

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

An Act To Establish a Resource and Development Coordinating Council

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

Sec. 1. 5 MRSA §12004-I, sub-§23-C is enacted to read:

23-C.

<u>Environment:</u>	<u>Resource and</u>	<u>Not Authorized</u>	<u>30-A MRSA §4312.</u>
<u>Natural Resources</u>	<u>Development</u>		<u>sub-§5</u>
	<u>Coordinating Council</u>		

Sec. 2. 30-A MRSA §4312, as amended by PL 2011, c. 655, Pt. JJ, §15 and affected by §41, is further amended to read:

§ 4312. Statement of findings, purpose and goals; coordinating council

2. Legislative purpose. The Legislature declares that it is the purpose of this Act to:

- A. Establish, in each municipality of the State, local comprehensive planning and land use management;
- B. Encourage municipalities to identify the tools and resources to effectively plan for and manage future development within their jurisdictions with a maximum of local initiative and flexibility;
- C. Encourage local land use ordinances, tools and policies based on local comprehensive plans;
- D. Incorporate regional considerations into local planning and decision making so as to ensure consideration of regional needs and the regional impact of development;
- F. Provide for continued direct state regulation of development proposals that occur in areas of statewide concern, that directly impact natural resources of statewide significance or that by their scale or nature otherwise affect vital state interests;
- G. Encourage the widest possible involvement by the citizens of each municipality in all aspects of the planning and implementation process, in order to ensure that the plans developed by municipalities have had the benefit of citizen input; and
- I. Encourage the development and implementation of multimunicipal growth management programs.

3. State goals. The Legislature hereby establishes a set of state goals to provide overall direction and consistency to the planning and regulatory actions of all state and municipal agencies affecting natural resource management, land use and development. The Legislature declares that, in order to promote and protect the health, safety and welfare of the citizens of the State, it is in the best interests of the State to achieve the following goals:

- A. To encourage orderly growth and development in appropriate areas of each community and region while protecting the State's rural character, making efficient use of public services and preventing development sprawl; [PL 2001, c. 578, § 9 (AMD).]
- B. To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development;
- C. To promote an economic climate ~~which~~that increases job opportunities and overall economic well-being;
- D. To encourage and promote affordable, decent housing opportunities for all Maine citizens;
- E. To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and coastal areas;
- F. To protect the State's other critical natural resources, including, without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas;
- G. To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public;
- H. To safeguard the State's agricultural and forest resources from development ~~which~~that threatens those resources;
- I. To preserve the State's historic and archeological resources; and
- J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

4. Limitation on state rule-making authority. The department is authorized to adopt rules necessary to carry out the purposes of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. This section may not be construed to grant any separate regulatory authority to any state agency beyond that necessary to implement this subchapter.

5. Resource and Development Coordinating Council. To promote interagency coordination of the State's activities regarding natural resource management, land use and development and to identify and coordinate the resolution of policy and program conflicts among agencies that affect the State's ability to achieve the goals in subsection 3, there is established the Resource and Development Coordinating Council, referred to in this subsection as "the council."

A. The membership of the council is as follows: the Commissioner of Agriculture, Conservation and Forestry; the Commissioner of Economic and Community Development; the Commissioner of Environmental Protection; the Commissioner of Inland Fisheries and Wildlife; the Commissioner of Marine Resources; the Commissioner of Transportation; the director of the division of environmental health within the Department of Health and Human Services; and the Director of the Maine Historic Preservation Commission; or their designees. The membership shall select a chair from among themselves.

B. The council shall advise the Governor, the Legislature and state agencies in the formulation of policies for growth, development and management of the State's land, water and energy resources to achieve the goals in subsection 3. Any state, federal, regional or local agency or private organization may interact and cooperate with the council in fulfilling the goals. Specifically, the council shall:

(1) Recommend coordinated state policy regarding state programs or proposals that affect economic and energy development in the State, the natural environment of the State and land use management within the State's organized municipalities and that involve the concerns of more than one state agency;

(2) Support the implementation of an integrated program to provide a land and water resources information base for planning purposes;

(3) Recommend resolutions of conflicting legislative or state agency policies or programs that contribute to the achievement of one or more goals in subsection 3 with appropriate regard for achieving other goals in subsection 3 and without substantial detriment to achieving other goals in subsection 3, or that are likely to inhibit municipalities or regional councils from achieving an appropriate balance as they, through their comprehensive plans and related implementing actions, seek to achieve the goals in subsection 3;

(4) At the request of the Governor, the Legislature or one or more of the council's members, study specific resource management, land use or development issues of statewide significance in order to recommend sound, coordinated policies; and

(5) Seek cooperation from federal agencies with responsibilities for land and water resources management to ensure that their programs and projects serve the best interests of the State.

C. Each member of the council shall provide the council with staff support to carry out the council's duties and responsibilities.

D. The council shall meet at least quarterly. Every 2 years beginning in 2016 and no later than January 15th, the council shall prepare and submit to the Governor and to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report describing its activities during the previous 2 calendar years and an outline of anticipated activities for the current calendar year.

Sec. 3. Initial meeting. The Commissioner of Agriculture, Conservation and Forestry shall convene the initial meeting of the Resource and Development Coordinating Council established in the Maine Revised Statutes, Title 30-A, section 4312, subsection 5 no later than January 15, 2014.

SUMMARY

This bill establishes the Resource and Development Coordinating Council to promote interagency coordination of the State's activities regarding natural resource management, land use and development and to identify and coordinate the resolution of policy and program conflicts among government agencies. The council submits a report every 2 years to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters.