

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 509

S. P. 146

In Senate, February 4, 1975

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Curtis of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Membership and Qualifications of Executive Director
of the Maine Land Use Regulation Commission.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the qualifications under existing law preclude a capable administrator from serving as Executive Director of the Maine Land Use Regulation Commission without a degree in planning; and

Whereas, this law is unduly restrictive and will cause the loss of services of a valuable administrator if it is not changed at the earliest possible time; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA, § 683, 3rd sentence, as last repealed and replaced by PL 1973, c. 698, is amended to read:

The commission shall consist of ~~the Commissioner of the Department of Conservation, ex officio, and 6~~ 7 public members, none of whom shall be state employees, who shall be appointed by the Governor, with the advice and consent of the Council, for staggered 4-year terms.

Sec. 2. 12 MRSA, § 683, last sentence, as last repealed and replaced by PL 1973, c. 698, is amended to read:

Thereafter, appointees shall be appointed to serve 4-year terms, **except that one additional appointee shall be appointed to serve the remainder of the 3-year term with those initially appointed.**

Sec. 3. 12 MRSA, § 684, first sentence, as last amended by PL 1973, c. 460, § 14, is repealed and the following enacted in place thereof:

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

Sec. 4. 12 MRSA, § 684, 2nd sentence, as enacted by PL 1973, c. 460, § 14, is repealed as follows:

~~The Commissioner of the Department of Conservation shall be chairman of the commission~~

Sec. 5. 12 MRSA, § 685, 6th sentence, as enacted by PL 1969, c. 494, is repealed as follows:

~~The executive director must have a professional degree in planning or in a related field or must have at least 3 years practical experience in the field of planning or land use management, or both~~

Sec. 6. Legislative intent. It is the intent of the Legislature that this Act shall in no way affect the tenure of the present members of the Land Use Regulation Commission, but only to increase the membership of the board from 6 to 7 public members.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to remove the Commissioner of the Department of Conservation from the Land Use Regulation Commission and replace him with an appointed public member and also to eliminate the necessity of a planning degree to serve as executive director.