

MAINE STATE LEGISLATURE

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H. of S.

L.D. 2384

(Filing No. S-722)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "G" to COMMITTEE AMENDMENT "A" to S.P.
929, L.D. 2384, Bill, "An Act to Restructure State Government"

Amend the amendment by inserting before the paragraph before
the fiscal note the following:

PART E

Sec. E-1. 5 MRSA §13051, last ¶, as enacted by PL 1987, c. 816,
Pt. P, §4, is repealed.

Sec. E-2. 5 MRSA §13052, last ¶, as enacted by PL 1987, c. 816,
Pt. P, §5, is repealed.

Sec. E-3. 12 MRSA §683, first ¶, as amended by PL 1991, c. 76,
is further amended to read:

The Maine Land Use Regulation Commission, as established by
Title 5, section 12004-D, subsection 1 to carry out the purposes
stated in section 681, is created within the Department of
Conservation, Bureau of Lands and in this chapter called the
"commission." The commission is charged with implementing this
chapter in all of the unorganized and deorganized areas of the
State. The commission consists of 7 public members, none of whom
may be state employees, who must be appointed by the Governor,
subject to review by the joint standing committee of the
Legislature having jurisdiction over energy and natural resources
matters and to confirmation by the Legislature Senate, for
staggered 4-year terms. Among the public members, there must be
4 who must be 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 to persons residing on unorganized coastal
islands. At least 2 members must be residents within the
commission's jurisdiction.

Sec. E-4. 12 MRSA §5011, sub-§7, as enacted by PL 1973, c.
460, §16, is amended to read:

7. Land use regulation. Land Use Regulation Commission;
and

Sec. E-5. 12 MRSA §5011, sub-§8 is enacted to read:

8. Land quality control. Department of Environmental
Protection, Bureau of Land Quality Control.

Sec. E-6. 12 MRSA §5013, sub-§1, as amended by PL 1983, c.
812, §80, is repealed and the following enacted in its place:

1. Lands. The Bureau of Lands shall provide necessary staff
support for the planning, zoning and other regulatory functions
of the Maine Land Use Regulation Commission under chapter 206-A.
The Bureau of Lands shall also administer the provisions of Title
38, chapter 24 regarding the siting of solid waste disposal
facilities and any other responsibilities enumerated in chapter
432.

Sec. E-7. 12 MRSA c. 432 is enacted to read:

CHAPTER 432

BUREAU OF LANDS

§5301. Establishment

The Bureau of Lands is established in the Department of
Conservation and referred to in this chapter as the bureau. The
bureau is administered by the Executive Director of the Maine
Land Use Regulation Commission. For the purposes of this
chapter, "director" means the Executive Director of the Maine
Land Use Regulation Commission.

Notwithstanding any other provision of law, the director
shall administer the following:

1. The State Register of Critical Areas. The State
Register of Critical Areas laws codified under Title 5, chapter
312;

2 2. Community development. The community development laws
4 codified under Title 5, chapter 383, subchapter III;

6 3. Use regulation. The land use regulation laws codified
8 under chapter 206-A;

10 4. Mandatory shoreland zoning. The mandatory shoreland
12 zoning laws codified under Title 38, chapter 3, subchapter 1,
14 article 2-B;

16 5. Natural resources protection. The natural resources
18 protection laws codified under Title 38, chapter 3, subchapter 1,
20 article 5-A; and

22 6. Site location of development. The site location of
24 development laws codified under Title 38, chapter 3, subchapter
26 1, article 6.

28 **Sec. E-8. Transition provisions.**

30 1. **Positions abolished.** On July 1, 1993 the following
32 positions are abolished:

34 A. Within the Department of Economic and Community
36 Development, the Deputy Commissioner for Community
38 Development and the Deputy Commissioner for Comprehensive
40 Land Use Planning or their successor positions; and

42 B. Within the Department of Environmental Protection, the
44 Director of the Bureau of Land Quality Control.

46 2. **Entities abolished.** On July 1, 1993, the following
48 agencies, bureaus and offices are abolished:

50 A. The Office of Comprehensive Land Use Planning within the
52 Department of Economic and Community Development; and

54 B. The Bureau of Land Quality Control within the Department
56 of Environmental Protection.

58 3. **Maine Revised Statutes amended; revision clause.** The
60 Revisor of Statutes shall implement the following revisions when
62 updating, publishing or republishing the statutes:

64 A. Wherever in the Maine Revised Statutes, Title 5, chapter
66 312 the words "Director of the State Planning Office" appear
68 or reference is made to those words, they are amended to

2 read and mean "Director of the Bureau of Lands in the
Department of Conservation";

4 B. Wherever in Title 5, chapter 383, subchapters III and VI
the words "Commissioner of Economic and Community
6 Development," "Office of Community Development" or "Deputy
Commissioner for Community Development" appear or reference
8 is made to those words, they are amended to read and mean
"Commissioner of Conservation," "Bureau of Lands within the
10 Department of Conservation" or "Director of the Bureau of
Lands within the Department of Conservation"; and

12 C. Wherever in Title 38, chapter 3, subchapter I, article
14 5-A or 6 the words "Commissioner of Environmental
Protection," "Board of Environmental Protection" or
16 "Department of Environmental Protection" appear or reference
is made to those words, they are amended to read and mean
18 "Commissioner of Conservation".

20 4. **Rules.** On July 1, 1993 all rules issued, administered
and enforced by the Bureau of Land Quality Control and the Office
22 of Community Development become rules issued, administered and
enforced by the Director of the Bureau of Lands and remain in
24 effect until amended or repealed by the Commissioner of
Conservation.

26
28 **Sec. E-9. Effective date.** Sections 1 to 7 of this Part are
effective on July 1, 1993.

30 **Sec. E-10. Implementation.** The Commissioner of Conservation,
in consultation with affected parties, shall submit legislation
32 necessary for the complete implementation of this Part to the
Legislative Council on or before January 1, 1993.'

34
36 Further amend the amendment by relettering the Parts to read
consecutively.


38 FISCAL NOTE

40 This amendment will result in savings as a result of
eliminating certain positions. The total savings that will
42 result from the merger of land use, natural heritage and
environmental regulatory programs into the Bureau of Lands within
44 the Department of Conservation can not be determined at this time.

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STATEMENT OF FACT

This amendment creates a Bureau of Lands within the Department of Conservation to assume responsibility for land use planning programs, natural heritage programs and environmental regulatory responsibilities of the Department of Environmental Protection regarding land use.

(President PRAY)
SPONSORED BY: 

COUNTY: Penobscot

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