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

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

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

**5. Considerations, application and exemptions.** A land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard. Year-round and seasonal single residences and operating farms in 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, except for those located in areas of special flood hazard as defined in the commission's rules, are exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts may not limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings, including buildings to store equipment and materials for maintaining roads, and other structures used primarily for agricultural or commercial forest product purposes, including tree farms. The commission may not require a permit 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.

Land use standards adopted pursuant to this chapter must establish a minimum setback of 100 feet for all structures within a commercial sporting camp complex that are constructed solely 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.

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

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

**Sec. 2. 12 MRSA §685-B, sub-§1, ¶A**, as repealed and replaced by PL 1999, c. 333, §12, is amended to read:

A. A structure or part of a structure may not be erected, changed, converted or wholly or partly altered or enlarged in its use or structural form ~~other than for normal maintenance or repair~~ without a permit issued by the commission. Normal maintenance or repair may be made to a structure or part of a structure without a permit issued by the commission in locations other than areas of special flood hazard as defined in the commission's rules;

**Sec. 3. Report; legislation.** No later than January 15, 2010, the Director of the Maine Land Use Regulation Commission shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry on revisions to the commission's rules to implement permitting for normal maintenance and repair of structures located in areas of special flood hazard. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation pertaining to the permitting of structures in flood hazard areas within the jurisdiction of the commission to the Second Regular Session of the 124th Legislature.

Effective September 12, 2009