

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

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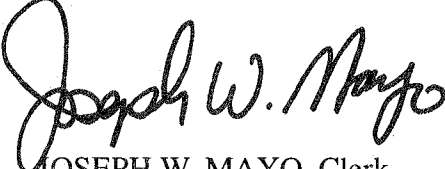
H.P. 1035

House of Representatives, March 11, 1997

**An Act to Place a Moratorium on Construction and Development in
Southern Maine and to Provide for Equal Economic Opportunity for All
Regions of the State.**

(EMERGENCY)

Reference to the Committee on Business and Economic Development suggested and
ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative JOY of Crystal. (By Request)
Cosponsored by Representatives: BRAGDON of Bangor, DEXTER of Kingfield, LANE of
Enfield, LAYTON of Cherryfield, O'NEAL of Limestone, STEDMAN of Hartland,
VEDRAL of Buxton, WHEELER of Bridgewater.

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

4
6 **Whereas,** unequal and discriminatory development standards
for businesses, residents and corporations in northern, eastern
and western Maine in comparison with southern Maine have resulted
8 in severe economic hardship in those areas; and

10 **Whereas,** increased population growth in the southern
counties have resulted in less restrictive development policies,
12 overharvesting of forested areas in southern Maine, conflicts
between human and animal habitat, loss of habitat and
14 noncompliance with federal endangered species laws and increased
demand for tourism and recreational use of the coastal areas of
16 the State and at the same time an overregulation of northern,
eastern and western Maine, thereby creating 2 classes of citizens
18 in this State; and

20 **Whereas,** the vote on the recent forestry issue on the
November ballot shows that 77% of the voters voted to ignore the
22 private property rights of citizens of northern, eastern and
western Maine; and

24 **Whereas,** violation of the private property rights of humans
26 is a violation of human rights; and

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

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

36 **Sec. 1. 5 MRSA §12004-G, sub-§7-F** is enacted to read:

38
40 7-F. Board for Not 5 MRSA
Economic Equal Authorized §13012
42 Development Economic
44 Development
 Opportunity

46 **Sec. 2. 5 MRSA c. 380-A** is enacted to read:

48 CHAPTER 380-A
50 EQUAL ECONOMIC DEVELOPMENT OPPORTUNITY

2 **§13011. Moratorium on development and construction in southern**
4 **Maine counties**

6 Notwithstanding any other law to the contrary, there may be
8 no construction or development in the counties of Androscoggin,
Cumberland, Kennebec, Knox, Lincoln, Sagadahoc and York until the
earlier of:

10 1. Two years. Two years from the effective date of this
12 section; or

14 2. Legislation. The enactment of legislation designed to
16 provide equal economic opportunity, as determined by the Board
for Equal Economic Development Opportunity for all of Maine.

18 **§13012. Board for Equal Economic Development Opportunity**

20 1. Board created. The Board for Equal Economic Development
22 Opportunity, as established in section 12004-G, subsection 7-F,
and referred to in this section as the "board" is created to
provide equal economic opportunity for all of Maine.

24 2. Membership. The board consists of 18 voting members and
26 2 nonvoting members appointed as follows.

28 A. The legislative delegation of each of the following 9
30 counties shall appoint 2 persons from the county represented
by the delegation: Aroostook, Franklin, Oxford, Piscataquis,
32 Penobscot, Somerset, Waldo, Hancock and Washington. The
appointees must have knowledge of and experience in economic
34 development and construction and must have been born and
currently reside in the county they are appointed to
36 represent. A person who is or has been an employee of State
Government, including an elected employee, or a
38 nongovernmental organization that has participated in the
development or advocacy of state legislation may not serve
on the board.

40 B. The Governor shall appoint a representative of the Maine
42 Land Use Regulation Commission and the Department of
Environmental Protection. These members are nonvoting
44 members and shall provide the board with information
regarding current laws, rules and regulations concerning
46 economic development in Maine.

48 3. Powers and duties. The board shall develop fair and
50 equitable standards for development and construction in all areas
of the State. The board shall:

2 A. Review all existing laws, rules and regulations
4 governing economic development with particular attention to
6 standards that are more stringent than comparable federal
8 standards and develop legislation to repeal those laws that
10 are more stringent than comparable federal laws. The board
12 shall review and propose repeal of laws and rules affecting
14 economic development administered by the Department of
16 Conservation, including the Bureau of Forestry, the
18 Department of Inland Fisheries and Wildlife, the Department
20 of Agriculture, Food and Rural Resources and other
22 departments whose rules affect economic development;

24 B. Develop legislation that allows fair and equitable
26 procedures, permitting processes and implementing rules for
28 all areas of the State;

30 C. Review and recommend consolidations of bureaus,
32 commissions and departments to provide for more efficient
34 operations and remove overlapping jurisdictions or
36 regulations to avoid duplicating costs, services and
38 personnel;

40 D. Establish a plan to protect the beauty, majesty and
42 grandeur of the State's coastal region by studying the
44 feasibility of a state park beginning at Mt. Desert Island
46 to a point 40 miles inland and extending southwestward along
48 the coast to encompass 3,200,000 acres. This park set-aside
has an approximate 5-year completion schedule. Its
proximity to more populous areas to the south would reduce
travel and related pollution. The removal of homes, roads
and people would allow nature to restore its lost resources;

E. Determine the feasibility of creating 2 states from the
current territory of the State of Maine; and

F. Present recommended legislation to the First Regular
Session of the 119th Legislature by January 1, 1999 for
review by the appropriate legislative committee.

40 **4. Termination of the board.** The board continues until 2/3
42 of its members vote to support the conclusion that laws have been
44 enacted that provide for equal economic development opportunity
46 for all of Maine.

48 **5. Review board.** Three years after the effective date of
this section and every 3 years thereafter, the legislative
delegation of each county represented on the board shall each
appoint one person from that county to a review board. The
review board shall determine whether the terms of this section

2 are being complied with and shall recommend legislation to update
3 or change the process to ensure compliance.

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

6

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10 SUMMARY

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12 As a result of inequities in development and enforcement
13 standards for different sections of this State, this bill imposes
14 a moratorium on construction and development in southern Maine
15 counties for 2 years, or for a lesser period of time if laws are
16 enacted before then to provide for equal economic development
17 opportunity for all of Maine. The bill also creates the Board
18 for Equal Economic Development Opportunity to recommend laws to
19 provide for equal economic opportunity and to study the
20 feasibility of creating 2 states out of the current Maine
21 territory.

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