

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 609

S.P. 181

In Senate, February 8, 2001

**An Act to Require that the Members of the Maine Land Use Regulation  
Commission be Elected from the Counties They Represent.**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and  
ordered printed.

A handwritten signature in black ink that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.  
Cosponsored by Representative CLARK of Millinocket and  
President Pro Tem BENNETT of Oxford, Senator FERGUSON of Oxford, Representatives:  
CARR of Lincoln, GOODWIN of Pembroke, PERKINS of Penobscot, SCHNEIDER of  
Durham, SHERMAN of Hodgdon, WATERHOUSE of Bridgton.

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

4 **Sec. 1. 12 MRSA §683**, as corrected by RR 1999, c. 1, §15, is amended to read:

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

8 The Maine Land Use Regulation Commission, as established by  
10 Title 5, section 12004-D, subsection 1 to carry out the purposes  
12 stated in section 681, is created within the Department of  
14 Conservation, and in this chapter called the "commission." The  
16 commission is charged with implementing this chapter in all of  
18 the unorganized and deorganized areas of the State. The  
20 commission consists of 7 public members, none of whom may be  
22 state employees, who each of whom must be appointed by the  
24 Governor, subject to review by the joint standing committee of  
26 the Legislature having jurisdiction over conservation matters and  
28 to confirmation by the Legislature elected at a countywide  
30 election by the residents of the county the member will  
32 represent, for staggered 4-year terms. Appointees to A member of  
34 the commission must be familiar with the needs and issues  
36 affecting the commission's jurisdiction. All appointees A member  
38 must reside in the commission's jurisdiction; work in the  
40 commission's jurisdiction; be a former resident or be retired  
after working within the commission's jurisdiction for a minimum  
of 5 years; or have expertise in commerce and industry, fisheries  
and wildlife, forestry or conservation issues as they affect the  
commission's jurisdiction. In selecting appointees, 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. 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.

42 Any member who has not been renominated by the Governor  
44 prior to the expiration of that member's term may not continue to  
46 serve on the commission, unless the Governor notifies the  
48 Legislature in writing prior to the expiration of that member's  
50 term that extension of that member's term is required to ensure  
fair consideration of specific major applications pending before  
the commission. That member's term ends upon final commission  
decisions on the specific applications identified in the  
Governor's communication. Any member renominated by the Governor  
prior to the expiration of that member's term shall continue to

2 ~~serve on the commission until the nomination is acted upon by the~~  
Legislature. A vacancy during an unexpired term is filled as  
4 provided in this section, but only for the unexpired portion of  
the term.

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### SUMMARY

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10 This bill requires that the members of the Maine Land Use  
Regulation Commission be elected from the counties they represent.