

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 199

H.P. 158 House of Representatives, February 3, 1987
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.
Cosponsored by Representatives MITCHELL of Freeport,
JACQUES of Waterville and Senator USHER of Cumberland.

STATE OF MAINE

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

AN ACT Regarding the Maine Land Use
Regulation Commission.

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

Whereas, there are several members of the Maine
Land Use Regulation Commission serving beyond their
statutory terms; and

Whereas, the commission is facing many important
issues and requires a full contingent of members who
are not in this situation; and

Whereas, in the judgment of the Legislature,
these facts create an emergency within the meaning of

1 the Constitution of Maine and require the following
2 legislation as immediately necessary for the preservation
3 of the public peace, health and safety; now,
4 therefore,

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

7 Sec. 1. 12 MRSA §683, as amended by PL 1985, c.
8 345, is further amended by adding at the end a new
9 paragraph to read:

10 Any member who has not been renominated by the
11 Governor within 90 days of the expiration of his term
12 shall not continue to serve on the commission, unless
13 the Governor notifies the Legislature in writing and
14 within 90 days of the expiration of that member's
15 term of his finding that extension of that member's
16 term is required to ensure fair consideration of specific
17 major applications pending before the commission.
18 That member's term shall end upon final commission
19 decisions on the specific applications identified in the
20 Governor's communication. A vacancy during an unexpired
21 term shall be filled as provided in this section, but only
22 for the unexpired portion of the term.
23

24 Sec. 2. Application. The provisions of this Act
25 shall apply to all future members of the Maine Land
26 Use Regulation Commission. It is the intent of the
27 Legislature that any current members of the commission
28 whose terms expired before the effective date of
29 this Act shall not continue to serve on the commission,
30 unless the Governor exercises his authority under the
31 provisions of the Maine Revised Statutes, Title 12,
32 section 683, within 90 days of the effective
33 date of this Act.

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

1

STATEMENT OF FACT

2 The purpose of this bill is to make provisions
3 governing the treatment of commission members whose
4 terms have expired parallel to the provisions govern-
5 ing the Board of Environmental Protection. It is the
6 intent of the Legislature that, for these important
7 policy-making positions, the Governor promptly renom-
8 inate or replace commission members so as to avoid
9 uncertainty in the administration of important state
10 agencies.

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