

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 474

S.P. 177

In Senate, February 10, 2009

An Act To Clarify Land Planning in the Unorganized and Deorganized Townships

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Representative SAVIELLO of Wilton and
Representatives: AYOTTE of Caswell, BROWNE of Vassalboro, CLARK of Millinocket,
GIFFORD of Lincoln, JOHNSON of Greenville, JOY of Crystal, MILLER of Somerville,
SCHATZ of Blue Hill.

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

2 **Sec. 1. 12 MRSA §685-C, sub-§1**, as amended by PL 2007, c. 264, §1, is further
3 amended to read:

4 **1. Comprehensive land use plan.** The commission shall adopt an official
5 comprehensive land use plan for the unorganized and deorganized townships of the State.

6 The commission must use the plan as a guide in developing specific land use standards
7 and delineating district boundaries and guiding development and generally fulfilling the
8 purposes of this chapter.

9 The plan may consist of maps, data and statements of present and prospective resource
10 uses that generally delineate the proper use of resources, and recommendations for its
11 implementation.

12 The commission shall hold public hearings to collect information from residents and
13 property owners of the jurisdiction and other interested parties to be used in establishing
14 the land use guidance plan. The public hearings must be conducted according to
15 commission rules adopted in accordance with procedures for the establishment of rules
16 pursuant to Title 5, chapter 375, subchapter 2.

17 The commission may, on its own motion or petition of any state agency or regional
18 planning commission, hold such other hearings as the commission considers necessary
19 from time to time for the purpose of obtaining information helpful in the determination of
20 its policies, the carrying out of its duties or the formulation of its land use standards or
21 rules.

22 The commission may not adopt a plan or portion of a plan, unless:

23 A. The tentative plan has been submitted to each regional planning commission and
24 other appropriate agencies, which shall forward their comments and
25 recommendations, if any, to the commission within 30 days;

26 B. The tentative plan has been submitted to the State Planning Office, pursuant to
27 Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments
28 and recommendations, if any, to the commission within 30 days; ~~and~~

29 C. The commission has considered all such comments- and adopted the official land
30 use plan; and

31 D. The commission has submitted the plan to the joint standing committee of the
32 Legislature having jurisdiction over conservation matters for the committee's
33 approval. If the committee approves the plan, it must submit the plan to the
34 Legislature for approval. If the Legislature approves the plan, it must submit the plan
35 to the Governor.

36 ~~Upon adoption of the official land use plan by the commission, the commission shall~~
37 ~~submit the plan to the Governor for approval.~~ The Governor shall approve or disapprove
38 the plan, plans or any portion of a plan within 30 days of receipt. If the Governor fails to
39 act, the plan is deemed approved. This subsection also applies to any alteration in the
40 comprehensive plan.

SUMMARY

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This bill clarifies and amends the process by which the Maine Land Use Regulation Commission adopts a comprehensive land use plan for the unorganized and deorganized townships of the State.