

# MAINE STATE LEGISLATURE

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L.D. 2458  
(Filing No. H-702)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
111TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1857, L.D. 2458, Bill, "AN ACT Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory."

Amend the bill by inserting after the enacting clause the following:

'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.

Any portion of a land use district which subsequently becomes an organized municipality or part of an organized municipality or any plantation which adopts planning, zoning and subdivision control as provided in Title 30, section 5621, shall continue to be regulated by the Maine Land Use Regulation Commission pursuant to this chapter until such time as the municipality or plantation of which the regulated district is then a part, shall adopt land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the commission. ~~For a time period of 4~~

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1 years after initial commission approval of these  
2 plans and regulations, any revisions or amendments to  
3 the adopted plan and regulation that are less protective  
4 than these in the adopted plan shall be submitted  
5 to the Land Use Regulation Commission for approval.  
6

7 Any municipality organized after September 23, 1971,  
8 or any plantation which adopts planning, zoning and  
9 subdivision control as provided in Title 30, section  
10 5621, may submit to the commission and receive the  
11 approval of the commission of the following:

12 A. A comprehensive land use plan for such  
13 plantation or proposed city or town;

14 B. Standards for determining land use district  
15 boundaries and uses permitted within such districts  
16 in such plantation or proposed city or town;  
17

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

20 D. Such other proposed regulations or standards  
21 as the commission deems to be necessary to  
22 achieve the purpose, intent and provisions of  
23 this chapter; and

24 E. Upon request of the municipality or  
25 plantation, the commission shall prepare such  
26 plans, maps, regulations and standards as it may  
27 deem necessary to meet minimum planning and zoning  
28 standards for its approval thereof.

29 Upon obtaining the foregoing approval, the  
30 plantation, city or town shall thereafter adopt, administer  
31 and enforce such approved plans, maps, regulations  
32 and standards.

33 From time to time, the commission may review the administration  
34 and enforcement of local land use plans

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1 and regulations by plantations and municipalities  
2 which have adopted land use plans, maps, regulations  
3 and standards approved by the commission. If, fol-  
4 lowing the review, the commission finds that any of  
5 the following have accrued, the commission may rees-  
6 tablish its jurisdiction over that plantation or mu-  
7 nicipality:

8 A. A plantation or municipality has repealed the  
9 land use plan, maps, standards or regulations  
10 necessary to satisfy the requirements of this  
11 subsection or has substantially modified the land  
12 use plan, maps, standards or regulations so that  
13 the resources of the plantation or municipality  
14 are not reasonably protected.

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

22 C. A plantation or municipality has not adminis-  
23 tered or enforced its land use plan, maps, stan-  
24 dards or regulations in a manner which reasonably  
25 protects the resources in the plantation or mu-  
26 nicipality involved.

27 The action by the commission shall conform with the  
28 provisions for rulemaking of the Maine Administrative  
29 Procedure Act, Title 5, chapter 375.

30 Action taken by the commission to reestablish its ju-  
31 risdiction over a plantation or municipality shall be  
32 effective immediately, but shall be submitted to the  
33 current or next regular session of the Legislature  
34 for approval. If the Legislature fails to act, the  
35 action shall continue in effect.

36 Further amend the bill by striking out all of

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1 section 1 and inserting in its place the following:

2 'Sec. 1. 12 MRSA §685-D, as enacted by PL 1983,  
3 c. 561, §1, is repealed and the following enacted in  
4 its place:

5 §685-D. Funding

6 Services and activities of the commission which  
7 benefit the unorganized and deorganized areas of the  
8 State, other than plantations, shall be charged to  
9 the unorganized territory and collected through the  
10 Unorganized Territory Educational and Services Tax  
11 established in Title 36, chapter 115. Beginning with  
12 fiscal year 1983-84, services and activities of the  
13 commission which benefit plantations, towns and  
14 cities shall be paid from the General Fund which  
15 shall be reimbursed by charges made by the commission  
16 directly to the plantation, town or city receiving  
17 the benefit; charges for fiscal years 1983-84 and  
18 1984-85 shall be delayed until July 1, 1985. Ser-  
19 vices and activities of the commission which are  
20 available on a general statewide level shall be paid  
21 from the General Fund. The Department of Conserva-  
22 tion shall report annually to the Legislature its es-  
23 timate of the amount of its budget for the next fis-  
24 cal year to be collected through the Unorganized Ter-  
25 ritory Educational and Services Tax, the amount to be  
26 charged to plantations, towns and cities and the  
27 amount to be borne by the General Fund.'

28 Further amend the bill by inserting at the end  
29 before the emergency clause the following:

30 'Sec. 8. Appropriation. The following funds are  
31 appropriated from the General Fund to carry out the  
32 purposes of this Act.

33 1983-84

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1 All Other \$7,341

2 These funds shall not lapse  
3 but shall remain available for  
4 the purposes specified in this  
5 Act.

6 Further amend the bill by renumbering the sec-  
7 tions to read consecutively.

8 STATEMENT OF FACT

9 This amendment removes the provision that charges  
10 for Maine Land Use Regulation Commission services be  
11 deducted from the Organized Townships Fund or from  
12 revenues from public lands, in order to permit these  
13 funds to be distributed pending a study of the fund-  
14 ing of services in the unorganized territory.

15 This amendment also amends the commission's en-  
16 abling statute to delete a 4-year oversight period by  
17 the commission of communities which assume adminis-  
18 tration of local land use controls. The new draft  
19 authorized the commission to review the status of lo-  
20 cal administration and enforcement of land use con-  
21 trols by those communities. The commission could re-  
22 establish its jurisdiction, subject to legislative  
23 approval, over plantations or municipalities which  
24 fail to reasonably protect the resources within their  
25 communities.

26 6787041184

Filed by Rep. Rolde of York  
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