

MAINE STATE LEGISLATURE

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M
R. of S.

L.D. 1370

Date: 6/1/9

(Filing No. H-494)

Minority

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 960, L.D. 1370, Bill, "An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State"

Amend the bill in section 2 in the first paragraph in the 3rd line (page 1, line 5 in L.D.) by striking out the following: "proposal" and inserting the following: 'plan'

Amend the bill in section 2 in the first paragraph in the 5th line (page 1, line 7 in L.D.) by striking out the following: "proposal" and inserting the following: 'plan'

Amend the bill in section 2 in the first paragraph in the next to the last line (page 1, line 10 in L.D.) by striking out the following: "proposal" and inserting the following: 'plan'

Amend the bill in section 2 by striking out all of subsection 1 (page 1, lines 12 and 13 in L.D.) and inserting the following:

'1. The assumption by each county in which the land is located of the duty to maintain uniformity of land use and planning for the unorganized territory contained in that county;'

Amend the bill in section 2 by striking out all of subsections 6 and 7 (page 1, lines 24 to 28 in L.D.) and inserting the following:

'6. The adoption of the 1997 Comprehensive Land Use Plan and the retention of that plan for a minimum of 2 years from the effective date of this Act as the basis of land use and planning with respect to the unorganized territory in the State;

7. The establishment by each county of a process for adopting changes to the 1997 Comprehensive Land Use Plan;'

Amend the bill in section 2 in subsection 9 in the 3rd line (page 1, line 35 in L.D.) by inserting after the following: "assessment" the following: ', for a period of 2 years from the effective date of this Act,'

COMMITTEE AMENDMENT

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1 Amend the bill in section 2 in subsection 10 in the 3rd line (page 2, line 3 in L.D.) by
2 inserting after the following: "amount" the following: 'for a period of 2 years from the
3 effective date of this Act'

4 Amend the bill in section 3 in the 2nd line (page 2, line 6 in L.D.) by striking out the
5 following: "proposal, together with implementing legislation necessary to" and inserting
6 the following: 'plan to implement this Act and'

7 Amend the bill in section 3 by striking out all of the last sentence (page 2, lines 9 to
8 11)

9 Amend the bill by inserting after section 3 the following:

10 **'Sec. 4. Appropriations and allocations.** The following appropriations and
11 allocations are made.

12 **CONSERVATION, DEPARTMENT OF**

13 **Administrative Services - Conservation 0222**

14 Initiative: Provides one-time All Other funding for one Senior Planner position to
15 coordinate with the counties on the transfer of the Maine Land Use Regulation
16 Commission's duties.

17	GENERAL FUND	2009-10	2010-11
18	All Other	\$2,500	\$0
19			
20	GENERAL FUND TOTAL	<u>\$2,500</u>	<u>\$0</u>

21 **Administrative Services - Conservation 0222**

22 Initiative: Provides one-time funding to reimburse counties for the costs of completing
23 projects that are in process at the time the Maine Land Use Regulation Commission is
24 eliminated.

25	GENERAL FUND	2009-10	2010-11
26	All Other	\$0	\$100,000
27			
28	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$100,000</u>

29 **Land Use Regulation Commission 0236**

30 Initiative: Eliminates funding for the Maine Land Use Regulation Commission effective
31 July 15, 2010.

32	GENERAL FUND	2009-10	2010-11
33	POSITIONS - LEGISLATIVE COUNT	0.000	(26.500)
34	Personal Services	\$0	(\$1,825,795)

1	All Other	\$0	(\$242,283)
2			
3	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$2,068,078)</u>

4 **Land Use Regulation Commission 0236**

5 Initiative: Establishes one limited-period Senior Planner position and related All Other
 6 costs to coordinate with the counties on the transfer of the Maine Land Use Regulation
 7 Commission's duties. The position will end on or before June 30, 2010.

8	GENERAL FUND	2009-10	2010-11
9	Personal Services	\$74,111	\$0
10	All Other	\$25,000	\$0
11			
12	GENERAL FUND TOTAL	<u>\$99,111</u>	<u>\$0</u>

13	CONSERVATION, DEPARTMENT OF		
14	DEPARTMENT TOTALS	2009-10	2010-11
15			
16	GENERAL FUND	\$101,611	(\$1,968,078)
17			
18	DEPARTMENT TOTAL - ALL FUNDS	<u>\$101,611</u>	<u>(\$1,968,078)</u>
19			

20 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 21 section number to read consecutively.

22 **SUMMARY**

23 This amendment is the minority report of the Joint Standing Committee on
 24 Agriculture, Conservation and Forestry. It clarifies that each county containing land
 25 under Maine Land Use Regulation Commission jurisdiction is to establish its own process
 26 for revising the 1997 Comprehensive Land Use Plan. It limits to 2 years the restriction
 27 that assessments not exceed the assessments for commission operations. It requires each
 28 county to retain the 1997 Comprehensive Land Use Plan as the basis for planning for a
 29 minimum of 2 years. It removes the requirement that the Maine Land Use Regulation
 30 Commission include implementing legislation in its report to the Joint Standing
 31 Committee on Agriculture, Conservation and Forestry and removes the committee's
 32 authority to submit legislation to the Second Regular Session of the 124th Legislature.
 33 This amendment also adds an appropriations and allocations section.

34 **FISCAL NOTE REQUIRED**

35 (See attached)



124th MAINE LEGISLATURE

LD 1370

LR 1842(02)

An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$101,611	(\$1,531,453)	(\$1,797,434)	(\$1,858,781)
Appropriations/Allocations				
General Fund	\$101,611	(\$1,968,078)	(\$2,234,059)	(\$2,295,406)
Revenue				
General Fund	\$0	(\$436,625)	(\$436,625)	(\$436,625)

Fiscal Detail and Notes

This bill eliminates the Land Use Regulation Commission effective July 15, 2010. It will result in a General Fund deappropriation to the Department of Conservation of \$2,068,078 in fiscal year 2010-11. The Department of Conservation will require a one-time General Fund appropriation of \$101,611 in fiscal year 2009-10 for one Senior Planner and related administrative costs to coordinate with the counties to develop changes to the Comprehensive Land Use Plan. In addition, the Department of Conservation will require a one-time General Fund appropriation of \$100,000 in fiscal year 2010-11 to reimburse the counties for costs incurred to complete projects that are in process at the time the Commission is eliminated.

General Fund revenues will be reduced by \$371,625 beginning in fiscal year 2010-11 for Land Use Regulation Commission permit fees and miscellaneous fines and fees that will no longer be received. General Fund revenues will also be reduced by an estimated \$65,000 beginning in fiscal year 2010-11 by limiting the assessment against the unorganized territory county services component of the unorganized territory budget for the county cost of unorganized territory land use and zoning activities as of July 15, 2010.