

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1890

S. P. 709

In Senate, January 24, 1972

Committee on Natural Resources suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

AN ACT to Revise the Maine Land Use Regulation Commission Law.

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

Sec. 1. R. S., T. 12, § 684, amended. Section 684 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969 and amended by section 4 of chapter 457 of the public laws of 1971, is further amended by adding a new paragraph at the end to read as follows:

Whenever the commission is required or empowered to conduct a hearing pursuant to any provision of law, such hearing may be held and conducted by the commission or by any member of the commission or by any qualified employee or representative of the commission as the commission may determine. If the hearing is conducted by a single commissioner or qualified employee or representative, such commissioner, employee or representative shall report his findings of fact and conclusions to the commission together with a transcript of the hearing and all exhibits. Such findings of fact and conclusions shall become a part of the record. The commission shall not be bound by such findings or conclusions when acting upon such record, but shall take such action, issue such orders and make such decisions as if it had held and conducted the hearing itself.

Sec. 2. R. S., T. 12, § 685-A, sub-§ 7, amended. The second paragraph of subsection 7 of section 685-A of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is amended as follows:

At least 30 days prior to holding a public hearing, the commission shall give notice of said hearing to the owners of **directly** affected lands by

~~certified or registered mail, return receipt requested~~ according to their names and addresses as shown on the records of the Bureau of Taxation.

Sec. 3. R. S., T. 12, § 685-B, sub-§ 1, ¶ C, amended. The 2nd sentence of paragraph C of subsection 1 of section 685-B of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is repealed and the following enacted in place thereof:

The commission may waive the requirement of a hearing for any person having received approval by the Environmental Improvement Commission pursuant to the Site Location of Development Law, Title 38, sections 481 to 488.

STATEMENT OF FACT

Section 1 of this amendment would allow hearings required by the Maine Land Use Regulation Commission to be conducted by a single commissioner or qualified employee. Many of these hearings will take place in locations extremely inconvenient to these part-time commissioners and to require 4 commissioners to attend each hearing would result in an unbearable workload. The commissioners would, of course, make the decision upon all matters under hearing. Additionally, this amendment would make the Maine Land Use Regulation Commission Law consistent with the laws of the Environmental Improvement Commission.

Section 2 of this amendment would allow the Commission to notify parties who may be affected by proposed land use guidance standards and districts by ordinary mail rather than being required to notify such persons by certified or registered mail, return receipt requested, thus saving the State approximately \$8,000 in each mailing and to make it clear that only owners of **directly** affected lands need be notified by mail and not other parties who may claim their land is affected by virtue of its being located, for example, within sight of the land directly affected.

Section 3 of this amendment would require a person subject to the Site Location Development Law administered by the Environmental Improvement Commission who is also subject to the Maine Land Use Regulation Law to make application under both laws. Responsibility for deciding whether or not such person need submit to a hearing before the Maine Land Use Regulation Commission would be vested in the Maine Land Use Regulation Commission.