



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 819

H.P. 615

House of Representatives, March 3, 2011

**Resolve, To Improve the Predictability of Land Use Regulation in  
the Unorganized Territories**

(EMERGENCY)

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Clerk

Presented by Representative McCABE of Skowhegan.  
Cosponsored by Senator JACKSON of Aroostook and  
Representatives: EDGECOMB of Caribou, HAYES of Buckfield, MARTIN of Eagle Lake,  
Senators: PATRICK of Oxford, SHERMAN of Aroostook.

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

3           **Whereas,** predictability in land use regulation is vital to residents and persons  
4 owning land within the jurisdiction of the Maine Land Use Regulation Commission; and

5           **Whereas,** the economies of rural areas and municipalities adjacent to the  
6 jurisdiction of the Maine Land Use Regulation Commission are significantly affected by  
7 land use regulation and permitting decisions within the jurisdiction; and

8           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore, be it

12           **Sec. 1. Maine Land Use Regulation Commission to initiate prospective**  
13 **zoning. Resolved:** That the Maine Land Use Regulation Commission, referred to in  
14 this resolve as "the commission," shall initiate prospective zoning in a 2nd region of its  
15 jurisdiction no later than July 1, 2011. For the purposes of this resolve, "prospective  
16 zoning" means the establishment of zoning districts to accommodate growth in a region  
17 rather than designating development districts on a case-by-case basis in response to  
18 proposed development projects and to protect natural resources in the region by directing  
19 development to other zones.

20           To initiate prospective zoning, the commission shall use a process similar to that used  
21 in the development of the Prospective Zoning Plan for the Rangeley Lakes Region that  
22 became effective January 1, 2001. The commission shall identify the next region for  
23 prospective zoning based on existing growth patterns and services, the potential for  
24 development and the value and location of natural resources.

25           The commission shall submit a report to the Joint Standing Committee on  
26 Agriculture, Conservation and Forestry no later than January 15, 2012. The report must  
27 include a description of the selected region, steps taken and progress made in developing  
28 the prospective zoning plan and a timeline for adoption and implementation of the  
29 prospective zoning plan; and be it further

30           **Sec. 2. Implementation of the Comprehensive Land Use Plan;**  
31 **participation by stakeholders. Resolved:** That the commission shall establish a  
32 process for stakeholder participation in discussions surrounding implementation of the  
33 revised comprehensive land use plan adopted by the commission on March 3, 2010 and  
34 approved by the Governor on March 16, 2010. No later than July 1, 2011, the  
35 commission shall meet with stakeholders and seek their input prior to revising policies or  
36 practices to address issues or implement initiatives outlined in the commission's  
37 memorandum to the Joint Standing Committee on Agriculture, Conservation and Forestry  
38 dated January 28, 2010 and entitled "Anticipated Regulatory Changes Based on  
39 Revisions in the Comprehensive Land Use Plan."

1 The commission shall report to the Joint Standing Committee on Agriculture,  
2 Conservation and Forestry no later than January 15, 2012 on communication with  
3 stakeholders pursuant to this section and actions taken to implement the plan; and be it  
4 further

5 **Sec. 3. Streamlining the permitting process. Resolved:** That the  
6 commission shall develop a process to permit, by rule, routine and minor activities that  
7 meet established standards of design, construction and use to avoid adverse  
8 environmental impacts. The commission shall report to the Joint Standing Committee on  
9 Agriculture, Conservation and Forestry no later than January 15, 2012 on the process  
10 developed, activities recommended for the permit-by-rule process and a timetable for  
11 implementing the permit-by-rule process.

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

#### 14 SUMMARY

15 This resolve directs the Maine Land Use Regulation Commission to take certain  
16 actions regarding land use. It directs the commission to begin prospective zoning for a  
17 region within its jurisdiction. It requires the commission to seek input from stakeholders  
18 prior to implementing the 2010 revisions to the comprehensive land use plan. It requires  
19 the commission to develop a permit-by-rule process for routine and minor activities  
20 within the jurisdiction. The commission is required to report to the Joint Standing  
21 Committee on Agriculture, Conservation and Forestry no later than January 15, 2012 with  
22 progress made on each directive.