

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 5 in subsection 20 in the 2nd line (page 2, line 28 in L.D.) by inserting after the following: "have been" the following: 'agreed to by the owner of the land within the delineated area and'

Amend the bill by striking out all of section 7 and inserting the following:

‘**Sec. 7. 12 MRSA §683-A** is enacted to read:

§ 683-A. Creation of Maine Land Use Planning Commission

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 Conservation and in this chapter called "the commission." The commission is charged with implementing this chapter. The commission consists of 9 members, nominated in accordance with subsections 1 and 2. All nominations 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.

1. Nomination by the Governor. Except as provided in subsection 2, the Governor shall nominate one member to the commission. In selecting a nominee, the Governor shall actively seek and give consideration to persons residing in or near the unorganized and deorganized areas of the State and to persons residing on unorganized coastal islands. A nominee under this subsection must be familiar with the needs and issues affecting the commission's jurisdiction and must:

- A. Reside in the commission's jurisdiction;
- B. Work in the commission's jurisdiction;
- C. Be a former resident or be retired after having worked for a minimum of 5 years within the commission's jurisdiction; or
- D. Have expertise in commerce and industry, fisheries and wildlife, forestry or conservation issues as they relate to the commission's jurisdiction.

2. Members representing a county. One member must be nominated by each of the 8 counties with the most acreage in the unorganized or deorganized areas subject to the jurisdiction of the commission. The county commissioners of each of the counties shall nominate a resident of that county to serve as a member of the commission. A county commissioner nominated to serve on the commission may not vote on that nomination. In making nominations, the county commissioners shall actively seek and give consideration to persons residing in or near the unorganized or deorganized areas within the county.

A nominee 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:

- 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 county fails to nominate 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 nominate a resident of that county meeting the criteria in subsection 1 to fill the vacancy.

3. Eligibility. A state employee may not be appointed to or serve as a member of the commission. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, a commissioner, official or employee from that county or municipality may not participate in that proceeding as a member of the commission.

4. Terms. All members are appointed to 4-year terms. Any member who has not been renominated by the Governor or the 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 renominated by the Governor prior to the expiration of that member's term shall continue to serve on the commission until the nomination is acted upon by the Legislature. A vacancy during an unexpired term is filled as provided in this section, but only for the unexpired portion of the term.

5. Rules. Unless otherwise provided in this chapter, rules adopted by the commission under this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill in section 11 in subsection 4 by striking out all of the last blocked paragraph (page 6, lines 1 to 3 in L.D.)

Amend the bill by striking out all of section 12 and inserting the following:

'Sec. 12. 12 MRSA §685-A, sub-§4-A is enacted to read:

4-A. Transition from commission jurisdiction to the jurisdiction of a plantation or municipality. Any portion of a land use district that subsequently becomes an organized municipality or part of an organized municipality or any plantation that adopts planning, zoning and subdivision control as provided in Title 30-A, section 7059 continues to be regulated by the Maine Land Use Planning Commission pursuant to this chapter until such time as the plantation or municipality of which the regulated district is then a part adopts land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the commission.

A. Any municipality organized after September 23, 1971 or any plantation that adopts planning, zoning and subdivision control as provided in Title 30-A, section 7059 may submit to the commission and receive the approval of the commission of the following:

(1) A comprehensive land use plan for that plantation or municipality;

(2) Standards for determining land use district boundaries and uses permitted within the districts in that plantation or municipality;

(3) A land use district boundary map for that plantation or municipality; and

(4) Such other proposed regulations or standards as the commission considers necessary to achieve the purpose, intent and provisions of this chapter.

Upon request of the plantation or municipality, the commission shall prepare such plans, maps, regulations and standards as it considers necessary to meet minimum planning and zoning standards for its approval of those standards.

Upon obtaining approval, the plantation or municipality shall thereafter adopt, administer and enforce the approved plans, maps, regulations and standards, except that the commission retains jurisdiction for any planned subdistrict within the municipality or plantation unless the owner of the land within the delineated area agrees to the transfer of the administration and enforcement of that planned subdistrict to the municipality or plantation.

B. From time to time, the commission may review the administration and enforcement of local land use plans and regulations by plantations and municipalities that have adopted land use plans, maps, regulations and standards approved by the commission. If, following the review, the commission finds that any of the following has occurred, the commission may reestablish its jurisdiction over that plantation or municipality:

(1) A plantation or municipality has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of this subsection or has substantially modified the land use plan, maps, standards or regulations so that the resources of the plantation or municipality are not reasonably protected;

(2) A plantation or municipality has abolished or does not have functioning the administrative bodies and officers necessary to implement the land use program as approved by the commission; or

(3) A plantation or municipality has not administered or enforced its land use plan, maps, standards or regulations in a manner that reasonably protects the resources in the plantation or municipality involved.

The action by the commission must conform with the provisions for rulemaking of the Maine Administrative Procedure Act.

Action taken by the commission to reestablish its jurisdiction over a plantation or municipality is effective immediately, but must be submitted to the current or next regular session of the Legislature for approval. If the Legislature fails to act, the action of the commission continues in effect.'

Amend the bill by striking out all of section 13.

Amend the bill by striking out all of sections 15 to 17.

Amend the bill in section 18 by striking out all of paragraph B and inserting the following:

'B. AExcept for projects that are located in a planned subdistrict that was approved or accepted by the commission for processing prior to September 1, 2012, a permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the commission determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. Notice of the intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection; '

Amend the bill by inserting after section 18 the following:

'Sec. 19. 12 MRSA §685-B, sub-§1-A, ¶B-1 is enacted to read:

B-1. Except for projects that are located in a planned subdistrict that was approved or accepted by the commission for processing prior to September 1, 2012, a permit from the commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. A project meeting that definition is reviewed under Title 38, section 489-A-1. A person submitting a development proposal to the Department of Environmental Protection under Title 38, section 489-A-1 shall file a notice of the intent to develop and a map indicating the location of the proposed development with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection. The Department of Environmental Protection must receive certification from the commission that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed and the proposed development meets any land use standard established by the commission that is not considered in the department's review under Title 38, section 489-A-1, subsection 1 before issuing a permit. Nothing in this subsection may be construed as prohibiting the commission from enforcing the land use standards certified to the Department of Environmental Protection under this paragraph.'

Amend the bill in section 19 in subsection 1-C in the 5th line (page 9, line 10 in L.D.) by striking out the following: "a review of that decision by" and inserting the following: 'appeal that decision to'

Amend the bill in section 19 in subsection 1-C in the 6th line (page 9, line 11 in L.D.) by striking out the following: "A request for such a review" and inserting the following: 'Such an appeal'

Amend the bill by striking out all of sections 20 and 21 and inserting the following:

‘Sec. 20. 12 MRSA §685-B, sub-§2-C, as amended by PL 2009, c. 615, Pt. D, §3, is repealed and the following enacted in its place:

2-C. Wind energy development; community-based offshore wind energy projects; determination deadline. For purposes of this subsection, "expedited permitting area," "grid-scale wind energy development" and "wind energy development" have the same meanings as in Title 35-A, section 3451. The following provisions govern wind energy development.

A. The commission shall consider any wind energy development in the expedited permitting area under Title 35-A, chapter 34-A with a generating capacity of 100 kilowatts or greater or a community-based offshore wind energy project a use requiring a permit, but not a special exception, within the affected districts or subdistricts.

B. All grid-scale wind energy development proposed for the unorganized or deorganized areas of the State is reviewed and permits are issued by the Department of Environmental Protection under Title 35-A, chapter 34-A and Title 38, section 489-A-1.

C. For an offshore wind energy project that is proposed within one nautical mile of an island within the unorganized or deorganized areas, the commission shall review the proposed project to determine whether the project qualifies as a community-based offshore wind energy project and therefore is within the jurisdiction of the commission.

D. Except for a grid-scale wind energy project, the commission may require an applicant to provide a timely notice of filing prior to filing an application for, and may require the applicant to attend a public meeting during the review of, a wind energy development or a community-based offshore wind energy project. For projects or development located within the expedited permitting areas, the commission shall render its determination on an application for such a development or project within 185 days after the commission determines that the application is complete, except that the commission shall render such a decision within 270 days if it holds a hearing on the application. The chair of the Public Utilities Commission or the chair's designee shall serve as a nonvoting member of the commission and may participate fully but is not required to attend hearings when the commission considers an application for a community-based offshore wind energy project. The chair's participation on the commission pursuant to this subsection does not affect the ability of the Public Utilities Commission to submit information into the record of the commission's proceedings.

E. At the request of an applicant, the commission may stop the processing time for a period of time agreeable to the commission and the applicant. The expedited review period specified in paragraph D does not apply to the associated facilities, as defined in Title 35-A, section 3451, subsection 1, of

the wind energy development or community-based offshore wind energy project if the commission determines that an expedited review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development or project.

Sec. 21. 12 MRSA §685-B, sub-§3-A, as enacted by PL 1999, c. 333, §15, is amended to read:

3-A. Hearings and procedures. Hearings and procedures in connection with the review and approval of a permit application are subject to this subsection. To the extent practicable, hearings held under this subsection must be held at a location in close proximity to the project or projects under review.

A. The commission may determine on its own motion to hold a hearing on the application.

B. If the commission determines to act upon a permit application without a hearing, the commission, within 90 days after receiving the complete application, shall make findings of fact and issue an order either granting approval, subject to reasonable terms and conditions that the commission determines appropriate in order to fulfill the requirements and intent of this chapter, the comprehensive land use plan and the commission's standards, or denying approval of the application as proposed.

C. Any person aggrieved by a decision of the commission or its staff concerning any permit application upon which no hearing was held may, within 30 days of that decision, petition the commission for a hearing. The commission is not required to hold a hearing, but shall respond within 45 days of receipt of the petition by notifying the petitioner in writing of the date, time and place set for the requested hearing or of the denial of the request.

D. Within 60 days after the commission adjourns any hearing held under this subsection, it shall make findings of fact and issue an order either granting approval, subject to reasonable terms and conditions that the commission determines appropriate in order to fulfill the requirements and intent of this chapter, the comprehensive land use plan and the commission's standards, or denying approval of the application as proposed.

Sec. 22. 12 MRSA §685-B, sub-§4, as amended by PL 2009, c. 615, Pt. D, §4, is further amended to read:

4. Criteria for approval. In approving applications submitted to it pursuant to this section, the commission may impose such reasonable terms and conditions as the commission may consider appropriate. In making a decision under this subsection regarding an application for a community-based offshore wind energy project, the commission may not consider whether the project meets the specific criteria designated in section 1862, subsection 2, paragraph A, subparagraph (6), divisions (a) to (d). This limitation is not intended to restrict the commission's review of related potential impacts of the project as determined by the commission.

The commission may not approve an application, unless:

A. Adequate technical and financial provision has been made for complying with the requirements of the State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws,

sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 490, and the natural resource protection laws, Title 38, sections 480-A to 480-Z, and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies;

B. Adequate provision has been made for loading, parking and circulation of land, air and water traffic; in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods;

C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal. In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals.

In making a determination under this paragraph regarding an ~~expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4,~~ or a community-based offshore wind energy project, the commission shall consider the ~~development's or project's~~ effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

In making a determination under this paragraph regarding a wind energy development, as defined in Title 35-A, section 3451, subsection 11, that is not a grid-scale wind energy development, that has a generating capacity of 100 kilowatts or greater and that is proposed for location within the expedited permitting area, the commission shall consider the development's or project's effects on scenic character and existing uses relating to scenic character in the manner provided for in Title 35-A, section 3452;

C-1. With respect to a wind energy development that has a generating capacity of 100 kilowatts or greater, the person proposing the development has received certification from the Department of Environmental Protection in the manner provided under Title 35-A, section 3456;

D. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site;

E. The proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto; and

F. In the case of an application for a structure upon any lot in a subdivision, that the subdivision has received the approval of the commission.

The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public's health, safety and general welfare will be adequately protected. ~~Except as otherwise provided in Title 35-A, section 3454, the~~The commission shall permit the applicant and other parties to provide evidence on the economic benefits of the proposal as well as the impact of the proposal on energy resources.'

Amend the bill by striking out all of section 26.

Amend the bill in section 28 in §689 in the first paragraph by striking out all of the last sentence (page 16, lines 1 to 3 in L.D.)

Amend the bill by striking out all of sections 29, 30 and 31.

Amend the bill in section 32 in subsection 8 in paragraph B in the last line (page 16, line 35 in L.D.) by inserting after the following: "subsection 19" the following: 'and a wind energy development in the unorganized and deorganized areas as defined in Title 12, section 682, subsection 1 that is not grid-scale wind energy development'

Amend the bill by inserting after section 32 the following:

‘Sec. 33. 35-A MRSA §3454, first ¶, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

In making findings pursuant to ~~Title 12, section 685-B, subsection 4~~ or Title 38, section 484, subsection 3, the primary siting authority shall presume that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional findings regarding other tangible benefits provided by the development. The Department of Labor, the Executive Department, State Planning Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

Sec. 34. 35-A MRSA §3454, sub-§2, as enacted by PL 2009, c. 642, Pt. A, §7, is amended to read:

2. Community benefits package requirement. Except as provided in subsection 3, to demonstrate that an expedited wind energy development provides significant tangible benefits as required in ~~Title 12, section 685-B, subsection 4-B~~ and Title 38, section 484, subsection 10, the applicant for an expedited wind energy development is required to establish a community benefits package valued at no less than \$4,000 per year per wind turbine included in the expedited wind energy development, averaged over a 20-year period. This subsection does not affect the property tax obligations of an expedited wind energy development.

Sec. 35. 35-A MRSA §3456, sub-§1, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

1. Construction and operation requirements. A person may not construct or operate a wind energy development, other than a grid-scale wind energy development, ~~that is located in the State's organized area~~ without first obtaining a certification from the department that the generating facilities:

- A. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to Title 38, chapter 3, subchapter 1, article 6;
- B. Will be designed and sited to avoid unreasonable adverse shadow flicker effects; and
- C. Will be constructed with setbacks adequate to protect public safety. In making a finding pursuant to this paragraph, the department shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities.

A person proposing a wind energy development subject to certification under this section shall apply to the department for certification using an application provided by the department and may not begin construction until the certification is received.

Sec. 36. 38 MRSA §480-E-1, sub-§4 is enacted to read:

4. Projects reviewed under site location of development laws. The department issues all permits required under this article for projects wholly or in part in the jurisdiction of the Maine Land Use Planning Commission that are subject to review and permitting under article 6.

Amend the bill by striking out all of sections 34 and 35 and inserting the following:

Sec. 34. 38 MRSA §488, sub-§9-A is enacted to read:

9-A. Development within unorganized areas. Except for development described in paragraphs A, B and C, development located within the unorganized and deorganized areas, as defined in Title 12, section 682, subsection 1, is subject to review by the department for compliance with this article. The department shall review development within the unorganized and deorganized areas in accordance with section 489-A-1.

A. A community-based offshore wind energy project, as defined in Title 12, section 682, subsection 19, is reviewed under Title 12, section 685-B, subsection 2-C and is exempt from the requirements of this article.

B. Except for grid-scale wind energy development, development within a planned subdistrict as defined in Title 12, section 682, subsection 20 and approved or accepted for processing prior to September 1, 2012 is reviewed by the commission and is exempt from the requirements of this article.

C. An amendment or revision to a development approved by the Maine Land Use Regulation Commission prior to September 1, 2012 is exempt from review under this article unless the proposed revision by itself is a development of state or regional significance that may substantially affect the environment.

Subdivision plans approved and orders issued by the department under this article must be recorded in the registry of deeds in the county in which the development is located within 90 days.

Violation and enforcement provisions in chapter 2, subchapter 1 apply to development reviewed by the department under this subsection.

Sec. 35. 38 MRSA §489-A-1 is enacted to read:

§ 489-A-1. Department review of development within the unorganized and deorganized areas

1. Review. Except as provided in section 488, subsection 9-A, paragraphs A, B and C, the department shall review development within the unorganized and deorganized areas as defined in Title 12, section 682, subsection 1.

2. Criteria for approval. The department shall approve a development proposal under this section if:

A. The proposed development is an allowed use within the subdistrict or subdistricts in which it is to be located. Subdistricts and allowed uses are established in rule by the Maine Land Use Planning Commission in accordance with Title 12, section 685-A;

B. The standards established under section 484 are met;

C. The standards established in rules adopted under section 489-E to implement this section are met; and

D. The Maine Land Use Planning Commission has certified that the proposed development meets any land use standard established by the commission and applicable to the project that is not considered in the department's review under subsection 1.

For a development or part of a development within the unorganized or deorganized areas as defined in Title 12, section 682, subsection 1, the department may request and obtain technical assistance and recommendations from the Maine Land Use Planning Commission. The commission shall respond to the requests within 90 days. The department shall consider the recommendations of the commission in acting upon a development application.

Violation and enforcement provisions in chapter 2, subchapter 1 apply to development reviewed by the department under this section.

Sec. 36. Directive to initiate prospective zoning. The Maine Land Use Planning Commission shall initiate prospective zoning in the unorganized and deorganized areas of the State. The commission shall allocate staff resources to prospective zoning in areas prioritized by the commission and shall coordinate prospective zoning in cooperation with efforts of local planning organizations and

regional planning and development districts. In the 2013 annual report submitted under the Maine Revised Statutes, Title 12, section 685-H, the commission shall identify the area or areas for which prospective zoning has begun and provide a timeline for completion of these initiatives.

Sec. 37. Directive to provide opportunities for preapplication discussions. The Maine Land Use Planning Commission shall establish a process by which an applicant can request a public preapplication meeting with the commissioners to discuss a proposed project.

Sec. 38. Designation of planned subdistricts. The term "planned subdistrict" as defined in the Maine Revised Statutes, Title 12, section 682, subsection 20 and used in Title 12, chapter 206-A includes, but is not limited to, the following concept plans, resources protection plans and planned development districts approved or accepted for processing by the Maine Land Use Regulation Commission as of March 16, 2012:

Planned subdistricts in Maine Land Use Regulation Commission jurisdiction as of March 16, 2012: Includes Resource Protection (RP), Concept Plans (P-RP), and Planned Development Subdistricts (D-PD). Plan and permit numbers are provided.

Project	P-RP Resource Protection Plan	P-RP Concept Plan	D-PD Planned Development Subdistrict
Dix Island Resource Plan (Multiple landowners)	Plan #001 ZP 089		
Hewett Island Resource Plan (Multiple landowners)	Plan #002 ZP 057		
St. John River Resource Plan (Multiple landowners)	Plan #004 ZP 224		
White Mountain National Forest Resource Plan (U.S. Forest Service)	Plan #005 ZP 155		
Metinic Island Resource Plan - North Half (Multiple landowners)	Plan #006 ZP 531		
Attean Twp. and Dennistown Plt. Concept Plan (Lowell & Co. Timber Associates)		Plan #007 ZP 532	
Metinic Island Resource Plan - South Half (Multiple landowners)	Plan #008 ZP 578		
First Roach Pond Concept Plan (Plum Creek Land Co.)		Plan #009 ZP 659	
Penobscot River Resource Plan - Lower West Branch (Multiple landowners)	Plan #011 ZP 671		
Brassua Lake Concept Plan (Moosehead Wildlands, Inc.)		Plan #012 ZP 682	
Foss Pond, Hilton Ponds and portions of Whetstone Pond Concept Plan (Kingsbury Plt.) (Linkletter & Sons, Inc.)		Plan #013 ZP 693	
Moosehead Lake Region Concept Plan (Plum Creek Maine Timberlands, LLC and Plum Creek Land Co.)		Plan #014 ZP 707	
Kibby Wind Power Project (TransCanada Maine Wind Development, Inc.)			ZP 709 DP 4
Stetson Wind Power Project (Evergreen Wind Power V, LLC/First Wind)			ZP 713 DP 4
Saddleback Ski Resort (Saddleback Land & Timber Corp.)			ZP 372 DP 4

Amend the bill in section 36 by striking out all of subsection 1 (page 17, lines 38 to 40 and page 18, lines 1 to 9 in L.D.) and inserting the following:

‘1. The members of the Maine Land Use Regulation Commission serving on the effective date of this Act continue as members of the Maine Land Use Planning Commission until the expiration of their terms under the Maine Revised Statutes, former Title 12, section 683. The term of any member that expires after the effective date of this Act but before December 15, 2012 is extended until December 15, 2012. To implement the difference in the number of members of the Maine Land Use Regulation Commission and the Maine Land Use Planning Commission, beginning December 15, 2012, 2 additional members must be nominated under Title 12, section 683-A from the 2 counties with the highest acreage of unorganized and deorganized areas. When the term of a member serving on the commission under former Title 12, section 683 expires, a member must be nominated from the county with the next highest acreage of unorganized and deorganized areas until all 6 county nominations have been completed. When all county positions have been nominated, the next vacancy must be filled by the nomination of the member nominated by the Governor. Notwithstanding Title 12, section 684, until 9 members have been confirmed as members of the commission, a quorum of the commission for the transaction of business is 4 and no action may be taken by the commission unless approved by a vote of 4 members.’

Amend the bill in section 36 in subsection 8 in the 3rd line (page 18, line 38 in L.D.) by striking out the following: "and in effect"

Amend the bill in section 36 in subsection 8 in the 2nd line from the end (page 19, line 1 in L.D.) by striking out the following: "routine technical" and inserting the following: 'major substantive'

Amend the bill by striking out all of sections 37 and 38 and inserting the following:

‘Sec. 37. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Maine Land Use Regulation Commission" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Maine Land Use Planning Commission" or "commission," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 38. Appropriations and allocations. The following appropriations and allocations are made.

CONSERVATION, DEPARTMENT OF

Land Use Regulation Commission 0236

Initiative: Transfers 2 Environmental Specialist III positions from the Land Use Regulation Commission program in the Department of Conservation to the Land and Water Quality program in the Department of Environmental Protection effective November 1, 2012. Also transfers All Other related to these positions.

GENERAL FUND	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
Personal Services	\$0	(\$98,079)
GENERAL FUND TOTAL	\$0	(\$98,079)

Office of the Commissioner 0222

Initiative: Transfers 2 Environmental Specialist III positions from the Land Use Regulation Commission program in the Department of Conservation to the Land and Water Quality program in the Department of Environmental Protection effective November 1, 2012. Also transfers All Other related to these positions.

GENERAL FUND	2011-12	2012-13
All Other	\$0	(\$2,323)
GENERAL FUND TOTAL	\$0	(\$2,323)

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	(\$410)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$410)

CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$0	(\$100,402)
OTHER SPECIAL REVENUE FUNDS	\$0	(\$410)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$100,812)

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration - Environmental Protection 0251

Initiative: Transfers 2 Environmental Specialist III positions from the Land Use Regulation Commission program in the Department of Conservation to the Land and Water Quality program in the Department of Environmental Protection effective November 1, 2012. Also transfers All Other related to these positions.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$1,222
GENERAL FUND TOTAL	\$0	\$1,222

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$963
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$963

Land and Water Quality 0248

Initiative: Transfers 2 Environmental Specialist III positions from the Land Use Regulation Commission program in the Department of Conservation to the Land and Water Quality program in the Department of Environmental Protection effective November 1, 2012. Also transfers All Other related to these positions.

GENERAL FUND	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$97,663
All Other	\$0	\$1,101
GENERAL FUND TOTAL	\$0	\$98,764

ENVIRONMENTAL PROTECTION, DEPARTMENT OF	2011-12	2012-13
DEPARTMENT TOTALS		
GENERAL FUND	\$0	\$99,986
OTHER SPECIAL REVENUE FUNDS	\$0	\$963
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$100,949

SECTION TOTALS	2011-12	2012-13
GENERAL FUND	\$0	(\$416)
OTHER SPECIAL REVENUE FUNDS	\$0	\$553
SECTION TOTAL - ALL FUNDS	\$0	\$137

Sec. 39. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 38, section 488, subsection 9 and enact Title 38, section 480-E-1, subsection 4, Title 38, section 488, subsection 9-A and Title 38, section 489-A-1 take effect August 1, 2012.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment removes the provisions for a county to assume authority for land use planning and regulation for the unorganized and deorganized areas of that county. This amendment increases the number of county nominees to the Maine Land Use Planning Commission to 8 and requires all members to be confirmed by the Senate. It includes a provision for the Governor to make a nomination if a county

does not make a nomination within 90 business days of that county's being eligible to make a nomination. It requires county nominees to meet certain qualifications. It specifies that county representatives may not be nominated before December 15, 2012.

It specifies that the Maine Land Use Planning Commission retains jurisdiction over a planned subdistrict if a municipality or plantation in which the planned subdistrict is located assumes authority for land use planning and regulation unless the owner of the land delineated as a planned subdistrict agrees to the transfer of authority.

It clarifies which projects will be reviewed and permitted by the Department of Environmental Protection. It clarifies that the Maine Land Use Planning Commission must receive certification from the Department of Environmental Protection prior to permitting non-grid-scale wind energy development. It clarifies that certification from the Maine Land Use Planning Commission is needed prior to the Department of Environmental Protection's issuing permits under the site location of development laws. The Maine Land Use Planning Commission retains responsibility for the review and permitting of projects that would otherwise be reviewed by the Department of Environmental Protection under the site location of development laws in planned subdistricts approved or accepted for review prior to September 1, 2012.

It adds a section of unallocated law that directs the Maine Land Use Planning Commission to establish a process by which a landowner can request a preapplication meeting to discuss a potential project with the commission and a section directing the Maine Land Use Planning Commission to initiate prospective zoning and to provide information on the process of zoning in its January 2013 report. It lists in unallocated law all planned subdistricts that have been approved and proposals for planned subdistricts that have been accepted for processing as of March 16, 2012. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)