

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of sections 2 to 4 (page 1, lines 14 to 39 in L.D.) and inserting the following:

‘Sec. 2. 38 MRSA §420-D, sub-§7, ¶A, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by PL 1997, c. 603, §§8 and 9, is repealed and the following enacted in its place:

A. Forest management activities as defined in section 480B, subsection 2B, including associated road construction or maintenance, do not require review pursuant to this section as long as any road construction is used primarily for forest management activities that do not constitute a change in land use under rules adopted by the Department of Conservation, Bureau of Forestry concerning forest regeneration and clear-cutting and is not used primarily to access development, unless the road is removed and the site restored to its prior natural condition. Roads must be the minimum feasible width and total length consistent with forest management activities. This exemption does not apply to roads within a subdivision as defined in Title 30A, section 4401, subsection 4, for the organized portions of the State.

Sec. 3. 38 MRSA §480-Q, sub-§7-A, ¶A, as enacted by PL 1989, c. 838, §6, is repealed.

Sec. 4. 38 MRSA §480-Q, sub-§7-A, ¶D, as amended by PL 2001, c. 618, §4, is further amended to read:

D. Any road construction is used primarily for forest management activities that do not constitute a change in land use under rules adopted by the Department of Conservation, Bureau of Forestry concerning forest regeneration and clear-cutting and is not used primarily to access development but is used primarily for forest management activities, unless the road is removed and the site restored to its prior natural condition. Roads must be the minimum feasible width and total length consistent with forest management activities. This exemption does not apply to roads that provide access to development in within a subdivision as defined in Title 30A, section 4401, subsection 4, for the organized portions of the State, or Title 12, section 682, subsection 2A, including divisions of land exempted by Title 12, section 682B, for portions of the State under the jurisdiction of the Maine Land Use Regulation Commission;’

SUMMARY

This amendment strikes the provision in the bill that provides guidance to municipal planning boards when determining whether 2 or more contiguous nonconforming lots are owned by the same person for purposes of treating the lots as a single lot.

The amendment replaces the exemption for forest management activities in the storm water management law with text that is more consistent with the exemption addressing forest management activities in the Natural Resources Protection Act. The amendment retains the clarification in the bill concerning changes in land use.

The amendment changes part of the exemption addressing forest management activities in the Natural Resources Protection Act to include a clarification concerning changes in land use.