

# MAINE STATE LEGISLATURE

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M  
R. of S.

L.D. 1654

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**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 574, L.D. 1654, Bill, "An Act to Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State"

Amend the bill in section 1 in subsection 1 in the 7th line (page 1, line 12 in L.D.) by striking out the following: "towns" and inserting in its place the following: 'municipalities'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 12 MRSA §683, as amended by PL 1997, c. 683, Pt. B, §6 and affected by §7, is further amended to read:

**§683. Creation of Maine Land Use Regulation Commission**

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, 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 conservation matters and to confirmation by the Legislature, for staggered 4-year terms. ~~Of the potential appointees to the commission, the Governor shall actively seek and give consideration to persons who are knowledgeable in commerce and industry, fisheries and wildlife, forestry, and conservation.~~ Appointees to the commission must be familiar with

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2 the needs and issues affecting the commission's jurisdiction.  
 3 All appointees must reside in the commission's jurisdiction; work  
 4 in the commission's jurisdiction; be a former resident or be  
 5 retired after working within the commission's jurisdiction for a  
 6 minimum of 5 years; or have expertise in commerce and industry,  
 7 fisheries and wildlife forestry or conservation issues as they  
 8 affect the commission's jurisdiction. In addition selecting  
 9 appointees, the Governor shall actively seek and give  
 10 consideration to persons residing in or near the unorganized  
 11 areas of the State and to persons residing on unorganized coastal  
 12 islands. At least 4 2 members must be residents within the  
 13 commission's jurisdiction. A county commissioner, county  
 14 employee, municipal official or municipal employee is not  
 15 considered to hold an incompatible office for purposes of  
 16 simultaneous service on the commission. If a county or  
 17 municipality is a participant in an adjudicatory proceeding  
 18 before the commission, a commissioner, official or employee from  
 19 that county or municipality may not participate in that  
 20 proceeding.

21 ~~Of the initial appointees, 2 shall be appointed for one year~~  
 22 ~~terms, 2 shall be appointed for 2 year terms and 3 shall be~~  
 23 ~~appointed for 3 year terms. Thereafter, appointees shall be~~  
 24 ~~appointed to serve 4 year terms. One of the members shall be~~  
 25 ~~elected annually by the members as chairman.~~

26  
 27 Any member who has not been renominated by the Governor  
 28 ~~within 90 days of~~ prior to the expiration of his that member's  
 29 term shall may not continue to serve on the commission, unless  
 30 the Governor notifies the Legislature in writing and within 90  
 31 days of prior to the expiration of that member's term of his  
 32 finding that extension of that member's term is required to  
 33 ensure fair consideration of specific major applications pending  
 34 before the commission. That member's term shall end ends upon  
 35 final commission decisions on the specific applications  
 36 identified in the Governor's communication. Any member  
 37 renominated by the Governor prior to the expiration of that  
 38 member's term shall continue to serve on the commission until the  
 39 nomination is acted upon by the Legislature. A vacancy during an  
 40 unexpired term shall be is filled as provided in this section,  
 41 but only for the unexpired portion of the term.'

42  
43 Further amend the bill by striking out all of section 5.

44  
45 Further amend the bill in section 9 in subsection 7-A in  
46 paragraph B in subparagraph (4) in the 3rd line (page 6, line 6  
47 in L.D.) by striking out the following: "120" and inserting in  
48 its place the following: '90'

49  
50 Further amend the bill in section 11 in subsection 8-A in  
paragraph B in the first line (page 6, line 38 in L.D.) by

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2 striking out the following: "would satisfy" and inserting in its  
place the following: 'satisfies a'

4 Further amend the bill in section 11 in subsection 8-A in  
6 paragraph B in the 2nd line (page 6, line 39 in L.D.) by  
inserting after the following: "area" the following: 'and has  
no undue adverse impact on existing uses or resources'

8  
10 Further amend the bill in section 11 in subsection 8-A by  
striking out the last 6 lines (page 6, lines 44 to 49 in L.D.)

12 Further amend the bill in section 14 in subsection 1-A by  
14 striking out all of paragraph B and inserting in its place the  
following:

16 'B. A permit is not required for those aspects of a project  
18 approved by the Department of Environmental Protection under  
Title 38 if the commission determines that the project is an  
20 allowed use within the subdistrict or subdistricts for which  
it is proposed. Notice of the intent to develop and a map  
22 indicating the location of the proposed development must be  
filed with the commission prior to or concurrently with  
24 submission of a development application to the Department of  
Environmental Protection.'

26 Further amend the bill in section 16 in subsection 3-A in  
28 paragraph B in the 2nd line (page 9, line 23 in L.D.) by striking  
out the following: "120" and inserting in its place the  
following: '90'

30  
32 Further amend the bill in section 16 in subsection 3-A in  
paragraph C in the 5th line (page 9, line 36 in L.D.) by striking  
34 out the following: "60" and inserting in its place the  
following: '45'

36 Further amend the bill in section 16 in subsection 3-A in  
38 paragraph D in the first line (page 9, line 41 in L.D.) by  
striking out the following: "90" and inserting in its place the  
following: '60'

40  
42 Further amend the bill in section 20 in the first paragraph  
in the 2nd line (page 10, line 48 in L.D.) by striking out the  
44 following: "subsection 9" and inserting in its place the  
following: 'section 480-E-1'

46 Further amend the bill by striking out all of section 21 and  
48 inserting in its place the following:

50 'Sec. 21. 38 MRS §480-E-1 is enacted to read:

52 §480-E-1. Delegation of permit-granting authority to the Maine  
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2 unorganized and deorganized areas of the State, and that 2  
members be residents of the commission's jurisdiction. It  
4 shortens the proposed time restrictions imposed on certain  
actions by the commission. It authorizes the Joint Standing  
6 Committee on Agriculture, Conservation and Forestry and the Joint  
Standing Committee on Natural Resources to report out legislation  
8 during the Second Regular Session regarding reassigning  
regulatory authority for LURC and the Department of Environmental  
Protection.