

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 217

S.P. 118

Received by the Secretary, January 30, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

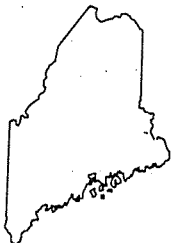
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRAUN of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Create Citizen Councils on Unorganized Islands.



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

2
4 Sec. 1. 12 MRSA §683, first ¶, as amended by PL 1989, c. 503, Pt. B, §55, is further amended to read:

6 The Maine Land Use Regulation Commission, as established by
8 Title 5, section 12004-D, subsection 1, to carry out the purposes
10 stated in section 681, is created within the Department of
12 Conservation, and in this chapter called the "commission." The
14 commission is charged with implementing this chapter in all of
16 the unorganized and deorganized areas of the State, except
18 unorganized islands subject to subchapter III-A. The commission
20 shall ~~consist~~ consists of 7 public members, none of whom shall ~~be~~
22 are state employees, ~~who shall be~~ appointed by the Governor,
24 subject to review by the joint standing committee of the
Legislature having jurisdiction over natural resources and to
confirmation by the Legislature, for staggered 4-year terms.
Among the public members, there shall must be 4 who shall ~~be~~ are
knowledgeable in at least one of each of the following areas:
Commerce and industry; fisheries and wildlife; forestry; and
conservation. Of the potential appointees to the commission, the
Governor shall actively seek and give consideration to persons
residing in or near the unorganized areas of the State and at
least 2 members shall must be residents within the commission's
jurisdiction.

26 Sec. 2. 12 MRSA c. 206-A, sub-c. III-A is enacted to read:

28
30 **SUBCHAPTER III-A**
UNORGANIZED ISLANDS CITIZEN COUNCILS

32 **§688-A. Applicability**

34 This subchapter applies to any populated and unorganized
36 island that is wholly owned by 3 or more persons. This
subchapter does not apply to unpopulated unorganized islands or
unorganized islands wholly owned by fewer than 3 persons.

38 **§688-B. General provisions**

40
42 By January 1, 1992, each applicable unorganized island shall
form a citizen council to carry out the purposes of this
chapter. Each citizen council must have at least 3, but not more
than 7, members who are elected by a majority of the residents
and landowners of each island. Each member shall serve for 3
46 years.

48 A citizen council formed under this subchapter shall carry
out all the purposes of this chapter, including the establishment
of land use districts and standards, site development review and
approval, the enforcement of violations and inspection for
52 compliance to these provisions, the conduct of any public

2 hearings and meetings required and the granting of variances and
3 exceptions provided by law.

4 1. Funding. Each unorganized island citizen council shall
5 prepare and submit to the Legislature annually any request for
6 appropriations necessary to carry out assigned tasks.

8 2. Conflict of interest. Each member of an unorganized
9 island citizen council is subject to the conflict of interest
10 provisions of Title 5, section 18.

12 3. Secretary of State to certify elections. The Secretary
13 of State shall certify the election of each member of an
14 unorganized island citizen council.

16 4. Reversion to Maine Land Use Regulation Commission. In
17 the event that the conflict of interest provisions of subsection
18 2 prevent the election of a citizen council on an unorganized
19 island, governance of that unorganized island for the purposes of
20 the unorganized land use regulation laws reverts to the Maine
21 Land Use Regulation Commission under this chapter.

22 **Sec. 3. Effective date.** This Act takes effect on January 1,
24 1992.

26
28 **STATEMENT OF FACT**

30 This bill exempts populated unorganized islands owned by at
31 least 3 people from the jurisdiction of the Maine Land Use
32 Regulation Commission and requires that those islands form a
33 "citizen council" to carry out the purposes of the unorganized
34 land use regulation laws set forth in the Maine Revised Statutes,
Title 12, chapter 206-A.