

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 1766

8 H.P. 1256

House of Representatives, January 2, 1986

9 Submitted by the Department of Conservation pursuant to Joint Rule 24.

10 Received by the Clerk of the House on January 2, 1986. Referred to the  
Committee on Energy and Natural Resources and 1,600 ordered printed  
pursuant to Joint Rule 14.

11 EDWIN H. PERT, Clerk

Presented by Representative Michaud of Medway.

Cosponsored by Representative Jacques of Waterville, Senator Usher of  
Cumberland and Representative Coles of Harpswell.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX  
17

18 AN ACT to Clarify the Membership of the Maine  
19 Land Use Regulation Commission.  
20

21 Emergency preamble. Whereas, Acts of the Legis-  
22 lature do not become effective until 90 days after  
23 adjournment unless enacted as emergencies; and

24 Whereas, the requirement that a member of the  
25 Maine Land Use Regulation Commission be a resident of  
26 one small segment of the commission's jurisdiction  
27 creates an inequitable situation; and

28 Whereas, the budgetary rationale for the creation  
29 of this inequity has subsequently been resolved by  
30 funding the commission entirely from the General  
31 Fund; and

32 Whereas, there are positions on the commission  
33 available for immediate renomination or replacement;  
34 and

1       Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

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

9       12 MRSA §683, as amended by PL 1985 c. 345, is  
10 further amended to read:

11       §683. Creation of Maine Land Use Regulation Commis-  
12       sion

13       The Maine Land Use Regulation Commission, as es-  
14 tablished by Title 5, section 12004, subsection 5, to  
15 carry out the purposes stated in section 681, is cre-  
16 ated within the Department of Conservation, and in  
17 this chapter called the "commission." The commission  
18 is charged with implementing this chapter in all of  
19 the unorganized and deorganized areas of the State.  
20 The commission shall consist of 7 public members,  
21 none of whom shall be state employees, who shall be  
22 appointed by the Governor, subject to review by the  
23 Joint Standing Committee on Natural Resources and to  
24 confirmation by the Legislature, for staggered 4-year  
25 terms. Among the public members, there shall be 4  
26 who shall be knowledgeable in at least one of each of  
27 the following areas: Commerce and industry; fisheries  
28 and wildlife; forestry; and conservation. Of the po-  
29 tential appointees to the commission, the Governor  
30 shall give consideration to persons residing in or  
31 near the unorganized areas of the State and at least  
32 one member shall be a resident of a town or planta-  
33 tion within the commission's jurisdiction the area  
34 being served by the commission.

35       Of the initial appointees, 2 shall be appointed  
36 for one-year terms, 2 shall be appointed for 2-year  
37 terms and 2 shall be appointed for 3-year terms.  
38 Thereafter, appointees shall be appointed to serve  
39 4-year terms. One of the members shall be elected  
40 annually by the members as chairman.

1       Emergency clause. In view of the emergency cited  
2 in the preamble, this Act shall take effect when ap-  
3 proved.

4                               STATEMENT OF FACT

5       The Maine Land Use Regulation Commission serves  
6 416 unorganized townships, 46 towns and plantations  
7 and several hundred coastal islands. Currently, the  
8 law requires that one member of the commission be  
9 from one of 46 towns or plantations. This bill ex-  
10 tends equal representation to the other residents of  
11 areas within the commission's jurisdiction by requir-  
12 ing that one member of the commission be a resident  
13 of any area within the entire Land Use Regulation  
14 Commission jurisdiction.

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