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Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation Commission

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Adoption. Resolved: That final adoption of portions of Chapter 1, General Provisions and Chapter 10, Land Use Districts and Standards, provisionally adopted major substantive rules of the Maine Land Use Regulation Commission that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended in accordance with the revised rule dated April 11, 2007 and presented by the Director of the Maine Land Use Regulation Commission to the Joint Standing Committee on Agriculture, Conservation and Forestry on that date. The revised rule dated April 11, 2007 includes the following changes to the provisionally adopted rule.

1. It adds language to clarify that, for utility lines, roads, land management roads and mineral or peat extraction, only the portion of the project or the additional length or acreage that triggers permit review is subject to the fee calculation.

2. It removes the provision in the provisionally adopted rule that required a permit applicant to pay actual costs incurred for a public hearing.

3. It authorizes the Director of the Maine Land Use Regulation Commission to require a petitioner to pay the costs for a public hearing when the petition is for a district boundary change for the purpose of a subdivision or a commercial development.

The Maine Land Use Regulation Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.