

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1551

H.P. 1104

House of Representatives, May 25, 1995

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### **An Act to Protect Traditional Uses in the North Woods.**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.  
Cosponsored by Representatives: CLARK of Millinocket, ROTONDI of Madison, Senators:  
HALL of Piscataquis, LORD of York, RUHLIN of Penobscot.

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

Sec. 1. 12 MRSA §682, sub-§§14 to 17 are enacted to read:

**14. Commercial sporting camp.** "Commercial sporting camp" means a building or group of buildings devoted primarily to the offering of primitive lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.

**15. Primitive campsite.** "Primitive campsite" means a camping location that is designed for the purpose of locating a trailer, tent, tent trailer, pickup camper, recreational vehicle or other similar device used for camping and that does not have access to a water supply that is approved by the Department of Human Services.

**16. Setback.** "Setback" means the minimum horizontal distance from a lot line, shoreline or road to the nearest part of a structure.

**17. Shoreline.** "Shoreline" means the normal high water mark of tidal waters, a coastal or inland wetland, a standing body of water or flowing water.

Sec. 2. 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 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 those 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-in-no-way~~ may not 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, or the construction and maintenance of primitive campsites. Notwithstanding this subsection, a permit from the commission ~~shall-be~~ is required for roads covering a ground area of 3 acres or more constructed in management districts, unless those roads are constructed and maintained in accordance with the guidelines of the commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs," or as

revised. The commission may require a person constructing a road to notify the commission of the location of the road within 21 days.

Land use standards adopted pursuant to this chapter for any district must establish a setback that is not more than 100 feet from a shoreline to a commercial sporting camp.

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

**Sec. 3. 12 MRSA §685-B, sub-§7-A is enacted to read:**

**7-A. Reconstruction of traditional sporting camps.**  
Notwithstanding subsection 7, a person may reconstruct a damaged or destroyed traditional sporting camp that is a nonconforming structure. The reconstructed structure must replicate the original structure to the maximum extent possible.

The commission shall by rule define a traditional sporting camp. This definition must include that a traditional sporting camp be heated only by wood stove or fireplace, contain no central plumbing system, be situated in a remote location and be devoted to the offering of lodging facilities for a fee.

**Sec. 4. 36 MRSA §573, sub-§3, as amended by PL 1993, c. 452, §§1 and 2, is further amended to read:**

**3. Forest land.** "Forest land" means land used primarily for growth of trees to be harvested for commercial use and land used for primitive campsites, but does not include ledge, marsh, open swamp, bog, water and similar areas, which are unsuitable for growing a forest product or for harvesting for commercial use even though these areas may exist within forest lands.

Land ~~which~~ that would otherwise be included within this definition ~~shall~~ may not be excluded because of:

A. Multiple use for public recreation;

B. Statutory or governmental restrictions ~~which~~ that prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting;

C. Deed restrictions, restrictive covenants or organizational charters that prevent commercial harvesting of trees or require a primary use of land other than commercial harvesting and that were effective prior to January 1, 1982; or

2 E. Past or present multiple use for mineral exploration.

4 Sec. 5. 36 MRSA §573, sub-§6-A is enacted to read:

6 6-A. Primitive campsite. "Primitive campsite" has the same  
7 meaning as in Title 12, section 682, subsection 15.

8 Sec. 6. Review of commercial sporting camp applications.  
9 The Maine Land Use Regulation Commission shall assign a member of  
10 the commission's staff to expedite the review of permit  
11 applications for commercial sporting camps.  
12

14 **STATEMENT OF FACT**

16 This bill prohibits land use standards adopted by the Maine  
17 Land Use Regulation Commission in management districts from  
18 limiting the construction and maintenance of primitive  
19 campsites. The bill also adds primitive campsites to the land  
20 eligible for coverage under the Maine Tree Growth Tax Law.

22 This bill requires the Maine Land Use Regulation Commission  
23 to establish setback distances for commercial sporting camps in  
24 all its districts to distances of not more than 100 feet from a  
25 shoreline. It also requires the Maine Land Use Regulation  
26 Commission to assign a staff member to review permit applications  
27 for commercial sporting camps.  
28

29 This bill allows the reconstruction of a damaged or  
30 destroyed traditional sporting camp on land under the  
31 jurisdiction of the Maine Land Use Regulation Commission,  
32 provided the reconstructed structure replicates the original  
33 structure to the maximum extent possible.  
34