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An Act To Reform the Land Use and Planning Authority in the Unorganized Territories

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Sec. 1. 12 MRSA c. 206-A, sub-c. 2, as amended, is repealed.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. 30-A MRSA §2691, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Establishment. A municipality may establish a board of appeals under its home rule authority. A county may establish a board of appeals with respect to matters pertaining to the unorganized territory. Unless provided otherwise by charter or ordinance, the municipal officers or county commissioners shall appoint the members of the board and determine their compensation.

Sec. 3. 30-A MRSA §2691, sub-§2, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. ~~Neither a~~ municipal officer nor a county officer as defined in section 1, subsection 2 or a spouse of a municipal officer or a county officer may not be a member or associate member of the board.

Sec. 4. 30-A MRSA §2691, sub-§2, ¶D, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

D. The municipal officers or county commissioners may dismiss a member of the board for cause before the member's term expires.

Sec. 5. 30-A MRSA §2691, sub-§3, ¶E, as amended by PL 1991, c. 234, is further amended to read:

E. The transcript or tape recording of testimony, if such a transcript or tape recording has been prepared by the board, and the exhibits, together with all papers and requests filed in the proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief. Notice of any decision must be mailed or hand delivered to the petitioner, the petitioner's representative or agent, the planning board, agency or office and the municipal officers or county commissioners within 7 days of the board's decision.

Sec. 6. 30-A MRSA §2691, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Jurisdiction. Any municipality or county establishing a board of appeals may give the board the power to hear any appeal by any person, affected directly or indirectly, from any decision, order, regulation or failure to act of any officer, board, agency or other body when an appeal is necessary, proper or required. No board may assert jurisdiction over any matter unless the municipality or county has by charter or ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or nonaction may be appealed to the board. Any board of appeals shall hear any appeal submitted to the board in accordance with Title 28-A, section 1054.

Sec. 7. 30-A MRSA §4324, as amended by PL 2003, c. 641, §§7 and 8, is further amended to read:

§ 4324. Responsibility for growth management

This section governs a municipality's or, multimunicipal region's or county's responsibility for the preparation or amendment of its growth management program. When procedures for the adoption of comprehensive plans and ordinances are governed by other provisions of this Title or municipal or county charter or ordinance, the municipality or, multimunicipal region or county may modify the procedural requirements of this section as long as a broad range of opportunity for public comment and review is preserved.

1. Growth management program. Each municipality or, multimunicipal region or county may prepare a growth management program in accordance with this section or may amend its existing comprehensive plan and existing land use ordinances to comply with the procedures, goals and guidelines established in this subchapter.

2. Planning committee. If a municipality or, multimunicipal region or county chooses to prepare a growth management program, the municipal officers of a municipality or combination of municipalities or the county commissioners shall designate and establish a planning committee, which may include one or more municipal officials or county officials as defined in section 1, subsection 4.

A. The municipal officers may designate any existing planning board or district established under subchapter 4, or a former similar provision, as the planning committee. Planning boards established under former Title 30, section 4952, subsection 1 continue to be governed by those provisions until they are superseded by municipal charter or ordinance.

B. The planning committee may develop and maintain a comprehensive plan and may develop any portion of an implementation program to which it is assigned in an adopted comprehensive plan or otherwise directed by the municipal officers or, municipal legislative body or bodies or county commissioners. In performing these duties, the planning committee shall:

- (1) Hold public hearings and use other methods to solicit and strongly encourage citizen input; and

(2) Prepare the comprehensive plan or any portion of the implementation program to which it is assigned in an adopted comprehensive plan and make recommendations to the municipal legislative body or county commissioners regarding the adoption and implementation of the program or amended program.

3. Citizen participation. In order to encourage citizen participation in the development of a growth management program, municipalities ~~or~~, multimunicipal regions or counties may adopt growth management programs only after soliciting and considering a broad range of public review and comment. The intent of this subsection is to provide for the broad dissemination of proposals and alternatives, opportunity for written comments, open discussions, information dissemination and consideration of and response to public comments.

4. Meetings to be public. The planning committee shall conduct all of its meetings in open, public session. Prior public notice must be given for all meetings of the planning committee pursuant to Title 1, section 406.

8. Public hearing required. The planning committee shall hold at least one public hearing on its proposed comprehensive plan.

A. Notice of a public hearing must be posted in each municipality or county at least 30 days before the hearing, except that, if a follow-up hearing is held pursuant to comments made at a public hearing, the follow-up hearing may be conducted if public notice is given pursuant to Title 1, section 406.

B. A copy of the proposed comprehensive plan must be made available for public inspection at each municipal or county office or other convenient location with regular public hours at least 30 days before the hearing. If modification of the plan is proposed pursuant to comments made at a public hearing, and if a follow-up public hearing is to be held, the proposed changes must be made available for public inspection at each municipal or county office or other convenient location with regular public hours before any follow-up hearing.

9. Adoption. A comprehensive plan or land use ordinance is considered adopted as part of a growth management program when it has been adopted by the municipality's legislative body or the county commissioners. A multimunicipal comprehensive plan or land use ordinance must be adopted by the municipal legislative body of each participating municipality unless another form of legislative authority has been established for this purpose within the municipality or multimunicipal region.

10. Amendments to an adopted plan. When amending an adopted comprehensive plan, a municipality ~~or~~, multimunicipal region or county shall follow the same procedures for citizen participation, public notice and public hearing that are required for adoption of a comprehensive plan.

Sec. 8. 30-A MRSA §4352, first ¶, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A municipal or county zoning ordinance may provide for any form of zoning consistent with this chapter, subject to the following provisions.

Sec. 9. 30-A MRSA §4352, sub-§2, as amended by PL 2007, c. 247, §6, is further amended to read:

2. Relation to comprehensive plan. A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body or county commissioners, except that adoption of an adult entertainment establishment ordinance does not necessitate adoption of a comprehensive plan by a municipality or county that has no such comprehensive plan. As used in this section, "adult entertainment establishment ordinance" means an ordinance that regulates the operation of adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult entertainment nightclubs or bars, adult spas, establishments featuring strippers or erotic dancers, escort agencies or other sexually oriented businesses. For purposes of this subsection, "zoning ordinance" does not include a cluster development ordinance or a design ordinance prescribing the color, shape, height, landscaping, amount of open space or other comparable physical characteristics of development.

Sec. 10. 30-A MRSA §4352, sub-§6, as amended by PL 2003, c. 688, Pt. C, §20, is further amended to read:

6. Effect on State. A zoning ordinance that is not consistent with a comprehensive plan that is consistent with the provisions of section 4326 is advisory with respect to the State. Except as provided in this section, a state agency shall comply with a zoning ordinance consistent with a comprehensive plan that is consistent with the provisions of section 4326 in seeking to develop any building, parking facility or other publicly owned structure. The Governor or the Governor's designee may, after public notice and opportunity for public comment, including written notice to the municipal officers or county commissioners, waive any use restrictions in those ordinances upon finding that:

- A. The proposed use is not allowed anywhere in the municipality or county;
- B. There are no reasonable alternative sites for or configurations of the project within the municipality or county that would achieve the necessary public purposes;
- C. There are no reasonable alternatives to the project, including sites in other municipalities or counties, that would achieve the necessary public purposes;
- D. The project will result in public benefits beyond the limits of the municipality or county, including without limitation, access to public waters or publicly owned lands; and
- E. The project is necessary to protect the public health, welfare or environment.

A decision to waive a restriction under this section may be appealed by the municipality or county or any aggrieved party to Superior Court.

Sec. 11. 30-A MRSA §4352, sub-§8, as amended by PL 2001, c. 578, §21, is further amended to read:

8. Conditional and contract rezoning. A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

- A. Be consistent with the growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- C. Only include conditions and restrictions that relate to the physical development or operation of the property.

The municipal or county reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing must be posted in the municipal or county office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality or county. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

Sec. 12. 30-A MRSA §4352, sub-§9, as amended by PL 1999, c. 761, §8, is further amended to read:

9. Notice; general requirements. Before adopting a new zoning ordinance or map or amending an existing zoning ordinance or map, including ordinances or amendments adopted under the laws governing growth management contained in chapter 187, subchapter H2 or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter H1, article 2-B, the municipal or county reviewing authority must post and publish notice of the public hearing required under subsection 1 in accordance with the following provisions.

- A. The notice must be posted in the municipal or county office at least 13 days before the public hearing.
- B. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality or county. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.
- E. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area.

Sec. 13. 30-A MRSA §4352, sub-§10, as amended by PL 1999, c. 761, §9, is further amended to read:

10. Additional notice; limited areas. Notice must be given in accordance with this subsection and subsection 9 when a municipality or county has proposed an amendment to an existing zoning ordinance or map that, within a geographically specific portion of the municipality or county, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited.

A. The notice must contain a copy of a map indicating the portion of the municipality or county affected by the proposed amendment.

B. For each parcel within the municipality or county that is in or abutting the portion of the municipality or county affected by the proposed amendment, the notice must be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The municipal officers or county commissioners shall prepare and file with the municipal clerk or county administrator a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not required under this paragraph for any type of zoning ordinance adopted under the laws governing growth management contained in chapter 187, subchapter H2 or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I1, article 2-B.

Any action challenging the validity of an amendment to a zoning ordinance or map based on a municipality's or county's failure to comply with paragraph B must be brought in Superior Court within 30 days after the adoption of the amended ordinance or map. The Superior Court may invalidate an amended ordinance or map if the appellant demonstrates that the appellant was entitled to receive a notice under paragraph B, that the municipality or county failed to send the notice as required, that the appellant had no knowledge of the proposed amendment to the ordinance or map and that the appellant was materially prejudiced by that lack of knowledge. Nothing in this subsection alters the right of a person to challenge the validity of any ordinance based on the failure of the municipality or county to provide notice as required in paragraph A and subsection 9.

Sec. 14. 38 MRSA §435, 3rd ¶, as amended by PL 1989, c. 403, §3, is further amended to read:

Zoning ordinances adopted pursuant to this article need not depend upon the existence of a zoning ordinance for all of the land and water areas within a municipality or county, notwithstanding Title 30-A, section 4503, as it is the intention of the Legislature to recognize that it is reasonable for municipalities and counties to treat shoreland areas specially and immediately to zone around water bodies rather than to wait until such time as zoning ordinances may be enacted for all of the land within municipal and county boundaries.

Sec. 15. 38 MRSA §438-A, as amended by PL 2005, c. 440, §1, is further amended to read:

§ 438-A. Municipal and county authority; state oversight

With respect to all shoreland areas described in section 435, municipalities and counties with respect to shoreland areas in the unorganized territory shall adopt zoning and land use control ordinances pursuant to existing enabling legislation, under home rule authority for municipalities and in accordance with the following requirements. The deadline for municipalities to adopt a shoreland zoning ordinance meeting the minimum guidelines adopted by the Board of Environmental Protection is extended to July 1, 1992.

Notwithstanding other provisions of this article, the regulation of timber harvesting and timber harvesting activities in shoreland areas must be in accordance with section 438-B and rules adopted by the Commissioner of Conservation pursuant to Title 12, section 8867-B.

1. Land use guidelines. In accordance with Title 5, chapter 375, subchapter H₂, the Board of Environmental Protection shall adopt, and from time to time shall update and amend, minimum guidelines for municipal and county zoning and land use controls that are designed to carry out the legislative purposes described in section 435 and the provisions of this article. These minimum guidelines must include provisions governing building and structure size, setback and location and establishment of resource protection, general development, limited residential, commercial fisheries and maritime activity zones and other zones. Within each zone, the board shall prescribe uses that may be allowed with or without conditions and shall establish criteria for the issuance of permits and nonconforming uses, land use standards and administrative and enforcement procedures. These guidelines must also include a requirement for a person issued a permit pursuant to this article in a great pond watershed to have a copy of the permit on site while work authorized by the permit is being conducted. The board shall comprehensively review and update its guidelines and shall reevaluate and update the guidelines at least once every 4 years.

A. Minimum guidelines adopted by the board under this subsection may not require the issuance of a municipal or county permit for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

- (2) Not more than 25% longer than the culvert being replaced; and
- (3) Not longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exemption. A person repairing, replacing or maintaining an existing culvert under this paragraph shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course.

1-A. Minimum guidelines; limitations. The minimum guidelines adopted under subsection 1 may not require a municipality or county, in adopting an ordinance, to:

A. Treat an increase in hours or days of operation of a nonconforming use as an expansion of a nonconforming use; or

B. Treat as a single lot; 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the municipal or county ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with state subsurface wastewater disposal rules, and:

(1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(2) Any lots that do not meet the frontage and lot size requirements of subparagraph (1) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

For purposes of this paragraph the term "nonconforming" means that a lot does not meet the minimum standards for lot area and shore frontage required by municipal or county ordinances adopted pursuant to this article.

1-B. Notification to landowners. This subsection governs notice to landowners whose property is being considered for placement in a resource protection zone.

A. In addition to the notice required by Title 30-A, section 4352, subsection 9, a municipality or county shall provide written notification to landowners whose property is being considered by the municipality or county for placement in a resource protection zone. Notification to landowners must be made by first-class mail to the last known addresses of the persons against whom property tax on each parcel is assessed. The municipal officers or county commissioners shall prepare and file with the municipal clerk or county administrator a sworn, notarized certificate indicating those persons to whom notice was mailed and at what addresses, and when, by whom and from what location notice was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. The municipality or county must send notice not later than 14 days before its planning board votes to establish a public hearing on adoption or amendment of a zoning ordinance or map that places the landowners' property in the resource protection zone. Once a landowner's property has been placed in a resource protection zone, individual notice is not required to be sent to the landowner when the zoning ordinance or map is later amended in a way that does not affect the inclusion of the landowner's property in the resource protection zone.

B. In addition to the notice required by this Title or by rules adopted pursuant to this Title, the board shall provide written notification to landowners whose property is being considered by the board for placement in a resource protection zone. Notification to landowners must be made by first-class mail to the last known addresses of the persons against whom property tax on each parcel is assessed. The board shall prepare and file with the commissioner a sworn, notarized certificate indicating those persons to whom notice was mailed and at what addresses, and when, by whom and from what location notice was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. The board must send notice not later than 30 days before the

close of the public comment period prior to formal consideration of placement of the property in a resource protection zone by the board. Upon request of the board, the municipality or county for which the ordinance is being adopted shall provide the board with the names and addresses of persons entitled to notice under this subsection. Notification and filing of a certificate by the department are deemed to be notification and filing by the board for purposes of this section.

C. Any action challenging the validity of an ordinance based on failure by the board ~~or~~ municipality or county to comply with this subsection must be brought in Superior Court within 30 days after adoption or amendment of the ordinance or map. The Superior Court may invalidate an amended ordinance or map if the appellant demonstrates that the appellant was entitled to receive notice under this subsection, that the municipality ~~or~~ board or county failed to send notice as required, that the appellant had no knowledge of the proposed adoption or amendment of the ordinance or map and that the appellant was materially prejudiced by that lack of knowledge. This paragraph does not alter the right of a person to challenge the validity of any ordinance or map based on the failure of a municipality or county to provide notice as required by Title 30-A, section 4352, subsection 9 or the failure of the board to provide notice as required by this Title.

2. Municipal and county ordinances. In accordance with a schedule adopted by the board and acting in accordance with a local comprehensive plan, municipalities and counties shall prepare and submit to the commissioner zoning and land use ordinances that are consistent with or are no less stringent than the minimum guidelines adopted by the board and, for coastal communities, that address the coastal management policies cited in section 1801. When a municipality or county determines that special local conditions within portions of the shoreland zone require a different set of standards from those in the minimum guidelines, the municipality or county shall document the special conditions and submit them, together with its proposed ordinance provisions, to the commissioner for review and approval.

Notwithstanding section 435, a municipality or county may limit to 75 feet the shoreland zone around a freshwater wetland that has not been rated by the Department of Inland Fisheries and Wildlife as having moderate or high value ~~provided that as long as~~ the municipality or county applies the requirements of this article regarding streams as defined under section 436-A to any outlet stream from any freshwater wetland.

3. Commissioner approval. Municipal or county ordinances, amendments and any repeals of ordinances are not effective unless approved by the commissioner. In determining whether to approve municipal or county ordinances or amendments, the commissioner shall consider the legislative purposes described in section 435, the minimum guidelines and any special local conditions ~~which that~~, in the judgment of the commissioner, justify a departure from the requirements of the minimum guidelines in a manner not inconsistent with the legislative purposes described in section 435. Recognizing that the guidelines are intended as minimum standards, the commissioner shall approve a municipal or county ordinance that imposes more restrictive standards than those in the guidelines. If an ordinance or an amendment adopted by a municipality or county contains standards inconsistent with or less stringent than the minimum guidelines, the commissioner, after notice to the municipality or county, may approve the proposed ~~ordinanees~~ordinance or amendment with conditions imposing the minimum guidelines in place of the inconsistent or less stringent standard or standards. Those conditions are effective and binding

within the municipality or county and must be administered and enforced by the municipality or county. If the commissioner fails to act on any proposed municipal or county ordinance or amendment within 45 days of the commissioner's receipt of the proposed ordinance or amendment, the ordinance or amendment is automatically approved. Any application for a shoreland zoning permit submitted to a municipality or county within the 45-day period is governed by the terms of the proposed ordinance or amendment if the ordinance or amendment is approved under this subsection. A municipality or county may appeal to the board a decision of the commissioner under this subsection.

4. Failure to adopt ordinances. If the commissioner determines, after notice to a municipality or county, that the municipality or county has failed to adopt ordinances as required under this article or that an ordinance that the municipality or county has adopted does not satisfy the requirements and purposes under this article, and that the commissioner is unable to make the ordinance consistent with the minimum guidelines by the imposition of conditions, as set forth in subsection 3, then the commissioner shall request and the board may adopt, acting in accordance with Title 5, chapter 375, subchapter H2, suitable ordinances, or suitable provisions of ordinances, on behalf of the municipality or county. Notwithstanding subsections 2 and 3, if the board determines that special water quality considerations on a great pond warrant more restrictive standards than those contained in the minimum guidelines, the board may adopt the additional standards for all municipalities ~~outside the jurisdiction of the Maine Land Use Regulation Commission, which and unorganized territories that~~ abut those waters. Following adoption by the board, these ordinances or provisions are effective and binding within the municipality or county and must be administered and enforced by that municipality or county. The board may adopt modifications to ordinances adopted pursuant to this subsection. Preparation and notice of proposed modifications, prior to consideration by the board, may be initiated by the commissioner.

5. Exemptions. Any areas within a municipality or county that are subject to nonmunicipal or noncounty zoning and land use controls may be exempted from the operation of this section upon a finding by the commissioner that the purposes of this chapter have been accomplished by nonmunicipal or noncounty measures.

6-A. Variances. A copy of a request for a variance under an ordinance approved or imposed by the commissioner or board under this article must be forwarded by the municipality or county to the commissioner at least 20 days prior to action by the municipality or county. The material submitted must include the application and all supporting information provided by the applicant. The commissioner may comment when the commissioner determines that the municipal or county issuance of the variance would not be in compliance with the requirements of state law for a zoning variance or that the variance would undermine the purposes stated in section 435. These comments, if submitted by the commissioner prior to the action by the municipality or county, must be made part of the record and must be considered by the municipality or county prior to taking action on the variance request.

7. Exclusion of recreational boat storage buildings. Notwithstanding subsection 3, the exclusion of recreational boat storage buildings from the definition of "functionally water-dependent uses" is deemed to be incorporated into each municipal or county shoreland zoning ordinance on the effective date of this subsection, regardless of any prior approval of the ordinance by the commissioner.

Sec. 16. Transfer authority over land use planning; implementing legislation. The Land Use Planning in the Unorganized Territory Transition Advisory Board, referred to in this section as "the board," is established to advise the Joint Standing Committee on Agriculture, Conservation and Forestry on matters relating to the transfer of authority over land use planning in the unorganized territory from the Maine Land Use Regulation Commission, referred to in this section as "the commission," to the county in which the land is located. The board has 5 members appointed by the Governor, one of whom must have experience in land conservation and all of whom must be residents of the unorganized territory. Members of the board are not entitled to compensation of any kind, including the reimbursement of expenses. In rendering its advice, the board shall consider 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, 2012. The advice rendered by the board must take into account:

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. 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;

7. A county entering into an agreement with another county to share in land use planning activities or a county contracting with other local government agencies for land use planning services;

8. 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

9. 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. 17. Submission of report. The Land Use Planning in the Unorganized Territory Transition Advisory Board shall render its advice, including suggested changes and implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties in accordance with section 16, to the Joint Standing Committee on Agriculture, Conservation and

Forestry no later than December 2, 2011. After receipt and review of the advice provided by the board, the joint standing committee may submit legislation to the Second Regular Session of the 125th Legislature. The board is dissolved July 15, 2012.

Sec. 18. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 12, chapter 206-A, subchapter 2 and those sections that amend Title 30-A, sections 2691, 4324 and 4352 and Title 38, sections 435 and 438-A take effect July 15, 2012.

SUMMARY

This bill eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and establishes the Land Use Planning in the Unorganized Territory Transition Advisory Board to advise the Joint Standing Committee on Agriculture, Conservation and Forestry on matters relating to the transfer of authority over land use planning in the unorganized territory to the counties in which the land is located. The board is required to render its advice to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2011. The board is dissolved July 15, 2012.