

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1561

S.P. 496

In Senate, April 16, 2019

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**An Act To Amend the Maine Land Use Planning Commission Laws  
and Enhance the Economic Vitality of Neighboring Communities**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CARSON of Cumberland.  
Cosponsored by Representative DUNPHY of Old Town and  
Senator: CARPENTER of Aroostook, Representatives: GROHOSKI of Ellsworth, MAREAN  
of Hollis, MARTIN of Eagle Lake, MAXMIN of Nobleboro, McCREA of Fort Fairfield,  
O'NEIL of Saco, PLUECKER of Warren.

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

2 **Sec. 1. 12 MRSA §683-A, sub-§§1 and 2**, as amended by PL 2013, c. 256, §3,  
3 are further amended to read:

4 **1. Appointment by the Governor.** Except as provided in subsection 2, the  
5 Governor shall appoint ~~one member~~ 4 members to the commission. In selecting ~~an~~  
6 ~~appointee~~ appointees, the Governor shall actively seek and give consideration to persons  
7 residing in or near the unorganized and deorganized areas of the State ~~and~~, to persons  
8 residing on unorganized coastal islands and to persons who reside across the State to  
9 ensure broad geographical representation on the commission and to ensure that each of  
10 the areas of expertise set forth in paragraph D is represented on the commission. ~~At~~  
11 Each appointee under this subsection must be familiar with the needs and issues affecting  
12 the commission's jurisdiction and must:

13 A. Reside in the commission's jurisdiction;

14 B. Work in the commission's jurisdiction;

15 C. Be a former resident or be retired after having worked for a minimum of 5 years  
16 within the commission's jurisdiction; or

17 D. Have expertise in ~~commerce and industry, fisheries and wildlife, forestry or~~  
18 ~~conservation issues as they relate to the commission's jurisdiction.~~ one or more of the  
19 following areas as it relates to the commission's jurisdiction:

20 (1) Municipal government in towns adjacent to the commission's jurisdiction;

21 (2) Fisheries or wildlife;

22 (3) Forestry or the forest-based recreation economy; or

23 (4) Conservation issues.

24 **2. Appointment of members representing a county.** One member must be  
25 appointed by each of the 5 counties with the most acreage in the unorganized or  
26 deorganized areas subject to the jurisdiction of the commission. The board of county  
27 commissioners for each of the counties shall appoint by majority vote a resident of that  
28 county to serve as a member of the commission. A county commissioner who is a  
29 candidate for appointment to serve on the commission may not vote on that appointment.  
30 In making the appointment, the board of county commissioners shall actively seek and  
31 give consideration to persons residing in or near the unorganized or deorganized areas  
32 within the county. The board of county commissioners shall advertise the position in the  
33 same manner as the county advertises personnel positions. The board of county  
34 commissioners shall accept written or electronic applications from candidates, conduct  
35 interviews with candidates as determined by the board and select from among those  
36 candidates an appointee.

37 An appointee under this subsection must have expertise in ~~commerce and industry~~  
38 municipal government in towns adjacent to the commission's jurisdiction, fisheries ~~and~~ or  
39 wildlife, forestry or the forest-based recreation economy or conservation issues as they  
40 relate to the commission's jurisdiction and must:

- 1 A. Reside in the commission's jurisdiction;
- 2 B. Work in the commission's jurisdiction; or
- 3 C. Be a former resident or be retired after having worked for a minimum of 5 years
- 4 within the commission's jurisdiction.

5 If a board of county commissioners fails to appoint a member to the commission under  
6 this subsection within 90 business days of a vacancy on the commission to be filled by  
7 that county, the Governor shall appoint a resident of that county meeting the criteria in  
8 subsection 1 to fill the vacancy.

9 For any county appointee, the board of county commissioners shall provide to the  
10 President of the Senate and the Speaker of the House of Representatives the name and  
11 address of the appointee, together with information concerning that person's background  
12 and qualifications, in the same manner required of the Governor for nominations made  
13 pursuant to Title 3, section 154. A board of county commissioners has the same authority  
14 as the Governor, pursuant to Title 3, section 154, to withdraw the name of an appointee at  
15 any time before the Senate votes. The provisions of Title 3, sections 155 to 158 apply to  
16 the process of legislative review and confirmation of all county appointees to the  
17 commission.

18 **Sec. 2. 12 MRSA §685-A, sub-§8-A**, as amended by PL 2011, c. 682, §13, is  
19 further amended to read:

20 **8-A. Criteria for adoption or amendment of land use district boundaries.** A  
21 land use district boundary may not be adopted or amended unless there is substantial  
22 evidence that:

23 A. The proposed land use district is consistent with the standards for district  
24 boundaries in effect at the time, the comprehensive land use plan and the purpose,  
25 intent and provisions of this chapter; ~~and~~

26 B. The proposed land use district has no undue adverse impact on existing uses or  
27 resources or a new district designation is more appropriate for the protection and  
28 management of existing uses and resources within the affected area; and

29 C. For adoptions or amendments of land use district boundaries for development  
30 subdistricts, there is no alternative site in an organized municipality that is suitable to  
31 the proposed use and reasonably available to an applicant.

32 **Sec. 3. 12 MRSA §685-A, sub-§§15 to 17** are enacted to read:

33 **15. Coordination with organized municipalities that share a border with the**  
34 **jurisdiction.** When considering an application for rezoning or development, or the  
35 adoption of any rule, standard, policy or plan regarding the location of future  
36 development, the commission shall consult with municipalities that share a border with  
37 the commission's jurisdiction and are within 10 miles of the land that is subject to the  
38 application and the commission shall consider the impacts on the municipalities.

39 **16. Guiding development.** When adopting any rule, standard, policy, plan or  
40 procedure that would affect the location of future development, the commission, to the

1 extent possible, shall guide future development into organized municipalities as long as it  
2 is not inconsistent with any existing comprehensive land use plan adopted by the affected  
3 municipality.

4 **17. Adjacency principle.** Except as provided in paragraph A, the commission may  
5 not change the interpretation of the adjacency principle set forth in the commission's  
6 comprehensive land use plan in effect on January 1, 2019 for any region of the State until  
7 regional land use planning for that region has been completed or approval by the  
8 Legislature has been obtained.

9 A. In applying the adjacency principle during a review of a rezoning application, the  
10 commission may not approve an application that would allow development to extend  
11 from a developed great pond to an undeveloped great pond.

12 **Sec. 4. 12 MRSA §685-C, sub-§§1-B and 1-C** are enacted to read:

13 **1-B. Regional planning with municipalities that share a border with the**  
14 **jurisdiction.** Upon request by one or more organized municipalities that share a border  
15 with land that is within the commission's jurisdiction, the commission shall engage in  
16 regional land use planning and zoning with the requesting organized municipalities.

17 **1-C. Regional planning in the Katahdin region.** The commission shall make  
18 regional land use planning and zoning in the Katahdin region its highest regional  
19 planning priority upon request by 2 or more of the following municipalities: Millinocket,  
20 East Millinocket, Medway, Stacyville, Sherman, Patten, Mount Chase or Island Falls.

21 **Sec. 5. Land use structure inventory.** In order to inform future land use  
22 planning in the unorganized and deorganized areas of the State, the Maine Land Use  
23 Planning Commission shall conduct an inventory of existing structures in the unorganized  
24 and deorganized areas of the State by July 1, 2020.

## 25 SUMMARY

26 This bill amends the laws governing the Maine Land Use Planning Commission by  
27 requiring the commission to coordinate with neighboring municipalities by engaging in  
28 regional land use planning and directing future development into the communities where  
29 possible and consistent with municipal comprehensive land use plans. In order to ensure  
30 that the commission has current, critical data necessary for regional planning, the bill  
31 directs the commission to conduct a land use structure inventory by July 1, 2020. The bill  
32 also changes the appointment process for members of the Maine Land Use Planning  
33 Commission to ensure that a statewide perspective and relevant areas of expertise are  
34 represented on the commission.