

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1636

H.P. 1154

House of Representatives, May 3, 2005

**Resolve, To Study the Cost of the Provision of Certain
Governmental Services in the Unorganized Territories**

(EMERGENCY)

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: JACKSON of Fort Kent, PINEAU of Jay, SAVIELLO of Wilton, WATSON
of Bath, Senator: BRYANT of Oxford.

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

4
6 **Whereas,** the characteristics of land ownership and patterns
of development in the unorganized territories are changing at a
rapid rate, and the development pressures associated with those
8 changes are increasingly similar to those in organized areas of
the State; and

10
12 **Whereas,** current occurring fragmentation of land ownership
in the unorganized territories is resulting in more landowners
holding smaller parcels of land accompanied by increased
14 construction of residential and other development; and

16 **Whereas,** major development proposals by large landowners in
the unorganized territories are occurring at a significant rate;
18 and

20 **Whereas,** the cost of providing basic government services
such as fire protection for structures and forest lands and land
22 use regulation is not always related to the size of land
holdings, and the changes in ownership and development patterns
24 result in an unequal demand and cost of providing services
throughout the unorganized territories; and

26
28 **Whereas,** the costs of providing basic governmental services
ought to be borne equitably by those owning land or residing in
the unorganized territories; and

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

36
38 **Sec. 1. Commission established. Resolved:** That the Commission
to Study the Cost of Providing Certain Services in the
Unorganized Territories, referred to in this resolve as "the
40 commission," is established; and be it further

42 **Sec. 2. Commission membership. Resolved:** That the commission
consists of 12 members appointed as follows:

44
46 1. Two members of the Senate appointed by the President of
the Senate, at least one of whom is a member of either the Joint
Standing Committee on Agriculture, Conservation and Forestry or
48 the Joint Standing Committee on Natural Resources;

50 2. Two members of the House of Representatives appointed
by the Speaker of the House, at least one of whom is a member of

2 either the Joint Standing Committee on Agriculture, Conservation
and Forestry or the Joint Standing Committee on Natural Resources;

4 3. A representative of county government from a county that
includes areas within the jurisdiction of the Maine Land Use
6 Regulation Commission appointed by the President of the Senate;

8 4. Two owners of land in the unorganized territories, one
owning a parcel of land greater than 500 acres in size appointed
10 by the President of the Senate and one owning a parcel of land
less than 500 acres in size appointed by the Speaker of the House;

12 5. The State Tax Assessor or a designee;

14 6. The Commissioner of Conservation or a designee;

16 7. The Director of the Maine Land Use Regulation
18 Commission or a designee;

20 8. The Director of the Maine Forest Service or a designee;
and

22 9. The fiscal administrator of the unorganized territory or
24 a designee; and be it further

26 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
is the Senate chair of the commission and the first-named House
28 of Representatives member is the House chair of the commission;
and be it further

30 **Sec. 4. Appointments; convening of commission. Resolved:** That
32 all appointments must be made no later than 30 days following the
effective date of this resolve. The appointing authorities shall
34 notify the Executive Director of the Legislative Council once all
appointments have been completed. Within 15 days after
36 appointment of all members, the chairs shall call and convene the
first meeting of the commission; and be it further

38 **Sec. 5. Duties. Resolved:** That the commission shall:

40 1. Study the provision of fire preparedness and protection
42 services by the Maine Forest Service and others in the
unorganized territories; the provision of land use planning
44 services and related activities by the Maine Land Use Regulation
Commission in the unorganized territories, including planning,
46 permitting and compliance activities; the provision of education
services in the unorganized territories; and the provision of
48 other types of services in the unorganized territories that are
determined relevant by the commission;

2 2. Study the cost and reimbursement for services provided
in the unorganized territories; and

4
6 3. Recommend whether adjustments in the level or method of
funding should be made for services provided in the unorganized
territories; and be it further

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10 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council
shall provide necessary staffing services to the commission; and
be it further

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14 **Sec. 7. Compensation. Resolved:** That the legislative members
of the commission are entitled to receive the legislative per
diem, as defined in the Maine Revised Statutes, Title 3, section
16 2, and reimbursement for travel and other necessary expenses
related to their attendance at authorized meetings of the
18 commission. Public members not otherwise compensated by their
employers or other entities that they represent are entitled to
20 receive reimbursement of necessary expenses and, upon a
demonstration of financial hardship, a per diem equal to the
22 legislative per diem for their attendance at authorized meetings
of the commission; and be it further

24
26 **Sec. 8. Report. Resolved:** That, no later than December 7,
2005, the commission shall submit a report that includes its
findings and recommendations, including suggested legislation,
28 for presentation to the Second Regular Session of the 122nd
Legislature. The commission is authorized to introduce
30 legislation related to its report to the Second Regular Session
of the 122nd Legislature at the time of submission of its report;
32 and be it further

34 **Sec. 9. Extension. Resolved:** That, if the commission requires
a limited extension of time to complete its study and make its
36 report, it may apply to the Legislative Council, which may grant
an extension; and be it further

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40 **Sec. 10. Commission budget. Resolved:** That the chairs of the
commission, with assistance from the commission staff, shall
administer the commission's budget. Within 10 days after its
42 first meeting, the commission shall present a work plan and
proposed budget to the Legislative Council for its approval. The
44 commission may not incur expenses that would result in the
commission's exceeding its approved budget. Upon request from
46 the commission, the Executive Director of the Legislative Council
shall promptly provide the commission chairs and staff with a
48 status report on the commission budget, expenditures incurred and
paid and available funds.

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2 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

4

SUMMARY

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8 Property ownership and development patterns are changing
rapidly in the unorganized territories, raising issues of types
of services demanded by residents, costs of providing those
10 services and fairness in paying those costs. This resolve
establishes the Commission To Study the Cost of Providing Certain
12 Services in the Unorganized Territories to study and report to
the Legislature on the cost and reimbursement for providing fire
14 protection and preparedness services, land use planning services
and education services in the unorganized territories. The
16 report is due December 7, 2005.