelines of the commission's Land Use
5 Handbook, Section 6, "Erosion Control on Logging Jobs," or as
6 revised. The commission may require a person constructing a road
7 to notify the commission of the location of the road within 21
8 days.

9
10 In adopting district boundaries and land use standards, the
11 commission shall give consideration to public and private
12 planning reports and other data available to it, and shall give
13 weight to existing uses of land and to any reasonable plan of its
14 owner as to its future use.

15 A permit from the commission is not required for the repair or
16 maintenance of county-owned roads, bridges or culverts as long as
17 the repair or maintenance is conducted in accordance with
18 commission standards that pertain to these activities.'

20 **STATEMENT OF FACT**

21
22 This amendment replaces the original bill. It provides that
23 a permit is not required from the Maine Land Use Regulation
24 Commission for the repair or maintenance of county-owned roads,
25 bridges or culverts as long as the repair or maintenance is
26 conducted in accordance with applicable commission standards.
27
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