

125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 17

H.P. 9

House of Representatives, January 4, 2011

An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

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HEATHER J.R. PRIEST Clerk

Presented by Representative DAVIS of Sangerville. Cosponsored by Senator THOMAS of Somerset and Representatives: AYOTTE of Caswell, BLACK of Wilton, CRAFTS of Lisbon, FREDETTE of Newport, HANLEY of Gardiner, LONG of Sherman, TIMBERLAKE of Turner, Senator: THIBODEAU of Waldo.

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- 1 Be it enacted by the People of the State of Maine as follows:
- 2 Sec. 1. 12 MRSA c. 206-A, sub-c. 2, as amended, is repealed.

Transfer authority over land use planning; implementing 3 Sec. 2. 4 legislation. The Maine Land Use Regulation Commission, referred to in this section as "the commission," shall develop a comprehensive proposal to transfer authority over land 5 use planning in the unorganized territory from the commission to the county in which the 6 7 land is located. In developing the proposal, the commission shall prepare a list of all the 8 large-scale special projects being conducted by the commission on the effective date of 9 this Act, and shall identify, with input from the affected counties, which of those projects 10 can be completed prior to July 15, 2012. The proposal developed by the commission must provide for: 11

- 12 1. The assumption by the counties in which the land is located of the duty to 13 maintain uniformity of land use and planning throughout the unorganized territory;
- 14 2. The completion by the commission of all large-scale special projects under 15 commission jurisdiction that are identified for completion pursuant to this section;

3. The transfer to the appropriate county entity or designee of all projects, permits or
related activities under commission jurisdiction that are not identified for completion
pursuant to this section;

- 4. The transfer by the commission of all pertinent information necessary for thecounties to assume the duties pursuant to this section;
- 5. The assumption by the State of all costs incurred by the counties in which the land
 is located in completing the projects, permits or related activities under commission
 jurisdiction that are not identified for completion pursuant to this section;
- 6. The adoption of the 1997 Comprehensive Land Use Plan, and the retention of that plan until July 15, 2012 as the land use and planning authority with respect to the unorganized territory in the State;
- 7. The establishment of a process for the counties in which the land is located to
 adopt, after July 15, 2012, changes to the 1997 Comprehensive Land Use Plan;
- 8. For a municipality that, on the effective date of this Act, has the option to use the commission for land use and planning purposes, the option to either use the municipality's own land use and planning resources or to adopt the appropriate county's unorganized territory plan or service;
- 9. The assessment against the unorganized territory county services component of
 the unorganized territory budget for the county cost of unorganized territory land use and
 zoning activities, which assessment may not be greater than the assessments for
 commission operations on the effective date of this Act; and

1 10. A special assessment that may be imposed by counties on municipalities that 2 adopt the appropriate county unorganized territory land use planning or services, which 3 amount may not be greater than the assessments for commission operations on the 4 effective date of this Act.

5 Sec. 3. Submission of report. The Maine Land Use Regulation Commission 6 shall submit its proposal, together with implementing legislation necessary to effectuate 7 the repeal of the Maine Land Use Regulation Commission and the transfer of its duties in 8 accordance with section 2, to the joint standing committee of the Legislature having 9 jurisdiction over agriculture, conservation and forestry matters no later than December 2, 10 2011. After receipt and review of the report, the joint standing committee may submit 11 legislation to the Second Regular Session of the 125th Legislature.

Sec. 4. Effective date. That section of this Act that repeals the Maine Revised
 Statutes, Title 12, chapter 206-A, subchapter 2 takes effect July 15, 2012.

SUMMARY

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15 This bill eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and directs the Maine Land Use Regulation Commission prior to its elimination to 16 develop a plan to provide authority over land use planning in the unorganized territory to 17 18 the counties in which the land is located. The Maine Land Use Regulation Commission is required to submit its proposal, together with implementing legislation necessary to 19 effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of 20 its duties, to the joint standing committee of the Legislature having jurisdiction over 21 22 agriculture, conservation and forestry matters by December 2, 2011.