

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 1498**

S. P. 539

In Senate, March 27, 1981

Referred to the Committee on Energy and Natural Resources. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

Cosponsors: Representative Austin of Bingham, Senator Redmond of Somerset and Senator O'Leary of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT Concerning the Maine Land Use Regulation Commission.**

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

**Sec. 1.** 12 MRSA § 681, as last amended by PL 1975, c. 508, § 1, is repealed.

**Sec. 2.** 12 MRSA § 681-A is enacted to read:

**§ 681-A. Purpose**

**It is the purpose of this chapter to exercise planning and zoning authority and to enact police power ordinances in the unorganized and deorganized areas of the State to preserve the public health, safety and general welfare and to encourage the well planned and well managed multiple use of the land and resources of this area.**

**Sec. 3.** 12 MRSA § 682, sub-§ 1, as amended by PL 1973, c. 569, § 2, is further amended to read:

**1. Unorganized and deorganized areas.** Unorganized and deorganized areas shall include all areas located within the jurisdiction of the State of Maine, except areas located within organized cities and, towns, plantations and Indian reservations.

Sec. 4. 12 MRSA § 682, sub-§ 2, as last repealed and replaced by PL 1971, c. 544, § 28-B, is repealed.

Sec. 5. 12 MRSA § 683, as last amended by PL 1979, c. 497, § 1, is repealed.

Sec. 6. 12 MRSA § 683-A is enacted to read:

**§ 683-A. Maine Land Use Regulation Commission**

1. **Establishment.** There is established the Maine Land Use Regulation Commission, referred to in this chapter as the "commission." The commission shall consist of 7 public members to be appointed by the Governor, subject to review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Legislature. The Governor shall appoint members who are inhabitants of the unorganized and deorganized areas of the State. Members shall serve for a term of 4 years and until their successors are appointed. One of the members shall be elected annually by the members as chairman.

2. **Duties.** The commission shall exercise the powers, subject to the same guidelines and standards which are granted to municipalities in Title 30, chapter 239, subchapters V and VI, and shall adopt rules necessary to exercise and enforce these powers.

3. **Rules.** The commission, acting in accordance with the procedures set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, may adopt rules it deems necessary for the conduct of its business.

4. **Compensation.** Members of the commission shall receive \$40 per day for their services at meetings or hearings and all members shall receive necessary traveling expenses for attending any meetings of the commission or for any travel in connection with the official business of the commission and under specific authority of the commission, which traveling expenses shall be paid out of the General Fund.

5. **Quorum.** A quorum of the commission for the transaction of business shall be 4 members. No action may be taken by the commission unless upon approval by a vote of 4 members.

6. **Public hearings.** Whenever the commission is required or empowered to conduct a hearing pursuant to any provision of law, this hearing shall be held in the area subject to jurisdiction.

Sec. 7. 12 MRSA § 684, as last amended by PL 1977, c. 694, § 221, is repealed.

Sec. 8. 12 MRSA § 685-A, sub-§ 4, as last amended by PL 1979, c. 497, § 2, is repealed and the following enacted in its place:

4. **Land use standards considered as minimum requirements.** Land use standards shall be interpreted and applied by the commission as minimum requirements, adopted to reasonably and effectively promote health, safety and general welfare and insure compliance with state plans and policies.

**Whenever the requirements of the adopted land use standards are at variance with the requirements of any other lawfully adopted rules, regulations, standards, ordinances, deed restrictions or covenants, the more protective of existing natural, recreation and historic resources shall govern.**

**Sec. 9.** 12 MRSA § 685-A, sub-§ 6 as last amended by PL 1975, c. 497, § 3, is repealed.

**Sec. 10.** 12 MRSA § 685-A, sub-§ 7, last ¶, as enacted by PL 1975, c. 508, § 3, is repealed.

**Sec. 11.** 12 MRSA § 685-A, sub-§ 8, last ¶, as enacted by PL 1977, c. 327, § 2, is repealed.

**Sec. 12.** 12 MRSA § 685-B, sub-§ 1, ¶ B, as amended by PL 1973, c. 569, § 11, is repealed and the following enacted in its place:

**B. No person may create a subdivision without a permit from the commission. Requests for subdivision approval shall be in accordance with the provisions of Title 30, section 4956.**

**Sec. 13.** 12 MRSA § 685-B, sub-§ 1, ¶ C, 2nd ¶, as repealed and replaced by PL 1971, c. 619, § 6, is repealed.

**Sec. 14.** 12 MRSA § 685-B, sub-§ 1, ¶ C, 3rd ¶, as amended by PL 1979, c. 127, § 68, is repealed.

**Sec. 15.** 12 MRSA § 685-B, sub-§ 1, ¶ C, 4th ¶, as enacted by PL 1973, c. 569, § 11, is repealed.

**Sec. 16.** 12 MRSA § 685-B, sub-§ 4, ¶ A, as amended by PL 1979, c. 127, § 69, is repealed and the following enacted in its place:

**A. Adequate technical and financial provision has been made for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies;**

**Sec. 17.** 12 MRSA § 685-B, sub-§ 8, last ¶, as enacted by PL 1973, c. 569, § 11, is repealed.

**Sec. 18.** 12 MRSA § 685-C, sub-§ 1, as last amended by PL 1977, c. 694, § 233, is repealed.

**Sec. 19. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1981-82	1982-83
CONSERVATION, DEPARTMENT OF		
Maine Land Use Regulation Commission		
Positions	(8)	(8)
Personal Services	\$192,930	\$189,355
All Other	77,941	80,409
	<hr/>	<hr/>
Total	\$270,871	\$279,764

**Sec. 20. Transition.** The members of the Maine Land Use Regulation Commission serving on the commission on the effective date of this Act should continue to serve for the term to which they were appointed. When the term of a member of the commission expires or a vacancy on the commission occurs, a member shall be appointed in accordance with the Revised Statutes, Title 12, section 683-A as enacted by this Act.

#### STATEMENT OF FACT

The purpose of this bill is to restrict the activities of the Maine Land Use Regulation Commission to the unorganized territory. Even though there is a General fund appropriation, the costs of the commission are borne entirely by the inhabitants of the unorganized territories through the Unorganized Territory Educational and Services Tax. This bill limits the commission's functions to planning and zoning in its area of jurisdiction, and repeals its authority to administer state laws. It repeals all its authority over plantations and organized towns. The bill also requires all the commissioners to be residents of the area of jurisdiction. The appropriation for the Maine Land Use Regulation Commission is reduced by \$100,000 to reflect its reduced workload.