

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 870

H.P. 556

House of Representatives, March 4, 2025

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

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRIDGEO of Augusta.
Cosponsored by Senator PIERCE of Cumberland and
Representatives: DILL of Old Town, FROST of Belgrade, HEPLER of Woolwich, LEE of
Auburn, PLUECKER of Warren, Senators: BENNETT of Oxford, BRENNER of Cumberland,
INGWERSEN of York.

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

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

4 The Maine Land Use Planning Commission, as established by Title 5, section 12004-D,
5 subsection 1-A to carry out the purposes stated in section 681, is created within the
6 Department of Agriculture, Conservation and Forestry and in this chapter called "the
7 commission." The commission is charged with implementing this chapter. The
8 commission consists of ~~9~~ 13 members, appointed in accordance with subsections 1 and 2.
9 All appointments under this section are subject to review by the joint standing committee
10 of the Legislature having jurisdiction over conservation matters and to confirmation by the
11 Senate.

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

14 **1. Appointment by the Governor.** Except as provided in subsection 2, the Governor
15 shall appoint ~~one member~~ 5 members to the commission who must be chosen to represent
16 the broadest possible interest and experience that can be brought to bear on the
17 administration and implementation of this Title and all other laws the commission is
18 charged with administering. In selecting ~~an appointee~~ appointees, the Governor shall
19 actively seek ~~and give consideration to persons residing in or near the unorganized and~~
20 ~~deorganized areas of the State and to persons residing on unorganized coastal islands.~~ An
21 appointee under this subsection must be familiar with the needs and issues affecting the
22 commission's jurisdiction and must: persons with technical or scientific backgrounds in one
23 or more of the areas of forestry, land use planning, conservation, fisheries, wildlife, outdoor
24 recreation and natural resources-related businesses that operate in the commission's
25 jurisdiction.

26 A. ~~Reside in the commission's jurisdiction;~~

27 B. ~~Work in the commission's jurisdiction;~~

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

30 D. ~~Have expertise in commerce and industry, fisheries and wildlife, forestry or~~
31 ~~conservation issues as they relate to the commission's jurisdiction.~~

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

34 **2. Appointment of members representing a county.** One member must be
35 appointed by each of the 8 counties with the most acreage in the unorganized or
36 deorganized areas subject to the jurisdiction of the commission. The board of county
37 commissioners for each of the counties shall appoint by majority vote a resident of that
38 county to serve as a member of the commission. A county commissioner who is a candidate
39 for appointment to serve on the commission may not vote on that appointment. In making
40 the appointment, the board of county commissioners shall actively seek and give
41 consideration to persons residing in or near the unorganized or deorganized areas within
42 the county. The At least 3 months before the end of a term for a commissioner appointed
43 by a board of county commissioners, the director of the commission shall provide that

1 board of county commissioners with general information about the commission's
2 jurisdiction, the roles and responsibilities of a member of the commission and other
3 materials that the board of county commissioners may share with interested applicants.
4 Each board of county commissioners shall advertise the position for at least 30 days and in
5 the same manner as the county advertises personnel positions. The board of county
6 commissioners shall accept written or electronic applications from candidates, conduct
7 interviews with candidates as determined by the board, evaluate candidates based on
8 required qualifications and select from among those candidates an appointee.

9 ~~An appointee under this subsection must have expertise in commerce and industry, fisheries~~
10 ~~and wildlife, forestry or, conservation issues as they relate to the commission's jurisdiction~~
11 ~~and must, fisheries, wildlife, land use planning, outdoor recreation or natural resources-~~
12 ~~based businesses that operate in the commission's jurisdiction and must reside or work in~~
13 ~~the commission's jurisdiction, be a former resident of the commission's jurisdiction or have~~
14 ~~significant professional experience working within the commission's jurisdiction.~~

15 ~~A. Reside in the commission's jurisdiction;~~

16 ~~B. Work in the commission's jurisdiction; or~~

17 ~~C. Be a former resident or be retired after having worked for a minimum of 5 years~~
18 ~~within the commission's jurisdiction.~~

19 If a board of county commissioners fails to appoint a member to the commission under this
20 subsection within ~~90~~ 30 business days of a vacancy on the commission to be filled by that
21 county, the Governor shall appoint a resident of that county meeting the criteria in
22 subsection 1 to fill the vacancy.

23 For any county appointee, the board of county commissioners shall provide to the Office
24 of the Governor, the President of the Senate and, the Speaker of the House of
25 Representatives and the director of the commission the name and address of the appointee,
26 together with information concerning that person's background and qualifications, in the
27 same manner required of the Governor for nominations made pursuant to Title 3, section
28 154. A board of county commissioners has the same authority as the Governor, pursuant
29 to Title 3, section 154, to withdraw the name of an appointee at any time before the Senate
30 votes. The provisions of Title 3, sections 155 to 158 apply to the process of legislative
31 review and confirmation of all county appointees to the commission.

32 **Sec. 4. 12 MRSA §683-A, sub-§4**, as amended by PL 2013, c. 256, §3, is further
33 amended to read:

34 **4. Terms.** All members are appointed to 4-year terms and may not serve more than 2
35 consecutive terms. Any member who has not been reappointed by the Governor or a board
36 of county commissioners prior to the expiration of that member's term may not continue to
37 serve on the commission, unless the Governor notifies the Legislature in writing prior to
38 the expiration of that member's term that extension of that member's term is required to
39 ensure fair consideration of specific major applications pending before the commission.
40 That member's term ends upon final commission decisions on the specific applications
41 identified in the Governor's communication. Any member reappointed by the Governor or
42 a board of county commissioners prior to the expiration of that member's term continues to
43 serve on the commission until the appointment is acted upon by the Legislature. Once a
44 member of the commission has been appointed by the Governor or a board of county

1 commissioners, a vacancy of that seat must be filled by the same appointing authority as
2 provided in this section. A vacancy during an unexpired term is filled only for the unexpired
3 portion of the term.

4 **Sec. 5. 12 MRSA §683-A, sub-§6** is enacted to read:

5 **6. Tracking appointments.** The Secretary of State shall include information about
6 the members of the commission in its annual report under Title 5, section 12009, subsection
7 3, including information on the date of expiration of the term of each member and the
8 authority responsible for appointments or reappointments.

9 **Sec. 6. 12 MRSA §684, first ¶**, as amended by PL 2011, c. 682, §8, is further
10 amended to read:

11 The commission shall elect annually, from its own membership, a chair, ~~vice-chair~~ and
12 such other officers it considers necessary. Meetings are held at the call of the chair or at the
13 call of more than 1/2 of the membership. Meetings must be held at a location within the
14 jurisdiction of the commission or another convenient location approved by the chair. The
15 commission, acting in accordance with the procedures set forth in Title 5, chapter 375,
16 subchapter ~~2~~ 2-A, may adopt whatever rules it considers necessary for the conduct of its
17 business. The commission shall keep minutes of all proceedings, which are a public record
18 available and on file in the office of the commission. Members of the commission are
19 compensated as provided in Title 5, chapter 379. Commission members must receive an
20 orientation and annual continuing education on this chapter, commission rules and planning
21 and regulatory processes. A quorum of the commission for the transaction of business is ~~5~~
22 7 members. ~~No~~ An action may not be taken by the commission unless upon approval by a
23 vote of ~~5~~ 7 members.

24 **Sec. 7. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 12,
25 section 683-A, subsection 1, members initially appointed by the Governor to the Maine
26 Land Use Planning Commission pursuant to this Act are appointed to staggered terms, with
27 2 members appointed for 2-year terms and 2 members appointed for 4-year terms.

28 SUMMARY

29 This bill amends the membership of the Maine Land Use Planning Commission by
30 increasing the number of members from 9 to 13, with the Governor appointing the
31 additional members. The bill also adds qualifications to be considered by the Governor
32 and boards of county commissioners when appointing members to the commission and
33 provides a membership term limit of 2 consecutive 4-year terms. The bill also requires the
34 Secretary of State to include information about the members of the commission in its annual
35 report on board appointments, including information on the date of expiration of the term
36 of each member and the authority responsible for appointments or reappointments.