

# MAINE STATE LEGISLATURE

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STATE LAW OFFICE  
AUGUSTA, MAINE

# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1370

H.P. 960

House of Representatives, April 2, 2009

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

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JOY of Crystal.  
Cosponsored by Senator SHERMAN of Aroostook and  
Representatives: CRAY of Palmyra, CURTIS of Madison, EDGECOMB of Caribou,  
GIFFORD of Lincoln, SAVIELLO of Wilton, SCHATZ of Blue Hill, TILTON of Harrington,  
Senator: RAYE of Washington.

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

2               **Sec. 1. 12 MRSA c. 206-A, sub-c. 2,** as amended, is repealed.

3               **Sec. 2. Transfer authority over land use planning; implementing**  
4 **legislation.** The Maine Land Use Regulation Commission, referred to in this section as  
5 "the commission," shall develop a comprehensive proposal to transfer authority over land  
6 use planning in the unorganized territory from the commission to the county in which the  
7 land is located. In developing the proposal, the commission shall prepare a list of all the  
8 large-scale special projects being conducted by the commission on the effective date of  
9 this Act, and shall identify, with input from the affected counties, which of those projects  
10 can be completed prior to July 15, 2010. The proposal developed by the commission  
11 must provide for:

12               1. The assumption by the counties in which the land is located of the duty to  
13 maintain uniformity of land use and planning throughout the unorganized territory;

14               2. The completion by the commission of all large-scale special projects under  
15 commission jurisdiction that are identified for completion pursuant to this section;

16               3. The transfer to the appropriate county entity or designee of all projects, permits or  
17 related activities under commission jurisdiction that are not identified for completion  
18 pursuant to this section;

19               4. The transfer by the commission of all pertinent information necessary for the  
20 counties to assume the duties pursuant to this section;

21               5. The assumption by the State of all costs incurred by the counties in which the land  
22 is located in completing the projects, permits or related activities under commission  
23 jurisdiction that are not identified for completion pursuant to this section;

24               6. The adoption of the 1997 Comprehensive Land Use Plan, and the retention of that  
25 plan until July 15, 2010 as the land use and planning authority with respect to the  
26 unorganized territory in the State;

27               7. The establishment of a process for the counties in which the land is located to  
28 adopt, after July 15, 2010, changes to the 1997 Comprehensive Land Use Plan;

29               8. For a municipality that, on the effective date of this Act, has the option to use the  
30 commission for land use and planning purposes, the option to either use the  
31 municipality's own land use and planning resources or to adopt the appropriate county's  
32 unorganized territory plan or service;

33               9. The assessment against the unorganized territory county services component of  
34 the unorganized territory budget for the county cost of unorganized territory land use and  
35 zoning activities, which assessment may not be greater than the assessments for  
36 commission operations on the effective date of this Act; and

