

MAINE STATE LEGISLATURE

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DATE: May 14, 2001

(Filing No. S- 181)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 365, L.D. 1203, Bill, "An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission"

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

'Sec. 1. 12 MRSA §682, sub-§15, as enacted by PL 1995, c. 386, §1, is amended to read:

15. **Campsite.** "Campsite" means a camping location without access to a pressurized water system ~~that contains a maximum of 4 camping sites for transient occupancy by 8 or fewer people per site~~ on which may be located a ~~tent~~ tents, a registered tent trailer ~~trailers~~, a registered pickup camper ~~campers~~, a registered recreational vehicle ~~vehicles~~, a registered trailer ~~that is 28 feet or less in length~~ trailers or other similar device devices used for camping. A ~~camping location that contains~~ campsite does not contain permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters, tent platforms, lean-tos or and hand-operated water pumps ~~is not a campsite~~.

Sec. 2. 12 MRSA §682, sub-§18, as enacted by PL 1995, c. 386, §1, is repealed.

Sec. 3. 12 MRSA §685-A, sub-§5, as amended by PL 1999, c. 530, §8, is further amended to read:

Reps

2 **5. Considerations, application and exemptions.** A land use
4 standard may not deprive an owner or lessee or subsequent owner
6 or lessee of any interest in real estate of the use to which it
8 is lawfully devoted at the time of adoption of that standard.
10 Year-round and seasonal single residences and operating farms in
12 existence and use as of September 23, 1971, while so used, and
new accessory buildings or structures or renovations of the
buildings or structures that are or may be necessary to the
satisfactory and comfortable continuation of these residential
and farm uses are exempt from the requirements of section 685-B,
subsection 1.

14 Land use standards adopted pursuant to this chapter for
16 management districts may not limit the right, method or manner of
18 cutting or removing timber or crops, the construction and
20 maintenance of hauling roads, the operation of machinery or the
22 erection of buildings, including buildings to store equipment and
24 materials for maintaining roads, and other structures used
26 primarily for agricultural or commercial forest product purposes,
28 including tree farms. The commission may not require a permit
30 for such activities in a management district. Notwithstanding
this subsection, a permit from the commission 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.

32 Land use standards adopted pursuant to this chapter must
34 establish a minimum setback of 100 feet for all structures within
36 a commercial sporting camp complex that are constructed solely
38 for the housing of guests, including structures within a main
sporting camp complex and an outpost camp. The standards must
establish a minimum setback of 150 feet for all other structures
within a sporting camp complex, including, but not limited to, a
main lodge, a dining area, a workshop and a parking area.

40 In adopting district boundaries and land use standards, the
42 commission shall give consideration to public and private
44 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.

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

2 **Sec. 4. 12 MRSA §685-B, sub-§1-A, ¶¶A and B**, as enacted by PL
4 1999, c. 333, §13, are amended to read:

6 A. A permit is not required for the repair and maintenance
8 of an existing road culvert or for the replacement of an
 existing road culvert, as long as the replacement culvert is:

10 (1) No more than one standard culvert size wider in
 diameter than the culvert being replaced;

12 (2) No more than 25% longer than the culvert being
14 replaced; and

16 (3) No longer than 75 feet.

18 Ancillary culverting activities, including excavation and
20 filling, are included in this exemption. A person
22 repairing, replacing or maintaining an existing culvert
24 under this paragraph shall ensure that erosion control
 measures are taken to prevent sedimentation of the water and
 that the crossing does not block fish passage in the water
 course; ~~or~~

26 B. A permit is not required for those aspects of a project
28 approved by the Department of Environmental Protection under
30 Title 38 if the commission determines that the project is an
32 allowed use within the subdistrict or subdistricts for which
34 it is proposed. Notice of the intent to develop and a map
 indicating the location of the proposed development must be
 filed with the commission prior to or concurrently with
 submission of a development application to the Department of
 Environmental Protection; and

36 **Sec. 5. 12 MRSA §685-B, sub-§1-A, ¶C** is enacted to read:

38 C. A permit is not required for a campsite in a management
 district.'

40 Further amend the bill by inserting at the end before the
42 summary the following:

44 **FISCAL NOTE**

46 Changes in the definition of campsite will result in
48 insignificant reductions of General Fund revenue collected by the
50 Maine Land Use Regulation Commission within the Department of
 Conservation from permit fees.'

SUMMARY

This amendment replaces the bill. It amends the definition of campsite to remove restrictions in the definition on the number of people at a campsite, the length of occupancy and the size of trailers. It clarifies that a permit is not needed for a campsite in a management district.

It specifically includes the construction of buildings to store equipment and materials used for maintaining roads used for agricultural and commercial forest products purposes in the list of activities allowed without restriction in a management district and clarifies that the Maine Land Use Regulation Commission may not require a permit for these activities.

It also adds a fiscal note to the bill.