

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 556 - L.D. 870

**An Act Regarding the Membership of the Maine Land Use Planning
Commission**

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

Sec. 1. 12 MRSA §683-A, first ¶, as amended by PL 2013, c. 256, §3, is further amended to read:

The Maine Land Use Planning Commission, as established by Title 5, section 12004-D, subsection 1-A to carry out the purposes stated in section 681, is created within the Department of Agriculture, Conservation and Forestry and in this chapter called "the commission." The commission is charged with implementing this chapter. The commission consists of ~~9~~ 11 members, appointed in accordance with subsections ~~1~~ 1-A and 2. All appointments under this section are subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Senate.

Sec. 2. 12 MRSA §683-A, sub-§1, as amended by PL 2013, c. 256, §3, is repealed.

Sec. 3. 12 MRSA §683-A, sub-§1-A is enacted to read:

1-A. Appointments by Governor. Except as provided in subsection 2, the Governor shall appoint 2 members to the commission as follows:

A. One appointee who resides or works in the commission's jurisdiction, is a former resident of the commission's jurisdiction or has significant professional experience working within the commission's jurisdiction and who has expertise in one or more of the areas of forestry, land use planning, conservation, fisheries, wildlife, outdoor recreation and natural resources-related businesses that operate in the commission's jurisdiction; and

B. One appointee who is a member of a federally recognized Indian nation, tribe or band in this State based on the joint recommendation of the federally recognized Indian nations, tribes and bands in the State.

Sec. 4. 12 MRSA §683-A, sub-§2, as amended by PL 2013, c. 256, §3, is further amended to read:

2. Appointment of members representing a county. One member must be appointed by each of the 8 counties with the most acreage in the unorganized or deorganized areas subject to the jurisdiction of the commission. The board of county commissioners for each of the counties shall appoint by majority vote a resident of that county to serve as a member of the commission. A county commissioner who is a candidate for appointment to serve on the commission may not vote on that appointment. In making the appointment, the board of county commissioners shall actively seek and give consideration to persons residing in or near the unorganized or deorganized areas within the county. The At least 3 months before the end of a term for a commissioner appointed by a board of county commissioners, the director of the commission shall provide that board of county commissioners with general information about the commission's jurisdiction, the roles and responsibilities of a member of the commission and other materials that the board of county commissioners may share with interested applicants. Each board of county commissioners shall advertise the position for at least 30 days and in the same manner as the county advertises personnel positions. The board of county commissioners shall accept written or electronic applications from candidates, conduct interviews with candidates as determined by the board, evaluate candidates based on required qualifications and select from among those candidates an appointee.

An appointee under this subsection must have expertise in ~~commerce and industry, fisheries and wildlife, forestry or, conservation issues as they relate to the commission's jurisdiction and must,~~ fisheries, wildlife, land use planning, outdoor recreation or natural resources-based businesses that operate in the commission's jurisdiction and must reside or work in the commission's jurisdiction, be a former resident of the commission's jurisdiction or have significant professional experience working within the commission's jurisdiction.

~~A. Reside in the commission's jurisdiction;~~

~~B. Work in the commission's jurisdiction; or~~

~~C. Be a former resident or be retired after having worked for a minimum of 5 years within the commission's jurisdiction.~~

If a board of county commissioners fails to appoint a member to the commission under this subsection within 90 business days of a vacancy on the commission to be filled by that county, the Governor shall appoint a resident of that county meeting the criteria in subsection ~~1~~ 1-A to fill the vacancy.

For any county appointee, the board of county commissioners shall provide to the Office of the Governor, the President of the Senate and, the Speaker of the House of Representatives and the director of the commission the name and address of the appointee, together with information concerning that person's background and qualifications, in the same manner required of the Governor for nominations made pursuant to Title 3, section 154. A board of county commissioners has the same authority as the Governor, pursuant to Title 3, section 154, to withdraw the name of an appointee at any time before the Senate votes. The provisions of Title 3, sections 155 to 158 apply to the process of legislative review and confirmation of all county appointees to the commission.

Sec. 5. 12 MRSA §683-A, sub-§2-A is enacted to read:

2-A. Legislative appointment. The President of the Senate and the Speaker of the House shall jointly appoint one at-large member to the commission who has a scientific or

technical background in one or more of the areas of forestry, land use planning, conservation, fisheries, wildlife, outdoor recreation and natural resource-based businesses that operate in the commission's jurisdiction and through life or work experience demonstrates knowledge of issues important to the commission's jurisdiction.

Sec. 6. 12 MRSA §683-A, sub-§4, as amended by PL 2013, c. 256, §3, is further amended to read:

4. Terms. All members are appointed to 4-year terms and may not serve more than 2 consecutive terms. Any member who has not been reappointed by the Governor or a board of county commissioners prior to the expiration of that member's term may not continue to serve on the commission, unless the Governor notifies the Legislature in writing prior to the expiration of that member's term that extension of that member's term is required to ensure fair consideration of specific major applications pending before the commission. That member's term ends upon final commission decisions on the specific applications identified in the Governor's communication. Any member reappointed by the Governor or a board of county commissioners prior to the expiration of that member's term continues to serve on the commission until the appointment is acted upon by the Legislature. Once a member of the commission has been appointed by the Governor or a board of county commissioners, a vacancy of that seat must be filled by the same appointing authority as provided in this section. A vacancy during an unexpired term is filled only for the unexpired portion of the term.

Sec. 7. 12 MRSA §684, first ¶, as amended by PL 2011, c. 682, §8, is further amended to read:

The commission shall elect annually, from its own membership, a chair, vice-chair and such other officers it considers necessary. Meetings are held at the call of the chair or at the call of more than 1/2 of the membership. Meetings must be held at a location within the jurisdiction of the commission or another convenient location approved by the chair. The commission, acting in accordance with the procedures set forth in Title 5, chapter 375, subchapter 2 2-A, may adopt whatever rules it considers necessary for the conduct of its business. The commission shall keep minutes of all proceedings, which are a public record available and on file in the office of the commission. Members of the commission are compensated as provided in Title 5, chapter 379. Commission members must receive an orientation and annual continuing education on this chapter, commission rules and planning and regulatory processes. A quorum of the commission for the transaction of business is 5 members. ~~No action may be taken by the commission unless upon approval by a vote of 5 members~~ a simple majority of commission members.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF
Maine Land Use Planning Commission Z236**

Initiative: Provides one-time funding for laptops and other technology items for 2 additional board members.

GENERAL FUND	2025-26	2026-27
All Other	\$6,850	\$0
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GENERAL FUND TOTAL	\$6,850	\$0
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Maine Land Use Planning Commission Z236

Initiative: Provides funding for associated administrative overhead for additional board members.

GENERAL FUND	2025-26	2026-27
All Other	\$9,960	\$9,960
GENERAL FUND TOTAL	<u>\$9,960</u>	<u>\$9,960</u>

Maine Land Use Planning Commission Z236

Initiative: Provides funding for per diem expenses of additional board members.

GENERAL FUND	2025-26	2026-27
Personal Services	\$990	\$990
GENERAL FUND TOTAL	<u>\$990</u>	<u>\$990</u>

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF DEPARTMENT TOTALS

	2025-26	2026-27
GENERAL FUND	\$17,800	\$10,950
DEPARTMENT TOTAL - ALL FUNDS	<u>\$17,800</u>	<u>\$10,950</u>