

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 181

S.P. 67

January 21, 2009

**An Act To Conform Building Standards in the Unorganized
Territories with Federal Emergency Management Agency
Requirements**

Submitted by the Department of Conservation pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and
ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake.

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

2 **Sec. 1. 12 MRSA §685-A, sub-§5**, as amended by PL 2001, c. 402, §3, is further
3 amended to read:

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

13 Land use standards adopted pursuant to this chapter for management districts may not
14 limit the right, method or manner of cutting or removing timber or crops, the construction
15 and maintenance of hauling roads, the operation of machinery or the erection of
16 buildings, including buildings to store equipment and materials for maintaining roads,
17 and other structures used primarily for agricultural or commercial forest product
18 purposes, including tree farms. The commission may not require a permit for such
19 activities in a management district. Notwithstanding this subsection, a permit from the
20 commission is required for roads covering a ground area of 3 acres or more constructed in
21 management districts, unless those roads are constructed and maintained in accordance
22 with the guidelines of the commission's Land Use Handbook, Section 6, "Erosion Control
23 on Logging Jobs," or as revised. The commission may require a person constructing a
24 road to notify the commission of the location of the road within 21 days.

25 Land use standards adopted pursuant to this chapter must establish a minimum setback of
26 100 feet for all structures within a commercial sporting camp complex that are
27 constructed solely for the housing of guests, including structures within a main sporting
28 camp complex and an outpost camp. The standards must establish a minimum setback of
29 150 feet for all other structures within a sporting camp complex, including, but not
30 limited to, a main lodge, a dining area, a workshop and a parking area.

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

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

38 **Sec. 2. 12 MRSA §685-B, sub-§1, ¶A**, as repealed and replaced by PL 1999, c.
39 333, §12, is amended to read:

40 A. A structure or part of a structure may not be erected, changed, converted or
41 wholly or partly altered or enlarged in its use or structural form ~~other than for normal~~

1 ~~maintenance or repair~~ without a permit issued by the commission. Normal
2 maintenance or repair may be made to a structure or part of a structure without a
3 permit issued by the commission in locations other than areas of special flood hazard
4 as defined in the commission's rules;

5 **SUMMARY**

6 This bill adds new language in the Maine Revised Statutes, Title 12, sections 685-A
7 and 685-B establishing permitting requirements affecting normal maintenance and repair
8 and renovations to structures in special flood hazard areas within the State's unorganized
9 and deorganized areas. The proposed revisions would allow communities in the
10 unorganized and deorganized areas to be eligible for insurance under the National Flood
11 Insurance Program within the Federal Emergency Management Agency.