

Maine Land Use Planning Commission
Department of Agriculture, Conservation and Forestry



BASIS STATEMENT AND SUMMARY OF COMMENTS
FOR THE REPEAL OF
CHAPTER 15: GUIDELINES FOR PRIVATE ROADS OR WAYS IN THE LAND
USE PLANNING COMMISSION'S MANAGEMENT DISTRICTS

July 2, 2025

STATUTORY AUTHORITY:

12 M.R.S. § 685-A, Subsection (3), (7-A), and (14)
12 M.R.S. § 685-B(1-A)(B)
12 M.R.S. § 685-C, Subsection (5)(A)

FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT:

Changes to the Land Use Planning Commission's authority through its enabling statute (12 M.R.S. §681 et. seq.) have occurred over time, affecting jurisdiction over various types and scales of development. A confusing overlap and conflict exist between certain statutory changes that occurred in 2011 affecting the Commission's regulatory authority over forestry-related uses and the following documents:

- Chapter 15, Guidelines for Private Roads or Ways in the Land Use Planning Commission's Management Districts;
- Chapter 10, Land Use Districts and Standards; and
- The Land Use Handbook, Section 6 (an outdated publication of the Commission).

In particular, Chapter 15 is inconsistent with the Commission's current authority over forestry-related uses, including land management roads in management districts, and is no longer relevant. Other road construction, repair, and relocation activities are currently addressed by Chapter 10 of the Commission's rules.

PUBLIC NOTICE OF RULEMAKING

At a meeting held on April 9, 2025, the staff presented to the Commission the draft rule revisions and requested to post the proposed rule repeal to public comment. Notice of the rulemaking was

provided in the Secretary of State's consolidated rulemaking notice on April 30, 2025. The Secretary of State's notice appeared in the Bangor Daily News, Kennebec Journal, Portland Press Herald, Lewiston Sun-Journal, and the Central Maine Morning Sentinel. An e-mail notice was also provided to approximately 2,114 individuals. These included the Commission's mailing list of persons wishing to be contacted regarding rulemaking matters. The notice of the rulemaking and the proposed revisions were also posted on the Commission's website.

The record remained open until June 16, 2025 to allow interested persons to file written statements with the Commission.

COMMENTS AND RESPONSES:

No comments were submitted.