

MAINE STATE LEGISLATURE

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MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1047

H.P. 722

House of Representatives, March 17, 2009

An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, JOHNSON
of Greenville, PERCY of Phippsburg, SAVIELLO of Wilton, THERIAULT of Madawaska,
Senator: SHERMAN of Aroostook.

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

3 Whereas, comprehensive land use plans are presented to the Maine Land Use
4 Regulation Commission on a regular basis; and

5 Whereas, it is important to change the procedure in which the plans are approved as
6 soon as possible; and

7 Whereas, in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

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

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

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

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

22 The commission shall hold public hearings to collect information to be used in
23 establishing the land use guidance plan. The public hearings must be conducted according
24 to commission rules adopted in accordance with procedures for the establishment of rules
25 pursuant to Title 5, chapter 375, subchapter 2.

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

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

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

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

38 C. The commission has considered all such comments.

1 Upon adoption of the official land use plan by the commission, the commission shall
2 submit the plan to the ~~Governor~~ joint standing committee of the Legislature having
3 jurisdiction over conservation matters for review and approval. The ~~Governor~~ joint
4 standing committee of the Legislature having jurisdiction over conservation matters shall
5 approve or disapprove the plan, plans or any portion of a plan within 30 days of receipt.
6 If the ~~Governor~~ joint standing committee of the Legislature having jurisdiction over
7 conservation matters fails to act, the plan is deemed approved. This subsection also
8 applies to any alteration in the comprehensive plan.

9 **Emergency clause.** In view of the emergency cited in the preamble, this
10 legislation takes effect when approved.

11 SUMMARY

12 This bill requires that a comprehensive land use plan be adopted by the Maine Land
13 Use Regulation Commission and approved by the joint standing committee of the
14 Legislature having jurisdiction over conservation matters. Current law requires that the
15 Maine Land Use Regulation Commission adopt and the Governor approve a
16 comprehensive land use plan.