

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

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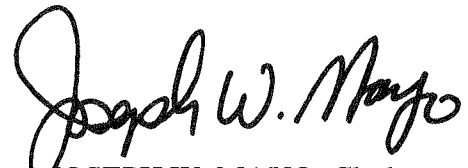
H.P. 9

House of Representatives, January 7, 1997

**An Act to Allow County Commissioners to Serve on the Maine Land
Use Regulation Commission.**

(EMERGENCY)

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


JOSEPH W. MAYO, Clerk

Presented by Representative DEXTER of Kingfield.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** there is no statutory provision that prevents
6 county commissioners from serving on the Maine Land Use
Regulation Commission; and

8 **Whereas,** the Attorney General's office has recently
10 submitted an opinion that county commissioners are prohibited
from serving on the Maine Land Use Regulation Commission based on
12 the common law doctrine of incompatibility; and

14 **Whereas,** until clarification of the law is provided, the law
remains ambiguous; and

16 **Whereas,** it is in the best interest of the citizens of the
18 State that ambiguous laws be clarified as quickly as possible; and

20 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
22 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
24 safety; now, therefore,

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

28 **Sec. 1. 12 MRSA §683, first ¶,** as amended by PL 1995, c. 3, §2,
is further amended to read:

30 The Maine Land Use Regulation Commission, as established by
32 Title 5, section 12004-D, subsection 1 to carry out the purposes
stated in section 681, is created within the Department of
34 Conservation, and in this chapter called the "commission." The
commission is charged with implementing this chapter in all of
36 the unorganized and deorganized areas of the State. The
commission consists of 7 public members, none of whom may be
38 state employees, who must be appointed by the Governor, subject
to review by the joint standing committee of the Legislature
40 having jurisdiction over conservation matters and to confirmation
by the Legislature, for staggered 4-year terms. Among the public
42 members, there must be 4 who must be knowledgeable in at least
one of each of the following areas: commerce and industry;
44 fisheries and wildlife; forestry; and conservation. Of the
potential appointees to the commission, the Governor shall
46 actively seek and give consideration to persons residing in or
near the unorganized areas of the State and to persons residing
48 on unorganized coastal islands. At least 2 members must be
residents within the commission's jurisdiction. County

2 commissioners may serve on the commission if appointed pursuant
3 to this section.

4 **Emergency clause.** In view of the emergency cited in the
5 preamble, this Act takes effect when approved.

6

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SUMMARY

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11 This bill clarifies that county commissioners may serve on
12 the Maine Land Use Regulation Commission.