

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1087

H.P. 813 House of Representatives, April 2, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative ANDERSON of Woodland.

Cosponsored by Representatives CLARK of Millinocket,
MacBRIDE of Presque Isle and Senator LUDWIG of Aroostook.

STATE OF MAINE

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

**AN ACT to Restructure the Method
of Appointment of Members of the
Maine Land Use Regulation Commission.**

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2
3
4

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 amended to read:**

9 **§683. Creation of Maine Land Use Regulation Commis-**
10 **sion**

11 The Maine Land Use Regulation Commission, as es-
12 tablished by Title 5, section 12004, subsection 5, to
13 carry out the purposes stated in section 681, is cre-
14 ated within the Department of Conservation, and in
15 this chapter called the "commission." The commission

1 is charged with implementing this chapter in all of
2 the unorganized and deorganized areas of the State.
3 The commission shall consist of 7 public members,
4 none of whom shall be state employees, who shall be
5 appointed by the Governor, subject to review by the
6 ~~Joint--Standing--Committee-on-Natural-Resources~~ joint
7 standing committee of the Legislature having juris-
8 isdiction over energy and natural resources and to con-
9 firmation by the Legislature, for staggered 4-year
10 terms. Among the public members, there shall be 4
11 who shall be knowledgeable in at least one of each of
12 the following areas: Commerce and industry, fisheries
13 and wildlife, forestry, and conservation. Members of
14 the commission shall be chosen to represent the
15 broadest possible interest and experience which can
16 be brought to bear in the implementation of this Ti-
17 tle and all other laws which the commission is
18 charged with the duty of administering. Any member
19 who has not been renominated by the Governor within
20 90 days of the expiration of his term shall not con-
21 tinue to serve on the commission unless the Governor
22 notifies the Legislature, in writing and within 90
23 days of the expiration of that member's term, of his
24 finding that extension of that member's term is re-
25 quired to ensure fair consideration of specific major
26 applications pending before the board. That member's
27 term shall terminate upon final commission decisions
28 on the specific applications identified in the Gover-
29 nor's communication. Of the potential appointees to
30 the commission, the Governor shall give consideration
31 to persons residing in or near the unorganized areas
32 of the State and at least one member shall be a resi-
33 dent of a an organized town or plantation and at
34 least one member shall be a resident of an unorga-
35 nized township within the commission's jurisdiction.

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

42 Sec. 2. 12 MRSA §685-A, sub-§4, as repealed and
43 replaced by PL 1985, c. 506, Pt. A, §12, is repealed
44 and the following enacted in its place:

1 4. Land use standards considered as minimum re-
2 quirements. Land use standards shall be interpreted
3 and applied by the commission as minimum require-
4 ments, adopted to reasonably and effectively promote
5 health, safety and general welfare and insure compli-
6 ance with state plans and policies.

7 Whenever the requirements of the adopted land use
8 standards are at variance with the requirements of
9 any other lawfully adopted rules, standards, ordi-
10 nances, deed restrictions or covenants, the more pro-
11 ductive of existing natural, recreational and histor-
12 ic resources shall govern.

13 Any portion of a land use district which subsequently
14 becomes an organized municipality or part of an or-
15 ganized municipality or any plantation which adopts
16 planning, zoning and subdivision control as provided
17 in Title 30, section 5621, shall not continue to be
18 regulated by the Maine Land Use Regulation Commission
19 pursuant to this chapter.

20 A. Any municipality organized after September
21 23, 1971, or any plantation which adopts plan-
22 ning, zoning and subdivision control as provided
23 in Title 30, section 5621, may submit to the com-
24 mission and shall receive the approval of the
25 commission of the following:

26 (1) A comprehensive land use plan for that
27 plantation or proposed city or town;

28 (2) Standards for determining land use dis-
29 trict boundaries and uses permitted within
30 the districts in that plantation or proposed
31 city or town;

32 (3) A land use district boundary map for
33 that plantation or proposed city or town;
34 and

35 (4) Such other proposed regulations or
36 standards as the commission considers to be
37 necessary to achieve the purpose, intent and
38 provisions of state law.

1 Upon request of the municipality or plantation,
2 the commission shall within one year prepare
3 such plans, maps, regulations and standards as it
4 considers necessary to meet minimum planning and
5 zoning standards for its approval of those stan-
6 dards.

7 Upon obtaining approval, the plantation, city or
8 town shall adopt, administer and enforce the ap-
9 proved plans, maps, regulations and standards.
10 The approved plans, maps, regulations and stan-
11 dards may be changed by a vote equal to 2/3 of
12 those voting in the last gubernatorial election.

13 STATEMENT OF FACT

14 The purpose of this bill is to restructure the
15 appointment of members of the Maine Land Use Regula-
16 tion Commission.

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