

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2101

H.P. 1600

House of Representatives, February 5, 2002

**An Act to Implement the Minority Recommendations of the Committee
to Study Issues Concerning Changes to the Traditional Uses of Maine
Forests and Lands.**

Reported by Representative PINEAU for the Committee to Study Issues Concerning
Changes to the Traditional Uses of Maine Forests and Lands pursuant to Joint Order 2001,
H.P. 1391.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered
under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

4 **Sec. 1. 12 MRSA §1806** is enacted to read:

5 **§1806. Preservation of commercial sporting camps**

6 **1. Definitions.** As used in this section, unless the
7 context otherwise indicates, the following terms have the
8 following meanings.

9 **A. "Commercial sporting camp"** has the same meaning as set
10 forth in rules of the Maine Land Use Regulation Commission
11 governing land use districts and standards as of January 1,
12 2002.

13 **2. Department to take land by eminent domain.** The owner of
14 a commercial sporting camp located within the jurisdiction of the
15 Maine Land Use Regulation Commission may notify the bureau if,
16 after making reasonable efforts to negotiate with the owner of
17 land upon which the sporting camp is located, the owner of the
18 sporting camp has been unable to secure a lease for a term of at
19 least 10 years. Upon receiving such notice, the bureau shall
20 initiate proceedings to take the land on which the sporting camp
21 is located by eminent domain if the bureau finds that:

22 **A. The owner of the commercial sporting camp has made a**
23 **good-faith effort to obtain a 10-year lease with the**
24 **landowner;**

25 **B. There is a reasonable likelihood that the commercial**
26 **sporting camp will continue as an economically viable**
27 **business; and**

28 **C. The continuation of the commercial sporting camp serves**
29 **a public purpose, such as providing economic benefit to the**
30 **local or state economy.**

31 **3. Lease of land to commercial sporting camp owner.** The
32 bureau shall manage the land taken by eminent domain pursuant to
33 subsection 2 in the same manner as it manages other nonreserved
34 public lands under subchapter III, except that the bureau shall
35 lease the land to the commercial sporting camp owner who filed
36 notice under subsection 2, or the successor in interest to that
37 owner, for a term of at least 10 years, provided that the camp
38 owner agrees to continue operating the camp as a commercial
39 enterprise for the term of the lease.

40 **Sec. 2. 14 MRSA c. 710-D** is enacted to read:

41 **CHAPTER 710-D**

42 **BUILDINGS ON LEASED LOTS**

2 **§6047. Application**

4 **1. Parties to agreement; purposes of agreement.** This
chapter applies to agreements between:

6 A. A person, referred to in this chapter as the "lessor,"
8 who owns land in territory under jurisdiction of the Maine
Land Use Regulation Commission; and

10 B. A person, referred to in this chapter as the "lessee,"
12 who intends to construct, or to occupy a structure or
14 structures on land in territory under jurisdiction of the
Maine Land Use Regulation Commission for recreational or
16 residential purposes on a seasonal or year-round basis or to
operate a business consisting of a commercial sporting camp,
18 campground or retail store.

20 **2. Prospective application.** This chapter applies to
agreements entered into or renewed on or after the effective date
of this chapter.

22 **§6048. Required terms of agreement**

24 **1. Written lease; description of leased premises required.**
26 An agreement described in section 6047 must be made in the form
of a written lease and must include a description of the
28 boundaries of the land to be leased.

30 **2. Required notice of change, termination or nonrenewal;**
time allowed for removal of structures. The following provisions
32 govern the notice required for a change, termination or
nonrenewal of a lease and the time allowed for removal of
34 structures.

36 A. A lessor must give a lessee at least 90 days' notice of
a change in terms of the lease.

38 B. A lessor must give a lessee at least 90 days' notice of
40 termination or nonrenewal of the lease, unless there is
cause for the termination or nonrenewal.

42 C. Unless the lease is terminated or not renewed for cause,
44 a lessee has one year or the time specified in the lease,
whichever is longer, to remove structures from the leased
46 lot.

48 D. For purposes of this subsection, "cause" means violation
50 by the lessee of a term of the lease.

2 3. Right of first refusal to purchase leased lot. If a
4 lessor intends to sell or to offer for sale one or more lots on
6 which a structure owned by a lessee exists, the lessee has the
8 right to purchase the lot at fair market value or the price at
10 which the lessor intends to offer or sell the lot, whichever is
12 lower. The lessor must give the lessee at least 90 days to
14 accept the offer to purchase the lot.

16 4. Lack of required terms. A lease is deemed to include
18 the provisions required by this chapter.

12 SUMMARY

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16 This bill includes the minority recommendations of the
18 Committee to Study Issues Concerning Changes to the Traditional
20 Uses of Maine Forests and Lands. The minority recommendation
22 includes the majority recommendations and an additional provision
24 relating to commercial sporting camps.

26 The additional provision requires the Bureau of Parks and
28 Lands within the Department of Conservation to take land by
30 eminent domain if the landowner refuses to sign a lease for a
32 term of at least 10 years with a commercial sporting camp owner.
34 The bureau would then lease the land to the commercial sporting
36 camp owner in order to continue the business.

38 The provisions common to the minority and the majority
40 reports propose to regulate the relationship between landowners
42 within jurisdiction of the Maine Land Use Regulation Commission
44 and persons who have leases or other agreements with the
46 landowners to occupy or construct residential, recreational or
commercial structures on that land.

The bill requires that such agreements be made in the form
of written leases. It requires the leases to provide a
description of the boundaries of the leased land and to provide
at least 90 days' notice of termination, nonrenewal or change in
terms of the lease. It also requires the landowner to give the
structure owner at least one year to remove the structure from
the property if the lease is terminated or not renewed, unless it
is terminated or not renewed for cause.

The bill also gives the lessees the right of first refusal
to purchase the lot on which the structure sits, provided the
lessor offers or intends to offer the lot for sale.