

Kat Taylor Testimony in support of **L.D. 383 - An Act to Facilitate the Consolidation of the Department of Environmental Protection and the Maine Land Use Planning Commission into a Single Combined Entity**

Monday, April 14, 2025

Good Afternoon Members of the Environment and Natural Resources Committee:

My name is Kat Taylor and I am a resident and property owner in Argyle Township, an unorganized township located about 20 miles north of Bangor.

I am in support of **LD 383** as it addresses a problem long overdue in solving; the **continued use of outdated legislation** that formed the Land Use Regulatory Commission and subsequently the Land Use Planning Commission.

The **legislation** for establishing the Land Use Regulatory Commission (LURC) was written **56 years ago in 1969** (See attached). Many of the agencies in the original bill are now defunct leaving no leadership or direction for the unorganized and deorganized areas (UT's) of the State. This has led to scattershot attempts to **plan development, establish** land use **rulemaking** that duplicates, and sometimes conflicts with, other state efforts, and **enforcement** those rules.

Current statute and amendments through 2024:

https://www.maine.gov/dacf/lupc/laws_rules/rule_chapters/Statute_2024-08-09.pdf

The LURC was necessary over a half a century ago when its **10.4 million acres of jurisdiction** was mostly unoccupied except for remote camps. We needed a central entity to **enact regulations preserving the environment, preventing despoliation** of our **natural resources** and **encouraging the forestland owners** to allow **public access** for recreation.

We are in a different world now where regulations abound with the Department of Environmental Protection (DEP), Agriculture Conservation and Forestry (ACF), Inland Fisheries and Wildlife (IFW), environmental committees, conservation groups and land trusts, to name a few, **which now serve as watchdogs for rural Maine's natural resources.**

LUPC has become redundant with parallel rulemaking efforts (such as siting energy generation, Transmission & Distribution) that coincide with other rulemaking efforts, sometimes in conflict, causing **unnecessary additional work** to make practicable.

Since the LUPC mostly parallels the rules of the DEP it only makes sense to merge the two entities and remake LUPC into the **Maine Environmental and Land Use Commission (MELUC)**. We have needed a state planning office for some time and planning development impacts the environment. So placing these duties under one umbrella saves time, money and gives the public a single entity to address when seeking to improve and protect land.

We in the UT's have long endured the decisions of the LUPC which have impacted our lives and livelihoods. In Argyle we have had to fight off efforts by a **private Municipal Solid Waste facility to put in a landfill** (for which the LUPC and Army Corps of Engineers allowed a permit application) and **rezoning the entirety of UT land from the**

1 road mile Adjacency Rule to a 2x7 Mile Adjacency Rule, the effectiveness of which is yet to be evaluated in the **5 Year Report** which is **overdue**.

The **5 Year Report on the Adjacency Rule Change**:

*“The 2021 Workplan also included a commitment to review the implementation and effects of the rulemaking in **2024**, five years after rule adoption.”*

https://www.maine.gov/dacf/lupc/projects/location_of_development/reports/CommMemoAdjacencySub5YrReport.pdf

Location of Development (Adjacency) Rule Revisions Summary

Last Updated: **September 9, 2019**

https://www.maine.gov/dacf/lupc/projects/location_of_development/lod_rule_summary.html

But this **rezoning**, which **took years to achieve**, which **96% of UT landowners objected to**, was enacted to supposedly solve the problem of ‘leapfrogging’ which didn’t exist.

Instead, **property developers were allowed to plan subdivisions** around northern Maine lakes **outside of municipalities** like Millinocket (who opposed this rezoning), **bringing in no local revenue** to adjacent towns, but **relying on**, and stressing, **town resources**.

The **Comprehensive Land Use Plan (CLUP)** needs to be updated.

Initially Adopted: 1976

Latest Revision: 2010; 15 years ago.

https://www.maine.gov/dacf/lupc/plans_maps_data/clup/index.html

The CLUP is **447 pages**.

The LUPC is currently in the **pre-planning stage of outreach to stakeholders**.

(See attached *PreProcessFlyer-2*)

The LUPC has also been **recently tasked with tracking notifications from all UT land owners on any new structures added to their land, permitted or not**.

In essence, **this action duplicates** information that **all landowners** must submit **every spring** to the Maine Revenue Service (**MRS**) for assessment of property value.

(See attached **LUPC post card**)

The LUPC has only **22 staffers** to **oversee 10.4 million acres of land** in addition to providing reports. The **list of reports** alone is daunting:

<https://www.maine.gov/dacf/lupc/reports/index.shtml>

The **Administrative Staff consists of 1 Office Specialist II** who **provides primary administrative support to the Commission and the entire staff**.

(See below *LUPC Directory – includes duties*)

There is simply no way the LUPC staff, as talented and experienced as they all are, can accomplish all they are tasked to do with the limited personnel they have. We need the combined resources of the DEP and LUPC to effectively plan, regulate and enforce regulations of land use in the entire state, not just the UT’s.

In addition to merging LUPC with the DEP, I believe **land use in the UT’s should be regulated as with any municipality**. Gone are the days when we had to reign in

rampant destruction of the environment. We now have excellent oversight and watchdog groups that can monitor excessive or incompatible development.

We landowners of the UT's are not children. We elect senators and representatives who legislate on our behalf. We have County Commissioners who decide how to spend our property tax revenue. We have the MRS that assesses our land and collects taxes.

We have mechanisms in place that budget revenue collected from the UT's for education, snow removal, waste management, forest service and other services needed. In fact, we have all the managerial components as an incorporated municipality **with the glaring exception of the right to decide how our land is used.**

It is time to set the UT's free.

All **resident landowners** in towns, townships, and plantations now unincorporated **should be allowed the same land use rights** as other tax paying, landowners who live in **incorporated communities.**

We should be the ones deciding where to site energy so that it benefits *our* communities, not foreign and out of state investors. We should be making the decisions when corporations attempt to force development on us. We should be the ones **deciding by vote, not appointment, who our county UT directors are** by including them in elections for county commissioners subordinate to the new **MELUC Director.**

We do not have the population to sustain a local government, but we should not be penalized for that. We should not be **discriminated against** because we lack the resources available to a municipality when **collectively there are 9,000 permanent residents in the UT's**, which is the same population as Brewer. Let's **simplify the process and treat all communities the same**, regardless of income or tax revenue; **give us all the same authority to enact ordinances beneficial to locals.**

If you believe in Environmental Justice, if you believe in Diversity, Equity and Inclusion, then you should believe in **correcting the injustice and divisiveness of holding UT landowner residents to a different standard** than other landowners and **suppressing** our inalienable **rights as taxpaying citizens.** It's time to rebuild regulations and land use planning of our UT's so there is **no discrepancy of authority between us and our neighboring municipalities.**

Let us all be treated equally, so we may all prosper together, plan together, join together to **form a united rural Maine** that can withstand the exploitative decisions made by lawmakers who do not live in our towns, do not understand our culture, our traditions and our commitment to preserve our way of life. We should not be powerless to prevent incompatible development that affects us. **We are not expendable people**

Let those of us who live in rural Maine choose how we develop our land to leave a legacy for our children, not to serve as a line item in some corporate spreadsheet.

Respectfully,

Kat Taylor
Argyle Twp.

LUPC Staff Directory:

The Commission's staff operates under the **supervision and oversight of an executive director**, who is **appointed** by the **Commissioner of the Department of Agriculture, Conservation and Forestry** with the consent of Commission members. The executive director is responsible for staff recommendations to the Commission on matters that come before it and acts on routine permit applications delegated to staff by the Commission.

Director and Management – 6 staffers

The Director and Management **staff of 6** includes the executive **director**, a **permitting and compliance manager**, **two** permitting and compliance **regional supervisors**, who **provide primary management support to the Commission and the entire staff.**

Stacie R. Beyer, *Executive Director*

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E-mail: Stacie.R.Beyer@maine.gov

Augusta, ME

Benjamin Godsoe, *Planning Manager*

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Augusta, ME

Audie T. Arbo, *Permitting and Compliance Manager*

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Stacy Benjamin, *Chief Planner*

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Karen Bolstridge, *Permitting and Compliance Regional Supervisor*

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E-mail: Karen.Bolstridge@maine.gov

Serves Downeast and Western Regions

Billie J. Theriault, *Permitting and Compliance Regional Supervisor*

Phone: (207) 435-7969; Cell (207) 731-4147

E-mail: Billie.J.Theriault@maine.gov

Serves Northern, Eastern and Moosehead Regions

Administrative Staff – 1 staffer

The Administrative **staff of 1** provides primary administrative support to the **Commission** and the **entire staff**.

Kiana Green, *Office Specialist II*

Phone: (207) 287-2631

E-mail: Kiana.Green@maine.gov

Permitting & Compliance Staff

The Permitting and Compliance **staff of 6+2** includes the permitting and compliance **manager, two regional supervisors, regional representatives**, and an **enforcement unit**. The division's primary **function** is to **review and process applications** for the **various** types of **development and rezoning activities** that **require a permit**. The staff also **provides on-site assistance, pre-application meetings, inspections, and enforcement** of the **LUPC land use standards**.

Downeast Region – 2 staffers

Morgan Prentice, *Environmental Specialist II (All Residential Development)*

Phone: (207) 215-4685

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Bryan Way, *Environmental Specialist III (All Non-Residential Development)*

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E-mail: Bryan.C.Way@maine.gov

Serves Downeast and Eastern Regions

Eastern Region – 1 staffer

Lonna Perry, *Environmental Specialist II (All Residential Development)*

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Serves Eastern Region

Bryan Way, *Environmental Specialist III (All Non-Residential Development)*

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Serves Eastern Region

Moosehead Region – 1 staffer

Sarah Robinson, *Environmental Specialist II (All Residential Development)*

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Serves Moosehead Region

Northern Region – 1 staffer

Meagan Westfall, *Environmental Specialist III (All Residential and Non-Residential Development)*

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Serves Northern Region

Western Region – 2 staffers

Rachel Hauber, *Environmental Specialist III (All Non-Residential Development)*

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Serves Western Region

Jennifer Larson, *Environmental Specialist II (All Residential Development)*

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E-mail: Jennifer.Larson@maine.gov

Serves Western Region

Enforcement Unit – 2 staffers

The Enforcement **staff of 2** provides primary **complaint** and **enforcement support** to the Commission. **(For the entire state)**

Ruby Goodmen, *Enforcement Specialist*

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Debra Kaczowski, *Enforcement Coordinator-Enforcement Unit Supervisor*

Phone: (207) 816-0143

E-mail: Debra.Kaczowski@maine.gov

Planning Staff – 5 staffers

The **Planning staff includes 5 personnel**: the **planning manager**, **four full-time** and **two part-time planners**, and a **programmer analyst**. Their **responsibilities** include, coordinating **rulemakings**, **project review** and the **development and implementation of land use policy**, including the **Comprehensive Land Use Plan**. Planning staff also **lead the LUPC's educational efforts** and **frequently represent the Commission on interagency matters**.

Tim Beaucage, *Senior Planner*

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Comprehensive Land Use Plan Update

Maine Land Use Planning Commission



What is the Comprehensive Land Use Plan (CLUP)?

- The Land Use Planning Commission (LUPC or the Commission) is required by statute to adopt a CLUP.
- The CLUP is used "...as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of..." the LUPC statute.
- The last CLUP was adopted in 2010 and **the Commission voted to begin an update process in December 2024.**

Why update the CLUP now?

1. In 2012, the Maine legislature made a number of changes to the statute that applies to the Commission's activity (P.L. 2011, ch. 682 enacting LD 1798) – **a new plan would more appropriately apply these changes.**
2. Many of the goals and policies of the 2010 CLUP have been accomplished – **a new plan would be more forward-facing.**
3. Maine and the world have changed since 2010) – **developing a new plan would allow for renewed discussion on important topics and incorporation into the guiding document for the Commission.**

What is the LUPC doing now?

The LUPC is in the pre-planning phase, and staff are:

1. Meeting with groups and individuals with different interests to get a preliminary understanding of current issues.
2. Developing a plan for public input into the update process.
3. Applying for funding and hiring a facilitator.

What we want to learn from you.

1. What issues are most important to address in a CLUP update? Who else should we talk to?
2. What data are important for a CLUP update? Does this data currently exist?
3. Do you have recommendations for developing a CLUP update process?
4. Can you recommend a facilitator or funding sources?
5. What does success mean to you? How does a diversity of opinions factor into your definition of success?
6. How often do you use the LUPC website? Any thoughts or suggestions?

What comes next?

While LUPC staff are planning for the update process, **you can:**

- Reach out to us with answers to the questions above or with other recommendations for us.
- Sign up for GovDelivery updates about the CLUP process.
- Start thinking about how you want to participate!

Contact Us

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Sign up for email updates: <https://public.govdelivery.com/accounts/MEDACF/subscribers/qualify>



LAND USE PLANNING COMMISSION
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

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AUGUSTA, ME

**Planning to Build a New
Accessory Structure?**

New Rules Apply!

Accessory Structures are allowed in most zones without a permit but must meet the Land Use Planning Commission's (LUPC) rules, which were updated recently.

What's new? Property owners must now submit a self-verification notice to the LUPC before construction. The notice process will tell the Commission a little about your project, verify that it meets the rules, and let you know if a permit is needed.

**See the other side of this postcard
for more information.**



ARGYLE TWP, ME04468-7004



032 BTAMSP1 04468



Accessory Structures

What are they?

The term "Accessory Structures" can include garages, decks, porches, stand-alone solar installations, sheds, and other similar structures.

Provide a Notice to LUPC

There is an online form to make it easier for property owners to notify the LUPC. You can also request a paper copy of the notice form.

Visit www.maine.gov/dacf/lupc/accessory for more information.



You'll Need to Verify...

- What you are building,
- Where it is located, and
- That your new structure will meet the rules.



Learn More:

www.maine.gov/dacf/lupc/accessory

Questions? Contact us at:

(207) 287-2631

lupc@maine.gov



C. **Motor vehicles.** For the privilege of operating a motor vehicle upon the public ways, each motor vehicle, other than a stock race car, to be so operated shall be subject to such excise tax as follows: A sum equal to ~~23~~ 24 mills on each dollar of the maker's list price for the first or current year of model, ~~16½~~ 17½ mills for the 2nd year, ~~12½~~ 13½ mills for the 3rd year, 9 10 mills for the 4th year, ~~5½~~ 6½ mills for the 5th year and 3 4 mills for the 6th and succeeding years. The minimum tax for a motor vehicle other than bicycle with motor attached shall be \$5, for bicycle with motor attached, \$2.50. The excise tax on a stock race car shall be \$5. The maximum tax on and after the 7th year of model for a passenger vehicle, including a so-called station wagon, but not a bus, shall be \$15.

Effective October 1, 1969

Chapter 494

AN ACT to **Create the Maine Land Use Regulation Commission** and to **Regulate Realty Subdivisions.**

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

R. S., T. 12, c. 206-A, additional. Title 12 of the Revised Statutes is amended by adding a new chapter 206-A to read as follows:

CHAPTER 206-A

USE REGULATION

SUBCHAPTER I

GENERAL PROVISIONS

§ 681. Purpose and scope

The Legislature finds that it is desirable to extend the principles of sound planning, zoning and subdivision control to the unorganized and deorganized townships and mainland plantations of the State in order to preserve public peace, health, safety and general welfare, and to prevent the further spread of unplanned residential, recreational, commercial and industrial development detrimental to the use or value of these areas; to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities; to prevent the development along lakes, ponds and public roads of substandard structures or structures located in too close a proximity to such waters or roads; and, to prevent the despoliation, pollution and inappropriate use

of lakes and ponds in these mainland plantation and unorganized areas; and, to preserve ecological balance in these mainland plantation and unorganized areas.

This chapter shall apply only to unorganized and deorganized townships and mainland plantations and shall not apply to Indian reservations.

§ 682. Definitions

1. Remote lakes and ponds. A remote lake or pond is one no part of which lies within one mile of a public road and which does not have more than 5 single family residential dwellings within 500 feet of its normal shoreline.

2. Subdivision. A subdivision is a division of an existing parcel of land into 3 or more parcels within any 5-year period, whether this division is accomplished by platting the land or by a sale of the land by metes and bounds or by leasing except where no one of such parcels is less than 10 acres in size.

3. Zoned area. Zoned area shall include all land within 500 feet of the traveled edge of any public road and within 500 feet of the normal shoreline of any lake or pond, except remote lakes and ponds. Zoned areas shall include the surface of the waters of any lake or pond of less than 640 acres unless it is remote.

SUBCHAPTER II

MAINE LAND USE REGULATION COMMISSION

§ 683. Creation of Maine Land Use Regulation Commission

To carry out the purposes stated in section 681 there is created the Maine Land Use Regulation Commission, hereafter in this chapter called the "commission". The commission is charged with implementing this chapter in all of the mainland plantation and unorganized and deorganized portions of the State. The commission shall consist of 3 permanent members: The Director of Parks and Recreation, the Forest Commissioner and the State Planning Officer; and 4 members serving staggered 4-year terms to be appointed by the Governor with the advice and consent of the Council. The latter 4 members shall respectively represent the public, conservation interests, forest products industry interests and general landowner interests. The initial appointee to the commission representing the public shall be appointed for a one-year period; the initial appointee representing conservation interests shall be appointed for a 2-year period; the initial appointee representing the forest products industry interests shall be appointed for a 3-year period; and the initial appointee representing general landowner interests shall be appointed for a 4-year period. Thereafter said appointees shall be appointed to serve 4-year terms.

§ 684. Commission officers, meetings and rules

The commission shall elect annually, from its own membership, a chair-

man and secretary and such other officers it deems necessary. Meetings shall be held at the call of the chairman or at the call of more than $\frac{1}{2}$ of the membership. Such meetings shall be held no less frequently than 5 times a year. The commission may adopt whatever rules it deems necessary for the conduct of its business. The secretary shall keep minutes of all proceedings of the commission, which minutes shall be a public record available and on file in the office of the commission. Members of the commission shall not be paid a salary but shall be reimbursed for all expenses incurred in carrying out their respective responsibilities. A quorum of the commission for the transaction of business shall be 4 members. No action shall be taken by the commission except upon vote of 4 members.

§ 685. Commission budget, financing and executive director

The commission shall prepare a biennial budget and shall submit to the Legislature requests for appropriations sufficient to carry out its assigned tasks. The commission may accept contributions of any type from any source to assist it in carrying out its assigned tasks, and make such requirements in respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving such funds, federal or otherwise. The commission may contract with municipal, State and Federal Governments or their agencies to assist in the carrying out of any of its assigned tasks. The commission is authorized to hire an executive director who shall be the principal administrative, operational and executive employee of the commission. The executive director must have a professional degree in planning or in a related field or must have at least 3 years practical experience in the field of planning or land use management, or both. The executive director shall attend all meetings of the commission and be permitted to participate fully but shall not be a voting member of the commission. The executive director with the approval of the commission may hire whatever competent professional personnel and other staff he deems necessary and he may obtain office space, goods and services as required.

SUBCHAPTER III

COMMISSION POWERS AND DUTIES

§ 686. Zoning powers and duties

1. Zoning regulation. The commission, based on principles of sound and comprehensive planning, may adopt a zoning regulation which shall be applicable in any subarea or group of subareas within the zoned area. The commission may decline or postpone adoption of regulations in those portions of the zoned area where it deems regulation unnecessary due to lack of imminent land development. The zoning regulation may regulate the following within the zoned area:

A. Location and use of real estate for agricultural, industrial, commercial, forestry, recreational, residential and other purposes;

B. Type of construction, height, width, minimum floor area and bulk of all structures;

- C. Lot size, depth and width of lots, and minimum size of open space, unbuilt-upon area, to be retained on all real estate parcels;
- D. Setback of structures along public roads and along shores of lakes and ponds, except remote lakes and ponds;
- E. Use of boats and size of outboard motors on lakes or ponds of less than 640 acres except on remote lakes and ponds.

Among other things the regulations shall be designed to encourage the most appropriate use of land and water resources; to prevent overcrowding or substandard development of real estate; to prevent development from polluting lakes, ponds, rivers and streams; to preserve natural conditions where appropriate or beneficial; to preserve ecological balance; to protect forest resources and timber reserves for industrial use; to encourage tree farms and to encourage the policy of multiple use of forest and timber resources.

2. Notice of intent to zone. At least 3 months before public hearings on any proposed zone or zoning regulation the commission shall give notice of its intent to zone or issue a zoning regulation in any area by first-class mail directed to the owners of the land affected according to their names and addresses as shown on the records of the Bureau of Taxation. Such notice shall reasonably define the portion of the zoned area to be involved and shall invite the owner thereof to submit to the commission a description of the use or uses to which his land within the zoned area is being put, and any plans which the landowner may have with respect to the future use of these lands. Public notice of such intent to zone shall also be given by 3 weeks' successive publication thereof in some newspaper of general circulation in the county wherein the land sought to be affected lies, the first such publication to be at least 60, and the last such publication to be at least 60, days before the date of the zoning hearing specified in subsection 3.

3. Notice of hearing. After 3 months' notice of intent to zone or issue zoning regulations, notice of a zoning hearing, which shall be open to the public, shall be given in a similar manner as described in subsection 2 to landowners in the area to be affected. Such notice shall state the purpose, date, time and place of the hearing, which shall be in the county where the area affected lies. The notice shall reasonably define the area involved, and shall be mailed at least 14 days before the hearing is scheduled. Public notice of such hearing shall also be given by 3 weeks' successive publication thereof in some newspaper of general circulation in the county where the land sought to be affected lies. The notice shall conform in content to that notice given the landowners. The first such publication shall be at least 45, and the last such publication shall be at least 7, days before the date of the hearing.

4. Considerations. In adopting a zoning ordinance with respect to any portion of the zoned area, the commission shall give consideration to public and private planning reports and other data available to it, and where not inconsistent with the spirit and intent of this chapter shall give weight to existing uses of the land and to any reasonable plan of its owners and its future use.

A. In any event, land in the zoned area used or held for either forest product or agriculture uses, if so stated by the owner thereof, shall at the request of the owner be zoned for such use and shall not be zoned other-

wise without the owner's consent. Nothing in this chapter or in any regulation adopted shall in any way 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 or other structures used primarily for agricultural or forest products industry purposes in the zoned area.

B. In addition, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State to encourage the well managed multiple use of the privately owned forest and timber resources and to the making of these lands available to the people of this State and visitors to it, in their common pursuit of various out-of-doors recreational activities, including hunting, fishing, boating, hiking and camping.

5. Amendments. The commission may from time to time upon its own motion, or upon the application of the owner of land in a zoned area, amend any zoning regulation as it applies to any subarea. A public hearing on any amendment with notice given as outlined in subsection 3 shall be held after giving 3 weeks' notice of intent to amend in a similar manner as described in subsection 2, to all landowners within one mile of the area to be affected by the proposed amendment. Not abutters - within new 7 mile Adjacency Rule

6. Map. Before adoption of a zoning regulation or amendment thereto, the commission shall prepare a zoning map outlining the boundaries of each zone to be established or modified. These maps shall be on file and available for inspection by any interested party in the offices of the commission and in the appropriate registry of deeds in the county in which the land lies.

7. Application. No regulation shall apply to structures and uses existing at the time the regulation is adopted, but shall apply to new structures and uses and to substantial changes in structures and uses made after passage, except that occupied year-round single family residences and operating farms presently in existence and use shall be exempt from regulation while so used to the extent that new accessory buildings or renovations of existing buildings are necessary to the satisfactory and comfortable continuation of these exempt residential and farm categories. The changes in structure and use to which a zoning regulation applies may be further defined in the regulation. No regulation shall apply to or prohibit use of land as a tree farm or for forestry purposes or for lumbering or woodcutting operations of any kind. No ordinance shall be enacted contrary to subsection 4, paragraphs A and B, and if enacted contrary to said paragraphs, it shall not apply to nor prohibit the uses outlined in said paragraphs.

8. Public service corporation exemptions. Real estate used or to be used by a public service corporation may be wholly or partially exempted from regulation when, upon timely petition to the Public Utilities Commission and after a hearing, the said commission determines that such exemption is necessary or desirable for the public welfare or convenience.

9. Governments. Any portion of the zoned area which subsequently becomes a part of an organized municipality and which was zoned pursuant to this chapter shall continue to be controlled by the zoning regulation until

such time as the new municipality, which the zoned land is now a part of, shall alter or amend the zoning regulation.

10. **Building permit.** Any individual or corporation who would build upon land subject to a zoning regulation, with the exception noted in subsection 4 covering buildings used primarily for forest products industry purposes, must apply to the commission for a permit for such building or structure. A permit application shall be in writing and shall be signed by the applicant and directed to the executive director of the commission. It shall show with reasonable clarity the type and location on the lot of the proposed building or structure and shall note in all respects the compliance of the proposed building or structure with the zoning regulation in effect. The commission shall approve or disapprove of each application. If the character of the land or building is unique or unusual, approval may be conditioned on compliance with such additional requirements, other than those spelled out in the zoning regulations, as the commission deems necessary. Failure of the executive director to issue a written notice of approval or disapproval by the commission, directed to the applicant, within 30 days from the date of filing the application constitutes a disapproval or refusal of the permit.

11. **Nuisance.** Any real estate or personal property existing in violation of a regulation enacted pursuant to this enabling legislation is a nuisance.

12. **Inspection.** For purposes of inspection and to insure compliance with a zoning regulation, any member of the commission, the executive director, appointed staff or consultant personnel of the commission may obtain access at reasonable hours to any zoned lands and structures.

13. **Taxation.** For purposes of property tax assessment, it shall be presumed that any zoning classification hereunder is permanent in the absence of clear proof to the contrary. The State Tax Assessor shall consider the effect upon value of any restrictions to which the use of the land is subjected. Restrictions shall include, but are not necessarily limited to, zoning restrictions and any recorded contractual provisions limiting the use of land entered into with the Federal or State Government or any subdivision or agency thereof.

§ 687. Subdivision control, powers and duties

1. **Subdivision control regulation.** The commission, based on standards of health, safety and general welfare as these standards apply to the process of subdividing land, and after adoption of a zoning regulation for the zoned area, may adopt and from time to time may amend, subdivision control regulations which shall be applicable in the subdivided portion of the zoned area. The subdivision control regulations shall be consistent with the zoning regulations and may regulate to achieve minimum standards in the development of subdivided land with particular attention to such factors as structural design, building location, building materials, utilities, drainage, pollution control, water supply, lot sizes, road location, boat and automobile parking arrangements and other improvements.

2. **Publication.** Subdivision control regulations or any amendments there-to shall become effective in the areas affected 30 days after a certified copy of the regulations and a map denoting the lands affected are filed in the registry of deeds of the appropriate county.

3. **Governments.** Any portion of the zoned area which subsequently becomes a part of an organized municipal entity and which was subject to subdivision control regulation pursuant to this enabling legislation shall continue to be controlled by such regulations until such time as the new municipal entity shall enact a zoning ordinance in conformity with Title 30, chapter 239, subchapter V.

4. **Subdivision approval.** Any individual or corporation who would subdivide lands, any part of which is subject to subdivision control regulations adopted pursuant to this chapter, must apply to the commission for a permit allowing such subdivision. An application for a subdivision permit shall be in writing, signed by the applicant and directed to the executive director of the commission. It shall show with reasonable clarity the full scope of the proposed subdivision and shall note in all respects the compliance of the proposed subdivision with the subdivision control regulation in effect. The commission shall approve or disapprove each application. If the character of the land or design and layout of the subdivision is unique or unusual, approval may be conditioned on compliance with such additional requirements, other than those spelled out in the subdivision regulations, as the commission deems necessary. Failure of the executive director to issue a written notice of commission action, directed to the applicant, within 30 days from the date of filing the application constitutes a disapproval or refusal of the permit.

5. **Subdivision notice.** Any individual or corporation who would subdivide lands, any part of which is within the zoned area but not subject to subdivision control regulations adopted pursuant to this chapter, must give written notice of same to the commission, signed by the applicant and directed to the executive director of the commission. It shall show with reasonable clarity the full scope of the proposed subdivision.

6. **Recording.** A register of deeds shall not record any plat or any writing purporting to convey or subdivide land, except by a mortgage thereof, located in the unorganized territory or mainland plantation areas of the State unless the same bears an attested statement by the draftsman or the owner of such land that no portion of the same is within the zoned area, or if within the zoned area but not subject to subdivision control regulations, that the notice provided in subsection 5, has been mailed to the commission, or unless the commission's approval is evidenced thereon. The recording of a plat or plan in violation of this subsection is void.

7. **Violation.** Any conveyance of unrecorded subdivided land or subdivided land recorded in violation of this chapter shall be void and any structures erected on such land after conveyance shall constitute a nuisance which may be abated by either public or private action.

§ 688. **Minimum lot size**

In all areas of the unorganized and deorganized townships and mainland plantations of the State, except for areas within the zoned area when and after subdivision control regulations adopted pursuant to this chapter are applicable thereto, a lot or parcel of land which is not served by public or community sewer whether created by plat or laid out in metes and bounds shall not be used for single family residential purposes unless such lot or parcel of land is at least 20,000 square feet in size. Lots of less than 20,000

square feet in size may be used for single family residential purposes if approved by the State Department of Health and Welfare on the bases of percolation tests, soil type, soil observation holes made in a representative manner, and recommendations by a registered engineer. The results of such tests and the engineering recommendations shall be submitted in a written report by the landowner to the State Department of Health and Welfare for approval. The department shall issue a written notice of its decision within 30 days after a proposed use of such lot has been submitted, and if its disapproval is indicated, reasons for the same shall be listed. Single family dwellings in existence prior to the effective date of this Act and lots of less than 20,000 square feet for which a plan has been recorded prior to January 1, 1970 shall be exempt from the provisions hereof. The State Department of Health and Welfare shall charge \$10 per lot to service applications for approval, but not more than \$50 for any one subdivision. Any structures erected in violation of this section shall constitute a nuisance which may be abated by either public or private action.

SUBCHAPTER IV

APPEALS

§ 689. Appeal to Superior Court

An appeal may be taken by any aggrieved party from any decision of the commission including without limitation the refusal of the commission to grant a building or subdivision permit or from the granting of such permit upon conditions thought to be unreasonable, or from any decision of the State Department of Health and Welfare pursuant to section 688, to the Superior Court of the county in which the affected lands are located. Such appeal must be taken within 45 days of receipt of notice of the action of the commission or department and shall be tried and determined by the court without a jury in the manner and with the rights provided by law in other actions so heard. The court may affirm, set aside or modify the acts of the commission or department being appealed from. Costs may be awarded to the prevailing party by the court as justice requires. An appeal from the decision of the Superior Court to the law court may be taken as provided by law.

Effective October 1, 1969

Chapter 495

AN ACT Relating to Town's Matching Funds for Reconstructing State Aid Highways.

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

R. S., T. 23, § 1104, amended. The first paragraph of section 1104 of Title