

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 247

H.P. 182

House of Representatives, February 16, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

Cosponsored by Representative MICHAUD of East Millinocket, Representative MARSH of West Gardiner and Senator LUDWIG of Aroostook.

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STATE OF MAINE

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

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An Act to Establish the Maine Greenbelt Commission.

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

3 Sec. 1. 5 MRSA §12004-I, sub-§21-A is enacted to read:

5	<u>21-A. Environ-</u>	<u>Maine</u>	<u>Expenses Only</u>	<u>30 MRSA</u>
	<u>ment: Natural</u>	<u>Greenbelt</u>		<u>§4960-D,</u>
7	<u>Resources</u>	<u>Commission</u>		<u>sub-§4</u>

9  
11 Sec. 2. 30 MRSA §4960-C, sub-§4, ¶C, as enacted by PL 1987, c. 766, §4, is amended to read:

13 C. A comprehensive plan shall include an implementation  
15 strategy section which contains a timetable for the  
17 implementation program, including land use ordinances, that  
19 ensures that the goals established under this subchapter are  
21 met. These implementation strategies shall be consistent  
23 with state laws and shall actively promote policies  
25 developed during the planning process. The timetable shall  
27 identify significant ordinances to be included in the  
implementation program. Those ordinances shall be adopted  
within one year of the plan. The strategies shall guide the  
subsequent adoption of policies, programs and land use  
ordinances. In developing its strategies and subsequent  
policies, programs and land use ordinances, each  
municipality shall employ the following guidelines  
consistent with the goals of this subchapter:

29 (1) Identify and designate at least 2 basic types of  
31 geographic areas: Growth areas and rural areas.

33 (a) Growth areas are those areas suitable for  
35 orderly residential, commercial and industrial  
development forecast over the next 10 years. Each  
municipality shall:

37 (i) Establish standards for such  
39 developments;

41 (ii) Establish timely permitting procedures;

43 (iii) Ensure that needed public services are  
available within the growth area; and

45 (iv) Prevent inappropriate development in  
47 natural hazard areas, including flood plains  
and areas of high erosion.

49 (b) Rural areas are those areas where protection  
51 should be provided for agricultural, forest, open  
space and scenic lands within the municipality.  
Each municipality shall adopt land use policies

1 and ordinances to discourage incompatible  
3 development.

5 These policies and ordinances may include, without  
7 limitation, density limits; cluster or special zoning;  
9 acquisition of land or development rights; or  
11 performance standards;

13 (2) Develop a capital investment plan for financing  
15 the replacement and expansion of public facilities and  
17 services required to meet projected growth and  
19 development;

21 (3) Protect, maintain and, where warranted, improve  
23 the water quality of each water body pursuant to Title  
25 38, chapter 3, subchapter I, article 4-A;

27 (4) Ensure that its land use policies and ordinances  
29 are consistent with applicable state law regarding  
31 critical natural resources. A municipality may adopt  
33 ordinances more stringent than applicable state law;

35 (5) Ensure the preservation of access to coastal  
37 waters necessary for commercial fishing, commercial  
39 mooring, docking and related parking facilities. Each  
41 coastal municipality shall discourage new development  
43 that is incompatible with uses related to the marine  
45 resources industry;

47 (6) Ensure the protection of agricultural and forest  
49 resources. Each municipality shall discourage new  
51 development that is incompatible with uses related to  
the agricultural and forest industry;

(7) Ensure that its land use policies and ordinances  
encourage the siting and construction of affordable  
housing within the community. The municipality shall  
seek to achieve a level of 10% of new residential  
development, based on a 5-year historical average of  
residential development in the municipality, meeting  
the definition of affordable housing. The municipality  
is encouraged to seek creative approaches to assist in  
the development of affordable housing, including, but  
not limited to, cluster zoning, reducing minimum lot  
and frontage sizes and increasing densities;

(8) Ensure that the value of historic and  
archeological resources is recognized and that  
protection is afforded to those resources that merit  
it; and

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1 (9) Encourage the availability of and access to  
3 traditional outdoor recreation opportunities,  
including, without limitation, hunting, boating,  
5 fishing and hiking; and encourage the acquisition of  
greenbelts, public parks, trails and conservation  
7 easements. Each municipality shall identify and  
encourage the protection of undeveloped shoreland and  
9 other areas identified in the local planning process as  
meriting such protection.

11 **Sec. 3. 30 MRSA §4960-D, sub-§4** is enacted to read:

13 4. Maine Greenbelt Commission. The Maine Greenbelt  
15 Commission as established in Title 5, section 12004-I, subsection  
21-A, shall be composed of 5 members.

17 A. Members of the commission shall be appointed by the  
19 Governor and shall be selected on the basis of broad  
geographic representation and their knowledge of and  
21 demonstrated concern for open space and recreational lands.  
Members shall serve for staggered 4-year terms. Initial  
23 members shall have terms as follows: Two members for 2-year  
terms; 2 members for 3-year terms and one member for a  
25 one-year term. A member may serve no more than 2  
consecutive 4-year terms. Members shall be compensated for  
27 all expenses directly related to their participation in  
commission business.

29 B. The commission shall advise the office on issues and  
31 needs for municipalities regarding the acquisition and  
management of open space and recreational lands. In  
33 addition, the commission shall coordinate with local  
conservation commissions on their activities relating to  
35 open space and recreational lands. The commission shall  
coordinate its activities with the Land for Maine's Future  
37 Board.

39 C. Staff for the commission shall be provided by the office.

41 **Sec. 4. Maine Greenbelt Commission; report.** The Maine  
Greenbelt Commission shall consider the need for developing  
43 within the commission a program to help municipalities acquire  
conservation easements and recreation and open space lands using  
45 both public and private funds. The commission shall report to  
the joint standing committee of the Legislature having  
47 jurisdiction over natural resources by March 15, 1990, on their  
recommendations, including any necessary implementing  
49 legislation. If the commission establishes that there is a need  
for such a program, the recommendations shall include  
51 recommendations on the program's structure.

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**STATEMENT OF FACT**

3           This bill proposes to require towns to implement programs  
4 for open space and recreation land acquisition consistent with  
5 their comprehensive plans. The bill also establishes a Maine  
6 Greenbelt Commission to advise the Office of Comprehensive Land  
7 Use Planning on issues and needs for municipalities relating to  
8 acquiring open space and recreation lands. The commission will  
9 be staffed by the Office of Comprehensive Land Use Planning.

11           In addition, the commission will explore the need for  
12 developing a program to assist municipalities in acquiring  
13 conservation easements or recreation lands.