

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2401

H.P. 1810

House of Representatives, March 29, 1984

Referred to the Committee on Audit and Program Review. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Speaker Martin of Eagle Lake.

Cosponsors: Senator Pray of Penobscot, Representative Rotondi of Athens and Representative Mills of Bethel.

STATE OF MAINE

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

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 §685-A, sub-§4, as amended by PL 1979, c. 497, §2, is further amended to read:

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.

1 Any portion of a land use district which subsequently
2 becomes an organized municipality or part of an or-
3 ganized municipality or any plantation which adopts
4 planning, zoning and subdivision control as provided
5 in Title 30, section 5621, shall continue to be regu-
6 lated by the Maine Land Use Regulation Commission
7 pursuant to this chapter until such time as the mu-
8 nicipality or plantation of which the regulated dis-
9 trict is then a part, shall adopt land use plans and
10 regulations not less protective of the existing natu-
11 ral, recreational or historic resources than those
12 adopted by the commission. For a time period of 4
13 years after initial commission approval of these
14 plans and regulations, any revisions or amendments to
15 the adopted plan and regulation that are less protee-
16 tive than those in the adopted plan shall be submit-
17 ted to the Land Use Regulation Commission for approv-
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19 Any municipality organized after September 23, 1971,
20 or any plantation which adopts planning, zoning and
21 subdivision control as provided in Title 30, section
22 5621, may submit to the commission and receive the
23 approval of the commission of the following:

24 A. A comprehensive land use plan for such
25 plantation or proposed city or town;

26 B. Standards for determining land use district
27 boundaries and uses permitted within such dis-
28 tricts in such plantation or proposed city or
29 town;

30 C. A land use district boundary map for such
31 plantation or proposed city or town;

32 D. Such other proposed regulations or standards
33 as the commission deems to be necessary to
34 achieve the purpose, intent and provisions of
35 this chapter; and

36 E. Upon request of the municipality or
37 plantation, the commission shall prepare such
38 plans, maps, regulations and standards as it may
39 deem necessary to meet minimum planning and zon-
40 ing standards for its approval thereof.

1 Upon obtaining the foregoing approval, the
2 plantation, city or town shall thereafter adopt, ad-
3 minister and enforce such approved plans, maps, regu-
4 lations and standards.

5 From time to time, the commission may review the ad-
6 ministration and enforcement of local land use plans
7 and regulations by plantations and municipalities
8 which have adopted land use plans, maps, regulations
9 and standards approved by the commission. If, fol-
10 lowing the review, the commission finds that any of
11 the following have accured, the commission may rees-
12 tablish its jurisdiction over that plantation or mu-
13 nicipality:

14 A. A plantation or municipality has repealed the
15 land use plan, maps, standards or regulations
16 necessary to satisfy the requirements of this
17 subsection or has amended these plans, maps,
18 standards or regulations so that they no longer
19 satisfy the requirements of subsection;

20 B. A plantation or municipality has abolished or
21 does not have functioning the administrative
22 bodies and officers necessary to implement the
23 land use program as approved by the commission,
24 normally a planning board, board of appeals and
25 code enforcement officer are included, but this
26 may vary depending on the local program; or

27 C. A plantation or municipality has not adminis-
28 tered or enforced its land use plan, maps, stan-
29 dards or regulations in a manner which reasonably
30 protects the resources in the plantation or mu-
31 nicipality involved.

32 The action by the commission shall conform with the
33 provisions for rulemaking of the Maine Administrative
34 Procedure Act, Title 5, chapter 375.

35 Action taken by the commission to reestablish its ju-
36 isdiction over a plantation or municipality shall be
37 effective immediately, but shall be submitted to the
38 current or next regular session of the Legislature
39 for approval. If the Legislature fails to act, the
40 action shall continue in effect.

1 Sec. 2. 12 MRSA §685-D, as enacted by PL 1983,
2 c. 561, §1, is repealed.

3 Sec. 3. Maine Land Use Regulation Commission
4 funding study. There is established a 4-member study
5 committee to review funding of the Maine Land Use
6 Regulation Commission. The committee shall include
7 one member of the Senate appointed by the President
8 of the Senate, one member of the House of Representa-
9 tives appointed by the Speaker of the House, one mem-
10 ber appointed by the Governor and the Chairman of the
11 Maine Land Use Regulation Commission

12 The committee shall review the proportions of the
13 commission's budget which have been funded through
14 the General Fund, the Municipal Cost Component and
15 other sources. In particular, the committee shall
16 review funding the commission through taxes or
17 charges levied on the unorganized townships, planta-
18 tions and towns within its jurisdiction, as well as
19 through the General Fund. The committee shall solici-
20 t the views of landowners in the unorganized town-
21 ships, landowners and local officials in the planta-
22 tions and towns within the commission's jurisdiction,
23 the public and other interested parties.

24 The committee shall present its recommendations
25 on methods to provide for funding of the commission
26 to the joint standing committee of the Legislature
27 having jurisdiction over taxation matters by February
28 1, 1985. Upon presentation of its report to the Leg-
29 islature, the study committee shall terminate.

1 STATEMENT OF FACT

2 The Maine Land Use Regulation Commission is fi-
3 nanced through General Fund appropriations, with par-
4 tial reimbursement from the Municipal Cost Component.
5 In addition, under a law enacted last year, but which
6 is repealed by section 2 of this bill, a portion of
7 the agency's General Fund appropriation would also
8 have been reimbursed by a charge on the plantations
9 and towns within the jurisdiction of the commission.
10 Section 3 of this bill sets up a study committee to
11 review the funding of the commission. The committee
12 will report its findings to the Legislature by Febru-
13 ary 1, 1985.

14 Section 1 amends the commission's enabling stat-
15 ute to delete a 4-year oversight period by the com-
16 mission of communities which assume administration of
17 local land use controls. The bill authorizes the
18 commission to review the status of local administra-
19 tion and enforcement of land use controls by those
20 communities. The commission could reestablish its
21 jurisdiction, subject to legislative approval, over
22 plantations or municipalities which fail to reason-
23 ably protect the resources within their communities.

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