

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1258

S.P. 379

In Senate, March 22, 2011

An Act To Improve Land Use Planning and Permitting in Unorganized Territories

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to make the following changes to the Maine Land Use Regulation
6 Commission, referred to in this bill as "LURC."

7 1. The Governor or the Commissioner of Conservation would appoint an interim
8 director of LURC to oversee reform of LURC for a term of one or 2 years. A permanent
9 director would be hired once that term has expired.

10 2. The purpose, scope and duties of LURC would be amended to mirror land use
11 governance in the organized areas of the State and to clearly state that the mission of
12 LURC is to serve residents and property owners within the jurisdiction of LURC,
13 promote local economies and service center communities near the jurisdiction and protect
14 natural resources in the jurisdiction. A required component of LURC's mission would be
15 economic development. The enabling language for LURC would be amended to make it
16 clear that only residents and property owners in each regional planning district, as
17 established in this bill, have standing in the planning, zoning and rule-making process.

18 3. LURC would be transferred from the Department of Conservation into a more
19 economic development-oriented department, such as the Department of Economic and
20 Community Development.

21 4. A central administrative office for LURC consisting of a director, a chief planner,
22 a chief of permitting and compliance and support staff would be located in an office
23 accessible to residents and property owners of the jurisdiction, most likely in a nearby
24 service center community. This office would provide a variety of administrative
25 functions, such as data collection and analysis and permit processing and backup support
26 when needed.

27 5. Forestry regulation would be assumed by the Maine Forest Service in the
28 Department of Conservation. This would result in a reduction of administrative costs,
29 since, under the current law, virtually all forestry regulation is reviewed by Maine Forest
30 Service staff.

31 6. Three regional planning and permitting commissions would be established based
32 upon logical geographic and economic boundaries, preferably aligned with economic
33 development districts. This would align the strategy of LURC with the State's strategy
34 from an economic and nature-based tourism perspective.

35 A. Each regional commission would be responsible for the development and
36 updating of a regional comprehensive land use plan at least every 10 years or within a
37 different time frame considered appropriate.

1 B. Each regional commission would have zoning authority in accordance with the
2 regional comprehensive land use plan. The regional commission would designate
3 growth areas in its jurisdiction.

4 C. Initially, each regional commission would work under the current LURC rules.

5 D. Each regional commission would be responsible for permitting and compliance
6 matters within its region, through either a public proceeding process or an improved
7 permit-by-rule standard that would allow for a more efficient review process for
8 residential and small commercial development applications.

9 E. Each regional commission would be responsible for creating and amending
10 regional comprehensive land use plans, rules and zoning, including providing for
11 public hearings for the property owners and residents within LURC's jurisdiction and
12 service center communities. The regional comprehensive land use plans, rules and
13 zoning would require the approval of the joint standing committee of the Legislature
14 having jurisdiction over land use matters or a joint select committee of the
15 Legislature established to oversee regulation of unorganized and deorganized areas,
16 plantations and towns in LURC's jurisdiction and adjacent service center
17 communities.

18 Each regional commission would be made up of the following:

19 (1) One landowner who owns more than 10,000 acres within the jurisdiction of
20 that regional commission;

21 (2) One landowner who resides in and owns no more than 10,000 acres within
22 the jurisdiction of that regional commission;

23 (3) One at-large member who resides in the jurisdiction of that regional
24 commission;

25 (4) One economic development representative from the jurisdiction of that
26 regional commission; and

27 (5) One county commissioner from each county located in the jurisdiction of that
28 regional commission.

29 F. Each regional commission would have the following support staff:

30 (1) One or 2 land use planners. These would be current positions in LURC but
31 with new responsibilities and job descriptions, which could require a hiring
32 process that would be open to current staff; and

33 (2) Two permitting and compliance staff members. This number could be
34 adjusted, either up or down, as necessary.

35 7. The 2010 Comprehensive Land Use Plan would be repealed and the 1997 plan
36 restored, which would remain effective until each regional commission implemented a
37 new regional comprehensive land use plan. The regional commissions would develop
38 and adopt new regional comprehensive land use plans in a staggered manner in order to
39 use the support of the central administrative office.

1 8. The Department of Environmental Protection would assume jurisdiction for all
2 projects that meet the site location of development law threshold, which would be
3 amended to apply only to large commercial development projects. Residential
4 subdivisions and small commercial development projects would be reviewed by the
5 regional commissions.

6 9. Decisions made by the regional commissions would be appealed directly to the
7 Law Court.

8 10. A new funding structure would be developed to reflect the new purpose and
9 scope of LURC and the standing of residents and property owners within the jurisdiction
10 of LURC and future budget needs. Property taxes and permit application fees would be
11 the primary sources of funding for LURC, resulting in lower appropriations from the
12 General Fund and avoiding increased permit fees.

13 It is intended that this bill would result in cost savings and the need for fewer LURC
14 employees.