

Kat Taylor Testimony on LD 870 - *An Act Regarding the Membership of the Maine Land Use Planning Commission* – Full Version

Thursday, March 20, 2025

Good Afternoon committee members of Agriculture, Conservation and Forestry:

My name is Kat Taylor and I am a resident and property owner in Argyle Twp. located about 20 miles north of Bangor. I am one of four generations of my family who have lived on this property.

I am **testifying against LD 870** which will change the membership and qualifications for Land Use Planning Commission commissioners.

There is another bill currently going through committee regarding LUPC: **LD 383 - *An Act to Facilitate the Consolidation of the Department of Environmental Protection and the Maine Land Use Planning Commission into a Single Combined Entity*** which was put in the **Housing and Economic Development Committee**, which referred it to the **Environmental and Natural Resources Committee** (ENR) where it is idle.

3-11-25 6:12 pm House

The House **INSISTED** on REFERENCE to the Committee on ENVIRONMENT AND NATURAL RESOURCES.
ORDERED SENT FORTHWITH.

3-18-25 11:39 am Senate

On motion by Senator PIERCE of Cumberland The Senate **RECEDED** and **CONCURRED** With The Bill REFERRED to the Committee on ENVIRONMENT AND NATURAL RESOURCES in concurrence

Yet here we are at an ACF public hearing on only one of these bills.

As you probably realize, as in this case, putting these bills under different committees makes the process even more difficult and confusing, not to mention frustrating, and wastes legislator's time.

The passing around of these two bills to other committees is indicative of the confusing, convoluted and inefficient oversight of land use in the Unorganized and Deorganized Territories of Maine. I am against this bill because I feel it is inappropriate at this time to hold a public hearing **until a decision is made on which committee has oversight** so the **public can effectively weigh in on both bills**, or a consolidated one, which affect over 10 million acres of land and the estimated 9,000 permanent residents of the UT's.

However, as a UT property owner and resident I can testify that we are frustrated with the inconsistencies, redundancies and ineffectiveness of the LUPC. UT landowners are

stuck with the arbitrary decisions made by the LUPC commissioners who are not elected officials. I've hear it said that the 10+ million acres of land overseen by the LUPC is done by a **planning staff of 5 people** which could easily be absorbed into the **Department of Environmental Protection (DEP)** where their talents and expertise could be better utilized. **So it is important that these two bills be under one committee.**

I have seen the **rebranding of LURC to LUPC**, an **attempt by the Municipal Review Committee to put a private landfill in Argyle**, an inappropriate land use, (defeated) and an entire **rezoning of all UT's from the 1 road mile Adjacency Rule to a 2x7 mile rule** to solve a problem (leapfrogging) which did not exist.

Argyle was one of only two UT's exempted from this rule change despite **overwhelming opposition (96%)** from residents and property owners in the UT's.

The LUPC is working on a 5 year update on the success of the Adjacency Rule change. I've heard mixed reviews regarding its success from commissioners during meetings. From the staff I have spoken to the 5 year report is still forthcoming with no completion date given.

The LUPC's **Comprehensive Land Use Plan** was **last updated 15 years ago** when the LUPC was still LURC. But there is no oversight to make sure reports are done in a timely manner and the LUPC is understaffed and underfunded to actually be effective.

The activities of LUPC seem to be a redundant and inefficient use of state resources. Adding more commissioners, who may not have the investment of being property owners, usurps the rights of the residents and property taxpayers of UT's in deciding how their land is used. **There is no legitimate reason today why UT landowners should be held to a legislative decision made 56 years ago removing their land use rights.**

The UT's are often targeted by developers for inappropriate projects we may not agree with but have little leverage in opposing. This is not a fair or equitable situation and is biased in favor of incorporated municipalities, which do not want these projects in their backyards, and have the power to block them with Rights Based Ordinances and Moratoria. **UT's are the expendable resources exploited for the benefit of more densely populated areas.**

As it stands now, we **UT taxpaying property owners and residents** have little say in what happens to our property. We have to beg, hat in hand, before various committees, boards and other regulatory agencies which may have differing plans and rules. **We have no more power than other testifiers or commenters.**

What is needed is to return land use rights back to the property owners who reside in UT's, allowing us the same land use control as municipalities which are regulated by local officials under DEP rules.

This is an equitable solution.

The **origin of the Land Use Regulatory Commission (LURC) was established in 1969 and under the purview of the State Planning Office (SPO), established in 1968 and ended in 2012** (https://digitalmaine.com/spo_docs/).
LUPC still has to fall under guidance from the DEP and the BEP makes final judgment.

There is currently no agency in Maine empowered to site new landfills or other waste management facilities. That job used to belong to the **now defunct Waste Management Agency which was overseen by the SPO.**

There is **no state planning agency to site energy facilities or transmission corridors** leaving those projects up to private business to site, plan and build while having to comply with several regulatory hurdles over several agencies.

When the State Planning Office was removed from state agencies, many continuing entities were left with no oversight and no authority to plan. For example, the DEP makes waste management plans and guidelines but has no teeth in mandating waste diversion from landfills and can only make recommendations for future use.

*“The Maine State Planning Office (SPO) was created by the Legislature in 1968 as part of Maine's Executive Department. Its mission was to help build a sustainable future for Maine's communities, businesses and residents. **The State Planning Office had four core duties assigned to it by statute that included coordinating the development of the state's economy and energy resources with the conservation of its natural resources; providing technical assistance to the Governor and Legislature by undertaking special studies and plans and preparing policy alternatives; providing technical assistance to towns and regions; and conducting continuing economic analyses, including economic forecasting.** The Maine State Planning Office was **eliminated effective July 1, 2012.**”*

We need to reestablish a State Planning Office under which land use would fall. This excerpt from LD 870 defines what could be in a State Planning Office where *jurisdiction* would be the entire state:

9 An **appointee** under this subsection **must have expertise** in commerce and industry,
fisheries
10 and wildlife, forestry or, conservation issues as they relate to the commission's
jurisdiction
11 ~~and must:~~ fisheries, wildlife, land use planning, outdoor recreation or natural
resources-
12 based businesses that **operate** in the commission's jurisdiction and must **reside or**
work in
13 the commission's jurisdiction, **be a former resident** of the commission's jurisdiction
or have
14 **significant professional experience working** within the commission's **jurisdiction.**
15 A. Reside in the commission's jurisdiction;

- 16 ~~B. Work in the commission's jurisdiction; or~~
- 17 ~~C. Be a former resident or be retired after having worked for a minimum of 5~~
- years
- 18 ~~within the commission's jurisdiction.~~

The reinstatement of the SPO would cover all of the state, not limited to UT's, allowing a more homogenous blending of land use not separated by municipal boundaries and classifications.

UT landowners should have the rights to protect, conserve and utilize our land, regulated by the same state DEP rules as any other municipality. Giving us back these rights makes the LUPC unnecessary and we can remove it from the General Services Fund saving the state over \$500,000 annually. The UT property taxes pay for our services; giving us agency over our land costs the state nothing.

Restoring the land use rights of UT landowners would put control back in our hands so we may effectively plan and utilize our land which is currently restricted by an arbitrary decision made 56 years ago.

We could protect ourselves from unwanted development and allow development we deem beneficial to our communities, without unnecessarily involving state officials. Until that happens, adding more commissioners to a redundant and ineffective LUPC is like rearranging deckchairs on a ship that's going down.

I respectfully request that the ACF, Housing and Economic Development and Environmental and Natural Resources Committees table these bills until a decision is made on which committee will be the most qualified to legislate this complicated issue.

The members of that committee would then have a chance to review these bills, since they seem to be parallel legislation and may conflict. That committee could then determine if the bills should be merged or put into a resolve to reinstate the SPO, or similar entity, under which land use planning would be one function.

Lastly, I urge the sponsors of these bills to instead seek to reestablish a State Planning Office with authority over planning, siting and regulating land use. An SPO would solve a lot of land use problems, and duplication of administrative efforts, we now have.

Thank you for your time and attention,

Kat Taylor
Argyle Twp.