

§682. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 541, Pt. A, §127 (NEW).]

1. Unorganized and deorganized areas. "Unorganized and deorganized areas" includes:

A. All unorganized and deorganized townships; [PL 2011, c. 682, §4 (NEW).]

B. Plantations that have not received commission approval under section 685-A, subsection 4-A to implement their own land use controls; [PL 2011, c. 682, §4 (NEW).]

C. Municipalities that have organized since 1971 that have not received commission approval under section 685-A, subsection 4-A to implement their own land use controls; and [PL 2011, c. 682, §4 (NEW).]

D. All other areas of the State that are not part of a municipality except Indian reservations. [PL 2011, c. 682, §4 (NEW).]

For the purposes of permitting a community-based offshore wind energy project and structures associated with resource analysis activities necessary for such an intended project, the area of submerged land to be occupied for such a project and resource analysis structures is considered to be in the unorganized or deorganized areas.

[PL 2011, c. 682, §4 (RPR).]

2. Subdivision.

[PL 2001, c. 431, §1 (RP).]

2-A. Subdivision. Except as provided in section 682-B, "subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of the land or by leasing.

The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.

[PL 2001, c. 431, §2 (NEW).]

3. Building. Building shall mean any structure having a roof, partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed.

[PL 1971, c. 457, §2 (RPR).]

4. Structure. "Structure" means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats. It does not include a wharf, fish weir or trap that may be licensed under Title 38, chapter 9.

[PL 1999, c. 333, §2 (AMD).]

5. Accessory use or accessory structure. Accessory use or accessory structure shall include a use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure.

[PL 1973, c. 569, §4 (AMD).]

6. Person. Person shall mean an individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity.

[PL 1971, c. 457, §2 (NEW).]

7. Development. Development shall mean any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such

specific uses or classes and categories of uses as the commission may by regulation determine do not need regulating to achieve the purpose, intent and provisions of this chapter.

[PL 1973, c. 569, §5 (AMD).]

8. Land use district. Land use district shall mean the area located within the boundaries of air, land or water delineated vertically or horizontally by the commission for distinct categories of use.

[PL 1973, c. 569, §5 (AMD).]

8-A. Moratorium. "Moratorium" means a temporary land use regulation or ordinance approved by the commission or a municipal legislative body which prevents development or subdivision by withholding authorization or approval necessary for development.

[PL 1989, c. 47, §1 (NEW).]

9. Nonconforming structure. Nonconforming structure shall mean a structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations.

[PL 1971, c. 457, §2 (NEW).]

10. Nonconforming use. Nonconforming use shall mean a use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulation or subsequent amendments made thereto, that does not conform to the district regulations.

[PL 1971, c. 457, §2 (NEW).]

11. Dwelling unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

[PL 1987, c. 885, §2 (NEW).]

12. Real estate. "Real estate" means land and structures attached to it.

[PL 1987, c. 885, §2 (NEW).]

13. Spaghetti-lot. "Spaghetti-lot" means a parcel of land with a lot depth to shore frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland or great pond as these features are defined in Title 38, section 480-B.

[PL 1989, c. 762, §1 (NEW); PL 1989, c. 762, §4 (AFF).]

14. Commercial sporting camp. "Commercial sporting camp" means a building or group of buildings devoted primarily to the offering of primitive lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.

[PL 1995, c. 386, §1 (NEW).]

15. Campsite. "Campsite" means a camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission's comprehensive land use plan.

[PL 2001, c. 402, §1 (RPR).]

16. Setback. "Setback" means the minimum horizontal distance from a lot line, shoreline or road to the nearest part of a structure.

[PL 1995, c. 386, §1 (NEW).]

17. Shoreline. "Shoreline" means the normal high water mark of tidal waters, a coastal or inland wetland, a standing body of water or flowing water.

[PL 1995, c. 386, §1 (NEW).]

18. Transient occupancy. "Transient occupancy" means occupancy that does not exceed 120 days in a calendar year.

[PL 2009, c. 16, §1 (AMD).]

19. Community-based offshore wind energy project. "Community-based offshore wind energy project" means a wind energy development, as defined by Title 35-A, section 3451, subsection 11, with an aggregate generating capacity of less than 3 megawatts that meets the following criteria: the generating facilities are wholly or partially located on or above the coastal submerged lands of the State; the generating facilities are located within one nautical mile of one or more islands that are within the unorganized and deorganized areas of the State and the project will offset part or all of the electricity requirements of those island communities; and the development meets the definition of "community-based renewable energy project" as defined by Title 35-A, section 3602, subsection 1.

[PL 2009, c. 615, Pt. D, §2 (NEW).]

20. Planned subdistrict. "Planned subdistrict" means a delineated area for which a specific land use plan and standards have been agreed to by the owner of the land within the delineated area and approved by the commission.

[PL 2011, c. 682, §5 (NEW).]

SECTION HISTORY

PL 1969, c. 494 (NEW). PL 1971, c. 457, §2 (RPR). PL 1971, c. 544, §28-B (AMD). PL 1973, c. 569, §§2-5 (AMD). PL 1979, c. 541, §A127 (AMD). PL 1979, c. 631, §1 (AMD). PL 1981, c. 698, §70 (AMD). PL 1987, c. 514, §1 (AMD). PL 1987, c. 810, §§1,11 (AMD). PL 1987, c. 885, §§1,2 (AMD). PL 1989, c. 47, §1 (AMD). PL 1989, c. 584, §1 (AMD). PL 1989, c. 762, §§1,4 (AMD). PL 1989, c. 772, §1 (AMD). PL 1991, c. 306 (AMD). PL 1991, c. 687, §1 (AMD). PL 1995, c. 386, §1 (AMD). PL 1999, c. 333, §§1, 2 (AMD). PL 2001, c. 402, §§1, 2 (AMD). PL 2001, c. 431, §§1,2 (AMD). PL 2009, c. 16, §1 (AMD). PL 2009, c. 615, Pt. D, §§1, 2 (AMD). PL 2011, c. 682, §§4, 5 (AMD).

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