

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2070

H.P. 1565

House of Representatives, January 11, 2002

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**An Act to Establish the Community Preservation Advisory Committee.**

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Reported by Representative KOFFMAN for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

4 **Sec. 1. 5 MRSA §12004-I, sub-§24-F is enacted to read:**

6 24-F. Community Legislative 30-A MRSA  
7 Environment: Preservation Per Diem and §4350  
8 Natural Advisory Expenses  
9 Resources Committee for Legislators  
10 and Expenses Only  
11 for Certain  
12 Members

14 **Sec. 2. 30-A MRSA c. 187, sub-c. II, art. 3-B is enacted to read:**

16 **Article 3-B**

18 **COMMUNITY PRESERVATION**  
19 **ADVISORY COMMITTEE**

20 **§4350. Community Preservation Advisory Committee**

22 1. Establishment; purpose. The Community Preservation  
24 Advisory Committee, established by Title 5, section 12004-I,  
26 subsection 24-F and referred to in this article as the  
28 "committee," shall advise the Governor, the Legislature, the  
office and other pertinent state agencies and entities on matters  
relating to community preservation.

30 2. Membership; appointment. The committee consists of the  
32 following 13 members:

34 A. The Director of the State Planning Office or the  
director's designee;

36 B. Three members from the Senate appointed by the President  
38 of the Senate, at least one belonging to the political party  
40 holding the largest number of seats in the Senate and at  
42 least one belonging to the political party holding the 2nd  
44 largest number of seats in the Senate. When making the  
46 appointments, the President of the Senate shall give  
48 preference to members from the joint standing committees of  
the Legislature having jurisdiction over natural resources  
matters, state and local government matters, education  
matters, transportation matters, taxation matters and  
business and economic development matters. When making the  
appointments, the President of the Senate also shall  
consider appointing a member who represents a rural

2 community, a member who represents a fast-growing community  
and a member who represents a service center community;

4 C. Four members from the House of Representatives appointed  
by the Speaker of the House, at least one belonging to the  
6 political party holding the largest number of seats in the  
House of Representatives and at least one belonging to the  
8 political party holding the 2nd largest number of seats in  
the House of Representatives. When making the appointments,  
10 the Speaker of the House shall give preference to members  
from the joint standing committees of the Legislature having  
12 jurisdiction over natural resources matters, state and local  
government matters, education matters, transportation  
14 matters, taxation matters and business and economic  
development matters. When making the appointments, the  
16 Speaker of the House also shall consider appointing a member  
who represents a rural community, a member who represents a  
18 fast-growing community and a member who represents a service  
center community;

20 D. One member representing a statewide housing authority,  
22 appointed by the President of the Senate;

24 E. One member representing an environmental organization,  
26 appointed by the Speaker of the House;

28 F. Two members representing municipal interests, one who  
represents rural municipal interests and one who represents  
30 service center municipal interests, appointed by the  
President of the Senate; and

32 G. One member representing the real estate or development  
34 industry, appointed by the Speaker of the House.

36 3. Terms. Except for Legislators, who serve terms  
coincident with their legislative terms, all members are  
38 appointed for 3-year terms. A vacancy must be filled by the same  
appointing authority that made the original appointment.  
40 Appointed members may not serve more than 2 terms. Members may  
continue to serve until their replacements are designated.

42 4. Compensation. Legislative members are entitled to  
receive the legislative per diem, as defined in Title 3, section  
44 2, and to reimbursement for expenses according to Title 5,  
section 12004-I, subsection 24-F. Public members not otherwise  
46 compensated by their employers or other entities that they  
represent are entitled to reimbursement of necessary expenses  
48 incurred for their attendance at authorized meetings of the  
committee.

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2 5. Quorum; actions. A quorum is a majority of the members  
of the committee. An affirmative vote of the majority of the  
4 members present at a meeting is required for any action. Action  
may not be considered unless a quorum is present.

6 6. Chairs. The first appointed Senate member is the Senate  
chair of the committee and the first appointed House of  
8 Representatives member is the House chair of the committee.

10 7. Meetings. The committee shall meet at least 4 times per  
year and at any time at the call of the chairs or upon written  
12 request to the chairs by at least 4 of the voting members.

14 8. Staff assistance. The office shall provide the  
committee with staff assistance. The Legislative Council may  
16 provide staff assistance with the preparation of recommended  
legislation as requested by the chairs of the committee. The  
18 assistance provided by the Legislative Council may be provided  
only when the Legislature is not in session.

20 9. Duties. The committee shall:

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24 A. Submit an annual report of the committee's activities to  
the Governor, the President of the Senate, the Speaker of  
the House of Representatives and the joint standing  
26 committee of the Legislature having jurisdiction over  
natural resources matters by December 1st of each year;

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30 B. Provide assessment, advice and recommendations on  
emerging policy concerns or on adjustments to existing  
32 programs related to growth management;

34 C. Review and make recommendations on the State's fiscal,  
transportation, education funding, school-siting and land  
36 use policies that affect service center communities, rural  
lands and development sprawl;

38 D. Review tax policy as it affects land use decisions;

40 E. Provide assessment, advice and recommendations on the  
role of state office buildings in the continued viability of  
42 downtown service centers within the State and the impact of  
growth-related capital investments and location decisions by  
44 the State;

46 F. Provide assessment, advice and recommendations on the  
coordination of state and local urban transportation  
48 planning and streamlining of local and state land use rules  
and regulations to permit and encourage efficient  
50 neighborhood and economic development in growth areas; and

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G. Review options for establishing a state transferable  
development rights bank.

**§4350-A. Repeal date**

This article is repealed June 1, 2008.

**SUMMARY**

This bill implements a recommendation of the Joint Study Committee to Study Growth Management. It establishes the Community Preservation Advisory Committee as an ongoing entity to advise the Governor, the Legislature and the State Planning Office on matters relating to community preservation. The committee membership includes the Director of the State Planning Office, Legislators and public members. Staff is provided by the State Planning Office and the Legislative Council at the request of the chairs of the committee.