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An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan

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

Whereas, comprehensive land use plans are presented to the Maine Land Use Regulation Commission on a regular basis; and

Whereas, it is important to change the procedure in which the plans are approved as soon as possible; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §685-C, sub-§1, as amended by PL 2007, c. 264, §1, is further amended to read:

1. Comprehensive land use plan. The commission shall adopt an official comprehensive land use plan for the unorganized and deorganized townships of the State.

The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.

The plan may consist of maps, data and statements of present and prospective resource uses that generally delineate the proper use of resources, and recommendations for its implementation.

The commission shall hold public hearings to collect information to be used in establishing the land use guidance plan. The public hearings must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules pursuant to Title 5, chapter 375, subchapter 2.

The commission may, on its own motion or petition of any state agency or regional planning commission, hold such other hearings as the commission considers necessary from time to time for the purpose of obtaining information helpful in the determination of its policies, the carrying out of its duties or the formulation of its land use standards or rules.

The commission may not adopt a plan or portion of a plan; unless:

- A. The tentative plan has been submitted to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;
- B. The tentative plan has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; and
- C. The commission has considered all such comments.

Upon adoption of the official land use plan by the commission, the commission shall submit the plan to the Governor joint standing committee of the Legislature having jurisdiction over conservation matters for review and approval. The Governor joint standing committee of the Legislature having jurisdiction over conservation matters shall approve or disapprove the plan, plans or any portion of a plan within 30 days of receipt. If the Governor joint standing committee of the Legislature having jurisdiction over conservation matters fails to act, the plan is deemed approved. This subsection also applies to any alteration in the comprehensive plan.

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

SUMMARY

This bill requires that a comprehensive land use plan be adopted by the Maine Land Use Regulation Commission and approved by the joint standing committee of the Legislature having jurisdiction over conservation matters. Current law requires that the Maine Land Use Regulation Commission adopt and the Governor approve a comprehensive land use plan.