

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
106TH LEGISLATURE

SENATE AMENDMENT "J." to S.P. 678, L.D. 2044, Bill, "AN ACT to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 63 the following:

'Sec. 63-A. R. S., T. 12, § 683, amended. Section 683 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969, and as amended, is further amended to read as follows:

§ 683. Creation of Maine Land Use Regulation Commission

To carry out the purposes stated in section 681 there is created, within the Department of Conservation, the Maine Land Use Regulation Commission, hereafter hereinafter in this chapter called the "commission". The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission, shall consist of ~~3 permanent members:~~ one permanent member, the Commissioner of the Department of Conservation, and The Director of Parks and Recreation, the Forest Commissioner and the State Planning Director, or their designated alternates and 4 members serving staggered 4-year terms to be appointed by the Governor with the advice and consent of the Council. The latter 4 members shall respectively represent the public, conservation interests, forest products industry interest and general landowner interests 6 members who shall represent the public interest and be appointed by the Governor, with the advice and consent of the Council, for staggered 4-year terms. In making such appointments, the Governor shall give consideration to individuals who are knowledgeable in the following fields: Forest management and utilization, real estate development,

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land use law or land use planning, the science of ecology or related fields, soil and water conservation, agricultural economics or resource economics, government or public affairs and engineering or architecture.
~~The initial appointee to the commission representing the public shall be appointed for a one-year period; the initial appointee representing conservation interests shall be appointed for a 2-year period; the initial appointee representing the forest products industry interests shall be appointed for a 3-year period; and the initial appointee representing general landowner interests shall be appointed for a 4-year period. -- Thereafter said appointees shall be appointed to serve 4-year terms.~~

The initial appointees knowledgeable in the fields of government or public affairs and engineering and architecture shall be appointed for one-year terms; the initial appointees knowledgeable in the fields of soil and water conservation and agricultural economics or resource economics shall be appointed for 2-year terms; the initial appointees knowledgeable in the fields of land use law or land use planning and the science of ecology or related fields shall be appointed for 3-year terms; and the initial appointees knowledgeable in the fields of forest management and utilization and real estate development shall be appointed for 4-year terms.

Sec. 63-B. 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 as amended, is further amended to read as follows:

§ 684. Commission officers, meetings and rules; hearings

The commission shall elect annually, from its own membership, a chairman and secretary and such other officers it deems necessary. The

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Commissioner of the Department of Conservation shall be the commission's principal administrative officer, to whom the elected chairman of the commission shall be responsible. Meetings shall be held at the call of the chairman or at the call of more than 1/2 of the membership. Such public meetings shall be held no-less-frequently-than-5-times-a-year at least once a month. The commission may adopt whatever rules it deems necessary for the conduct of its business. The secretary shall keep minutes of all proceedings of the commission, which minutes shall be a public record available and on file in the office of the commission. Members of the commission shall not be paid a salary but shall be reimbursed for all expenses incurred in carrying out their respective responsibilities. A quorum of the commission for the transaction of business shall be 4 members. No action shall be taken by the commission unless upon approval by a vote of 4 members.

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 chairman 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. 63-C. Effective date. Sections 63-A and 63-B shall become effective 91 days after adjournment of the Legislature.'

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Statement of Fact

The purpose of this amendment is to provide an alternative make-up of the Land Use Regulation Commission due to the fact L.D. 1521 and L.D. 851 both propose different arrangements for structuring the commission and may both be enacted resulting in an awkward and embarrassing situation.

(Tanous)
NAME: 
COUNTY: Penobscot

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