



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON
ENVIRONMENT AND NATURAL RESOURCES
IN OPPOSITION TO 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*

April 14, 2025

Senator Tepler, Representative Doudera, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Stacie Beyer. I am the Executive Director for the Maine Land Use Planning Commission (Commission or LUPC) within the Department of Agriculture, Conservation and Forestry (DACF). I am speaking in opposition to 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."*

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. Although LUPC has the authority to review impacts on natural resources in its service area, most of its work is more like that of a municipal planning board and code enforcement office than that of the Department of Environmental Protection (DEP). LUPC staff do regional and service area-wide land use planning, establish and revise land use subdistricts, issue local building permits, and serve as the local community for the National Flood Insurance Program. Our service area aligns well with the Maine Forest Service, the only other legal entity currently with the authority to enforce our statute and rules.

LD 383 would transition the LUPC from DACF to DEP. The bill's provisions are extensive, and I can't address them all in my testimony today. I will cover three broad areas: landowner rights, rulemaking, and fiscal impacts. However, I have reviewed each provision and attached a more detailed analysis to my testimony.

The bill would require establishing a method to prioritize landowner rights, create a landowner rights advisory board, and enact a property rights compensation fund. In 2012, the Maine Legislature changed the LUPC's governing statute, reforming the focus of the Commission's activity. P.L. 2011, ch. 682 (enacting LD 1798). The reforms included changes to the Commission's purpose and scope, which now states in part:

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE: (207) 287-3200
FAX: (207) 287-2400
WEB: WWW.MAINE.GOV/DACF

The Legislature finds that it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State: ... to honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique value of these lands and waters to the State...” 12 M.R.S. § 681.

The Commission’s board adopted guidance in 2012, explicitly stating that the Commission places increased emphasis on “...[h]onoring the rights and participation of residents and property owners...”

The bill calls for routine rulemaking to remove unnecessary provisions, review all rules every 5 years, and classify all rules as major substantive. LUPC initiates rulemaking, typically on an annual basis, to improve its rules, including the removal of outdated and unnecessary provisions. Making all rules major substantive would slow down and burden that process. It is important to note that LUPC’s governing statute has unique provisions that require the agency to submit annually to the Legislature all revisions to its land use standards. This language allows the Legislature to change any of the adopted revisions if necessary.

LD 383 would incur significant fiscal impacts, including the establishment of the landowner rights advisory board and property rights compensation fund, adding a cost-benefit analysis to the rulemaking process, changing the agency name on documents and signage, and integrating LUPC’s database with DEP’s database. Given that the LUPC is a quasi-independent State agency with a separate governing board appointed mainly by County Commissioners and has a unique role that, in most cases, doesn’t overlap with DEP’s role, there will be very little cost savings to compensate for the fiscal impacts that would result from provisions in the bill.

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