

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1203

S.P. 365

In Senate, February 28, 2001

An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KNEELAND of Aroostook.
Cosponsored by Representative CLARK of Millinocket and
Senator KILKELLY of Lincoln, Representative: JODREY of Bethel.

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

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 designed for transient occupancy by 8 or fewer people per site on which may be located a tent, a tent trailer, a pickup camper, a recreational vehicle, a registered trailer ~~that is 28 feet or less in length~~ or other similar device used for camping. A camping location that contains permanent structures other than outhouses, fireplaces, picnic tables, lean-tos or hand-operated water pumps is not a campsite.

Sec. 2. 38 MRSA §413, sub-§2-D, as amended by PL 1999, c. 387, §4, is further amended to read:

2-D. Exemptions; road salt or sand-salt storage piles. The commissioner may exempt any road salt or sand-salt storage area from the need to obtain a license under this section for discharges to groundwaters of the State when the commissioner finds that the exempt activity will not have a significant adverse effect on the quality or classifications of the groundwaters of the State. In making this finding, the commissioner's review must include, but is not limited to, the location, structure and operation of the storage area. The commissioner shall exempt any road salt or sand-salt storage area that is used solely for forestry purposes and that is under jurisdiction of the Maine Land Use Regulation Commission.

Owners of salt storage areas shall register the location of storage areas with the department on or before January 1, 1986. As required by section 411, the department shall prioritize municipal or quasi-municipal sand-salt storage areas prior to November 1, 1986.

New or existing salt or sand-salt storage areas registered after October 1, 1999 may be exempt from licensing under this section as long as such areas comply with siting, operational and best management practices adopted by rule by the department. Storage areas other than those owned by municipalities or counties and registered prior to October 1, 1999 are exempt from licensing under this section as long as such areas comply with section 451-A, subsection 1-A and with operational and best management practices adopted by rule by the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 3. Winter haul road; guidelines. The Maine Land Use Regulation Commission shall establish guidelines for the use of winter haul roads.

1. Definition. As used in this section, "winter haul road" means a route or travel way that is utilized for forest management activities conducted primarily during frozen ground conditions. A winter haul road is not considered a land management road. A winter haul road:

A. Must be constructed with minimal soil disturbance outside of the traveled way;

B. May not have added surfacing material; and

C. Must be substantially revegetated and maintained in a vegetated condition within 18 months of cessation of use.

2. Report to Legislature. The Maine Land Use Regulation Commission shall report to the Second Regular Session of the 120th Legislature its guidelines concerning the use of winter haul roads and any necessary implementing legislation regarding those guidelines by November 1, 2001.

SUMMARY

This bill amends the definition of campsite under the Maine Land Use Regulation Commission laws by treating the 8-or-fewer per-site qualifier as a design standard and by removing the 28-foot trailer restriction.

The bill exempts road salt or sand-salt areas that are used solely for forestry purposes from the waste disposal permitting requirements of the Maine Revised Statutes, Title 38 and that are under the jurisdiction of the Maine Land Use Regulation Commission.

The bill requires the Maine Land Use Regulation Commission to develop guidelines for the use of winter haul roads and report to the Second Regular Session of the 120th Legislature.