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March 20, 2025

## Maine County Commissioners Association

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[www.maine counties.org](http://www.maine counties.org)

Sen. Rachel Talbot  
Ross, Chair  
Rep. Pluecker, Chair  
Joint Standing  
Committee on  
Agriculture,  
Conservation and Forestry  
100 State House Station  
Augusta, ME 04333

Re: ***Comments of MCCA regarding LD 870, An Act Regarding the Membership of the  
Maine Land Use Planning Commission (LUPC)***

Chair Talbot Ross, Chair Pluecker, and Members of the Joint Standing Committee on Agriculture,  
Conservation and Forestry:

My name is Andre Cushing, I serve as President of the Maine County Commissioners Association, am a resident of and commission chair in Penobscot County. I appreciate the opportunity to provide testimony to this Committee regarding LD 870. As you well know the Land Use Planning Commission is the land use and planning arm for Maine's unorganized territories, the majority of which are located in Maine's rural counties. We are speaking in opposition to the proposed bill because: (1) it would reduce the current balance of counties in the membership of the Commission; and (2) it would increase the likelihood that members appointed by counties neither reside nor work in the county served by the Commission. As a note I was raised on property where my parents operated, for many years, a campground and boating marina on Ripogenus Lake. I came to know and appreciate this region and value the beauty of the area, lakes and vistas like Mount Kathadin and Baxter State Park. I also recognize that those who choose to spend some or all of their life there have their own deep appreciation and respect for this area. Who better determine its future plans than those who make this area their home or base for employment and or recreation?

**About MCCA.** Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

**What does LD 870 do?** Under current law, the Land Use Planning Commission is made up of nine members, one appointed by the Governor, and of the remaining eight members, one member is appointed by each of the eight counties with the most acreage of unorganized areas subject to the Commission's jurisdiction. In practical terms, these are Maine's most rural counties. LD 870 would increase the size of the Commission to 13 members and authorize the Governor to appoint five members instead of one. This would result in the chief executive appointing 1/3 of the newly constituted board, and these four appointments coming on at the same point would potentially add an unhealthy imbalance. This change in light of the additional language in the bill eliminates the requirement that appointees to the commission reside in or work in the unorganized territories.

Regarding the proposed changes in qualifications of members of the Commission, LD 870 would eliminate the requirement that the eight individuals appointed by the counties **must reside in, work in, or have previously resided or worked in the Commission's jurisdiction for at least five years.** As an alternative to the work or residency requirement, an appointee may have "significant professional experience" working within the Commission's jurisdiction. Turning to the experience requirements of members appointed to the Commission, LD 870 would expand the type of professional experiences that Commission members may have to include individuals with experience in "outdoor recreation" or "outdoor natural resources-related businesses." In my opinion it tacitly says "the folks who just moved in know better how to govern than those who reside and work in this region for most or all of their lives.

**Discussion.** Unorganized territories are not subject to control by local planning boards or zoning boards of appeals. As a result, permitting decisions made by the Land Use Planning Commission have significant impacts on the development and use of these areas and nearby incorporated municipalities. Because of the control the Commission exerts on the landscape, character, and economies of unorganized territories and their nearby communities, it is essential that members of the Commission should be personally invested in the well-being of these areas. The existing statute accomplishes this by requiring at least 8 of the 9 appointees to reside in, work in, or have formerly resided or worked in the Commission's jurisdiction. The changes proposed by LD 870 do away with this formal tie to the community in two ways: (1) the bill expands the number individuals the Governor can appointment from one to five, none of whom must have lived or worked in the Commission's jurisdiction; and (2) the bill allows the eight county appointees to serve if they have "significant professional experience" in the Commission's jurisdiction. Notably, the term "significant professional experience" has no definition, so experience as minimal as a single major project in an unorganized territory would be sufficient qualification, regardless of where such individual lives or works. In our view, this level of connectivity to the unorganized territories is insufficient, and we are concerned that decision-making by the Commission could increasingly be made by individuals with less of a personal investment in the region.

We also believe the balance of appointments to the Commission should remain weighted toward the counties whose territory is impacted by the Commission's decisions. We don't have political bodies in Augusta appoint individuals to local planning or zoning boards, and we should not have 5/13 (or 38%) of the planning board for the State's unorganized territories appointed from Augusta by only one individual. Planning boards are local in nature, and their governance should reflect that local governance as much as possible. Likewise county officials take the time to know their local residents and their abilities and concerns, should they not be left to do what is best for their areas?

**Conclusion.** We appreciate the opportunity to provide testimony in opposition to this bill, and we hope the Committee sees fit to give this bill an "ought not to pass" recommendation. If you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Andre E. Cushing III, President of Maine County Commissioners Association

cc:

James I. Cohen, Verrill Dana, LLP, Legislative counsel for MCCA  
Commissioner Stephen Gorden-Cumberland, co-chair of MCCA LPC  
Commissioner Jean Marie Caterina-Cumberland, co-chair of MCCA LPC

# Maine Department of Agriculture, Conservation & Forestry

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Land Use Planning Commission

## Commissioners

The Land Use Planning Commission (LUPC) is a 9-member board with both county and gubernatorial appointees. Eight of the seats are filed by the counties with the most acreage within the unorganized and deorganized areas of the State. Each of the following counties (listed from largest to smallest in terms of qualifying acreage) is responsible for filling one seat: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock. The final seat on the board is filled by the Governor.

The qualifications an individual must possess to serve on the Commission and the appointment process for both counties and the Governor are set in statute, 12 M.R.S. § 683-A (<https://www.mainelegislature.org/legis/statutes/12/title12sec683-A.html>).

The following table shows who currently fills each seat on the LUPC and who has appointed this individual. (Note, seat #8 has been removed; it used to be filled by the LUPC Director.)

Seat No.	Commissioner	Appointing Authority	Appointed	Term Expiration	Comments	Town
1	<u>Perry A. Ellsworth (#Seat1)</u>	Governor	10/16/2024	7/9/2028		Strong
2	<u>Millard Billings (#Seat2)</u>	Hancock	11/5/2024	7/9/2024		Franklin
3	<u>Peter Pray (#Seat3)</u>	Penobscot	7/28/2021	7/9/2025		Millinocket
4	<u>Betsy Fitzgerald, (#Seat4) Chair</u>	Washington	7/9/2021	7/9/2025		Machiasport
5	<u>Lee Smith (#Seat5)</u>	Oxford	4/24/2024	11/4/2027		Albany Twp.
6	<u>Tom DuBois (#Seat6)</u>	Franklin	2/20/2024	8/20/2027		Salem Twp.
7	<u>Gwen Hilton, (#Seat7) Vice-chair</u>	Somerset	7/30/2023	7/29/2027		Starks
9	<u>Leo Trudel (#Seat9)</u>	Aroostook	4/22/2021	3/13/2025		Madawaska Lake Twp.
10	<u>Everett Worcester (#Seat10)</u>	Piscataquis	7/13/2021	5/22/2025		Orneville Twp.

**Betsy Fitzgerald - Machiasport**



Commissioner Fitzgerald currently serves as the Washington County Manager and was appointed to the LUPC by the Washington County Commissioners in 2014. A life-long Maine resident, Fitzgerald is a graduate of the University of Maine Machias and the Edmund S. Muskie School of Public Policy at USM. Following a long career teaching high school history, government and law at Erskine Academy in central Maine, Fitzgerald returned to Washington County as the manager for the Town of Machias before moving "up the hill" to county government. A long-time code enforcement officer and plumbing inspector, Fitzgerald serves several area Washington County towns in those capacities.

### **Millard Billings - *Franklin***



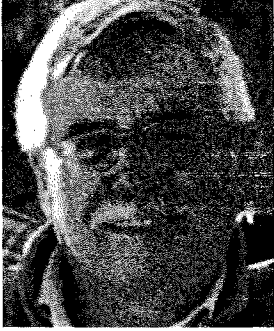
Millard and his wife Beverly operate a fourth generation family farm in Franklin, where they raised 6 children and are enjoying 13 grandchildren. Millard has been involved in the lobster, sea urchin and farm raised salmon industries, as well as blueberry, Christmas tree and Christmas wreath industries. Millard was first elected to the Franklin School Board in 1974 and has been involved in municipal government ever since. He served 10 years as Tremont's Town Manager, 27 years on the Franklin Planning Board, 34 years as a Tax Assessor and 16 years as Code Enforcement Officer. He is presently the Unorganized Territories Supervisor for Hancock County, in addition to serving as Tax Assessor in 2 towns and Code Enforcement Officer in 2 municipalities. Hobbies include hunting, and cowboy action shooting. He is a volunteer hunter safety instructor and enjoys working with young people teaching firearms safety.

### **Tom DuBois - *Salem Twp.***



Commissioner DuBois is a lifelong Mainer, growing up in Auburn, graduating from the University of Maine in Orono with a Bachelor of Science degree in Civil Engineering, and then taking a job in the land use consulting field, based out of Livermore Falls. He and his wife Betsy raised their family in Livermore Falls for 19 years. In 2006, Tom began a second career in ministry, serving as the Pastor for Western Mountains Baptist Church, then located in Kingfield, now located in New Portland. Tom worked bi-vocationally for many years and moved to Salem Township to be closer to his church family in 2010. He retired from engineering in 2021, and now works full time at his church.

## **Perry A. Ellsworth - *Strong***



A seasoned manager with over 45 years in a leadership position. 30 plus years in manufacturing and or construction and 18 years as a Town Manager. Chosen by the Maine Town and City Manager's Association as recipient of the 2014 Leadership Award. A change agent with strong background in negotiations and the ability to find closure in projects that have lingered for years. A manager who believes that a strong set of values and employee engagement are critical to a manager's success.

## **Gwen Hilton - *Starks***



Commissioner Hilton was appointed by the Somerset County Commissioners in early 2019, after having been off the Commission for several years. Her prior service was from 2005 to 2017. Commissioner Hilton resides in the Town of Starks and has been working and recreating within the LUPC jurisdiction for over thirty years. As a municipal consultant she has provided community planning services to a number of towns on the fringes of the jurisdiction, such as Greenville, Dover-Foxcroft, Lincoln and Willimantic. Her consultant work has included planning for the new Katahdin Woods and Waters National Monument. Gwen has a B.S. in Biology and a M.S. in Geoenvironmental Studies. Ms. Hilton has been involved in farming most of her life. Her family's eight-generation farm operation includes commercial forestry and hay production, adaptive reuse of farm buildings for commercial storage and equestrian activities. In 1999, she and her husband, Ernie, were honored to receive the Somerset County Conservation District Outstanding Woodlot Owners of the Year award. Ms. Hilton is also very active in town government, including having served on the Starks Planning Board for several decades. In addition, she recently began service as a Supervisor for the Somerset County Soil and Water Conservation District. Gwen enjoys most anything outdoors, including hiking, canoeing, camping, cross-country skiing, horseback riding, gardening, haying and other farming activities. Family vacations with her husband and two daughters over the past thirty years has involved activities in many areas of the LUPC jurisdiction.

## **Peter Pray - *Millinocket***



Commissioner Pray was born in East Millinocket, Maine and in 1953 moved to Ripogenus Dam in Township 3 range 11. Mr. Pray and his brothers went to a one room school house, then Maine Central Institute and eventually graduated from Stearns High in Millinocket. Mr. Pray worked as a river driver on The West Branch of the Penobscot before working for Great Northern Paper Company and retiring after 38 years as a pulp mill supervisor. He has been involved in community activities and served as President of the Millinocket Fin and Feather Club, Director of the Katahdin Region of Ducks Unlimited, and Chairman of the Baxter State Park Citizens Advisory Board.

Mr. Pray and his wife owned and operated Pray's Big Eddy Campground for 34 years. The campground was located in Township 3 range 11 on the West Branch of the Penobscot River. During that time he also guided for game in the unorganized territories. Mr. Pray and his wife have had a home in Millinocket since 1965 and a summer camp in the Caucomgomoc region. Mr. Pray currently works for the United States Census Bureau.

### **Lee Smith - *Albany Twp.***



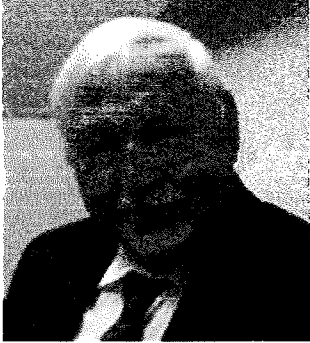
Lee is a retired economist who consulted on regulated energy issues for 30 years throughout the U.S. She and her family built their house in Albany Township in 1988. She and her husband have been living there full-time for 6 years. She is a lover of the outdoors, especially the mountains, enjoying hiking, skiing, kayaking and gardening. For indoor activities she plays cello and assists with the string instrument program in the local school district, cooks and does some mediocre art. She has been a long-term volunteer with the Mahoosuc Land Trust.

### **Leo Trudel - *Madawaska Lake Twp.***



Leo has been a full-time business professor at the University of Maine at Fort Kent since 2005. He holds a PhD in Finance, two master's degrees, and several security licenses. In the past he has worked in economic development, as a proprietary trader, and as an entrepreneur. In his spare time, he enjoys reading, riding his motorcycle, working in the garden, and studying the markets. He has motorcycled in all of the lower 48 states and much of Canada. He lives at Madawaska Lake with his partner Connie and their dog, Magnus.

## Everett Worcester - *Orneville*



Commissioner Worcester started out his career as an educator. He is a graduate of Washington State Teachers College in Machias with a Bachelor of Science, has a Masters of Education Degree in math/science from the University of Maine in Orono and a Ph.D. in Educational Administration from the University of Texas at Austin. He has taught from the 4th grade through graduate level, was a Peace Corp Volunteer, and has been an administrator at various levels including as the State Director of the Bureau of Louisiana Assessment of Educational Progress. In 1975 he and his wife Lee moved back to Maine and in 1978 he earned a real estate brokers license and has been self employed ever since. In 1991 when appraisal licensing went into effect he became a Certified General Appraiser. He has owned his own agency and practiced real estate brokerage and appraisal for many years and now concentrates on appraisal work in Piscataquis, Somerset, and Penobscot Counties. He has also developed and taught many real estate and appraisal continuing education courses. He has been a private pilot since the early 1970's and he built and flew a two place, experimental, open cockpit bi-plane for many years.

He and his wife Lee own a blueberry farm in Orneville Twp. and harvest some 30 acres of Maine low bush blueberries each year. Most of their product goes to the fresh market through farmers market's, road side stands, and local grocery stores. They also have a value added business selling 14 products based from their own wild blueberries. In addition, they own and manage some 200 acres of woodland in Orneville. They also own a traditional Maine camp, out house and all, on an island in Sebec River 4 miles up river from Milo. Lee and Everett have one daughter, Courtney, who is an attorney in Boston and a Golden Retriever named Blue.

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