

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 508

AN ACT Concerning the Land Use Regulation Statutes.

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

Sec. 1. 12 MRSA § 681, first ¶, as last amended by PL 1973, c. 569, § 1, is further amended to read:

The Legislature finds that it is desirable to extend principles of sound planning, zoning and subdivision control to the unorganized and deorganized townships of the State: To preserve public health, safety and general welfare; to prevent inappropriate residential, recreational, commercial and industrial uses detrimental to the proper use or value of these areas; to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities; to provide for appropriate residential, recreational, commercial and industrial uses; to prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads; to prevent the despoliation, pollution and inappropriate use of the water in these areas; and to preserve ecological and natural values.

Sec. 2. 12 MRSA § 685-A, sub-§ 6, as last amended by PL 1973, c. 569, § 10, is further amended by adding at the end a new paragraph to read:

In addition to the criteria stated in paragraph A of subsection 1, no boundaries for any protection district or subdistrict relating to deer wintering habitat may be adopted unless the following requirements are met:

A. The Department of Inland Fisheries and Game has met with the landowner for the purpose of reaching agreement as to the areas to be designated. The terms of any such agreement shall be reported to the commission by the department. If the parties were unable to agree, the substance of and reasons for such disagreement shall be reported to the commission by the department and the landowner;

B. In absence of agreement, in addition to the other requirements of this subchapter, a wildlife biologist of the Department of Inland Fisheries and Game shall substantiate the proposed protection district or subdistrict for wintering habitat, by the results of on-the-ground observation during a period of winter conditions when such areas are used for cover by the deer.

If the foregoing provisions work an undue hardship on the Department of Inland Fisheries and Game so that they are unable to substantiate these areas as deer wintering habitats, said areas shall continue to be designated as interim P-4 districts or subdistricts until the required on-the-ground observations are conducted.

Sec. 3. 12 MRSA § 685-A, sub-§ 7, as last amended by PL 1973, c. 569, § 10, is further amended by adding at the end the following blocked paragraph:

Permanent land use standards so adopted shall be effective immediately, but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect.

Sec. 4. 12 MRSA § 685-C, sub-§ 4, as enacted by PL 1971, c. 457, § 5, is repealed.

Effective October 1, 1975

CHAPTER 509

AN ACT to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands.

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

Sec. 1. 33 MRSA § 1202, as last amended by PL 1973, c. 788, § 167-A, is repealed and the following enacted in place thereof:

§ 1202. Definitions

As used in this chapter the following words shall have the following meanings.

1. Coastal island. "Coastal island" means a natural land formation protruding above the surface of and surrounded by Maine's coastal waters at mean high tide or any portion of such land formation.

2. Coastal waters. "Coastal waters" means all waters of the State within the rise and fall of the tide and to the marine limits of the jurisdiction of the State.

3. Person. "Person" shall include individuals, partnerships, corporations, municipalities and other legal entities but shall not include the State and its agencies or the Federal Government.

4. Residential structure. "Residential structure" means a building used as a seasonal or year-round dwelling which was in existence on July 5, 1973.

5. Traceable. "Traceable" means derived through successive transfers which were accomplished by written evidence of title or by intestate succession. No intestate succession shall be included without clear and convincing evidence supplied by the registrant showing the interest which passed into the registrant's chain of title by the succession.

6. True owner. "True owner" means a person who holds title to a coastal island which is:

A. Traceable to that person from a written evidence of title which describes such island in sufficient detail to locate such coastal island on a map of the United States Coast and Geodetic Survey for Maine's coastal waters for use in 1972 and is dated prior to July 13, 1913; or