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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY**

NEITHER FOR NOR AGAINST LD 870

An Act Regarding the Membership of the Maine Land Use Planning Commission

March 20, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Judy East. I am the Director of the Bureau of Resource Information and Land Use Planning (BRILUP) within the Department of Agriculture, Conservation and Forestry (DACF). The Land Use Planning Commission (Commission or LUPC) is one of the programs within BRILUP. I am speaking neither for nor against LD 870, "*An Act Regarding the Membership of the Maine Land Use Planning Commission.*"

LUPC serves as the planning, zoning, and land use permitting authority for the unorganized and deorganized areas of the state, including all townships, most plantations, and certain small towns. These areas either have no local government or have chosen not to administer land use controls at the local level. The Commission currently has nine voting members. Eight of the nine Commissioners are appointed by the counties with the most unorganized territories within their boundaries. The Governor appoints the ninth member.

LD 870 proposes changing the makeup of the Commission by adding four additional Commissioners to be appointed by the Governor, changing the recruitment and nomination process used by County Commissioners, and other amendments. My testimony addresses one element of the bill that the LUPC would find helpful and those that raise concerns as currently drafted.

LD 870 would require that when filling a vacancy, counties notify the Governor and LUPC Director, in addition to the President of the Senate and the Speaker of the House. This would be a helpful change as it can be difficult for the Director to track the status of a county's appointment process.

However, LD 870 proposes two changes that are potentially problematic. The first is the requirement that a county's failure to appoint a member within 30 days of a vacancy results in the seat becoming a Governor's appointment. This is likely impractical for the counties.

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Vacancies can occur due to illness or other personal reasons necessitating an early resignation. The advertisement and hiring necessary to find a suitable replacement candidate could take more than 30 days, especially if the law also requires a 30-day advertisement process. The second potentially problematic change is to require that action may not be taken by the Commission unless approved by a vote of seven of the proposed thirteen members, which would also be the necessary quorum for the meeting. Currently, the Commission must have at least five members present for a quorum, and no action may be taken by the Commission unless approved by a vote of five members. That means if only the minimum number of Commissioners attend a meeting, any actions taken at the meeting require a unanimous vote. Regardless of whether the quorum and required number of votes to take action is five or seven, this provision establishing a minimum number of affirmative votes instead of a simple majority can make it difficult for the Commission to conduct its business. We believe the statutory language should stay at the 90-day requirement, and, if the bill proceeds, the minimum number of affirmative votes should be a simple majority once a quorum is established.

LD 870 would also establish term limits for the LUPC's Commissioners. LUPC is a unique agency with a sophisticated planning and regulatory framework. Commissioners with long-standing knowledge and familiarity with its structure and rules contribute invaluable institutional memory, consistency, and thus fairness in decision-making by the Commission. It can also take a Commissioner one to two years to become fully adept at performing their role. We believe that term limits jeopardize the skills and contributions that are gained by experienced Commissioners. We do note that the proposed language - *persons with technical or scientific backgrounds in one or more of the areas of forestry, land use planning, conservation, fisheries, wildlife, outdoor recreation, and natural resources-related businesses that operate in the commission's jurisdiction* - would strengthen the expertise of commission members.

We note that adding four Commissioners would increase costs to cover the logistics necessary for monthly Commission meetings. For example, Commissioners are reimbursed for travel, lodging, and meeting time on a per diem basis. In 2024, the LUPC paid approximately \$17,000 to cover Commission meetings. Four additional members could increase reimbursement costs by around 45%. Staff support is required to book travel, process expense sheets, and track expenditures. This is already challenging and would become more so with additional Commissioners. LUPC currently has one administrative person who carries a high workload that includes additional tasks beyond supporting the Commission's business, and must already rely considerably on Bureau-wide secretarial support. Additional administrative staff would be necessary should the Commission expand beyond nine members.

Thank you for your time. I would be happy to answer any questions now or at the work session.