

MAINE STATE LEGISLATURE

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MAJORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 9, L.D. 6, Bill, "An Act to Allow County Commissioners to Serve on the Maine Land Use Regulation Commission"

Amend the bill by striking out the title and substituting the following:

'An Act to Allow Certain County and Municipal Officials to Serve on the Maine Land Use Regulation Commission and the Board of Environmental Protection'

Further amend the bill in section 1 in the indented paragraph by striking out all of the last sentence (page 1, line 49 and page 2, lines 1 and 2 in L.D.) and inserting in its place the following: 'A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, a commissioner, official or employee from that county or municipality may not participate in that proceeding.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 38 MRSA §341-C, sub-§2, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

2. Qualifications and requirements. Members of the board must be chosen to represent the broadest possible interest and experience that can be brought to bear on the administration and

COMMITTEE AMENDMENT

2 implementation of this Title and all other laws which the board
3 is charged with administering. At least 4 members must be
4 residents of the First Congressional District and at least 4
5 members must be residents of the Second Congressional District.
6 The boundaries of the congressional districts are defined in
7 Title 21-A, chapter 15. A county commissioner, county employee,
8 municipal official or municipal employee is not considered to
9 hold an incompatible office for purposes of simultaneous service
10 on the board. If a county or municipality is a participant in an
11 adjudicatory proceeding before the board, a commissioner,
12 official or employee from that county or municipality may not
13 participate in that proceeding.'

SUMMARY

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16 The bill authorized county commissioners to simultaneously
17 serve as commissioners on the Maine Land Use Regulation
18 Commission without violating the common law doctrine of
19 incompatibility of offices. The amendment expands the bill to
20 also permit other county employees, municipal officials and
21 municipal employees to serve on the commission. The amendment
22 also permits the same group of officials to serve on the Board of
23 Environmental Protection while simultaneously holding local
24 office.
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