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

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

**Sec. 1. 12 MRSA c. 206-A, sub-c. 2,** as amended, is repealed.

**Sec. 2. Transfer authority over land use planning; implementing 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 use planning in the unorganized territory from the commission to the county in which the land is located. In developing the proposal, the commission shall prepare a list of all the large-scale special projects being conducted by the commission on the effective date of this Act, and shall identify, with input from the affected counties, which of those projects can be completed prior to July 15, 2010. The proposal developed by the commission must provide for:

1. The assumption by the counties in which the land is located of the duty to maintain uniformity of land use and planning throughout the unorganized territory;

2. The completion by the commission of all large-scale special projects under 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 the counties 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, 2010 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, 2010, 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

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

**Sec. 3. Submission of report.** The Maine Land Use Regulation Commission shall submit its proposal, together with implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties in accordance with section 2, to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 2, 2009. After receipt and review of the report, the joint standing committee may submit legislation to the Second Regular Session of the 124th 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, 2010.

## SUMMARY

This bill eliminates the Maine Land Use Regulation Commission, effective July 15, 2010, and directs the Maine Land Use Regulation Commission prior to its elimination to develop a plan to provide authority over land use planning in the unorganized territory to 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 effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2009.