

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

RMG
R. O. S.

Date: 6/7/11

(Filing No. H-560)

Minority

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 615, L.D. 819, "Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories"

Amend the resolve by striking out the title and substituting the following:

'Resolve, To Establish the Committee To Review the Maine Land Use Regulation Commission's Practices'

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

Sec. 1. Committee established. Resolved: That the Committee To Review the Maine Land Use Regulation Commission's Practices, referred to in this resolve as the "LURC review committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the LURC review committee consists of 13 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate, including 2 from the party with the largest number of seats in the Legislature and one from the party with the 2nd largest number of seats in the Legislature;

2. Four members of the House of Representatives, appointed by the Speaker of the House, including 2 from each of the 2 parties holding the largest number of seats in the Legislature;

3. One county commissioner, appointed by the Speaker of the House;

4. One county commissioner, appointed by the House Minority Leader;

5. One member representing a major landowner, appointed by the President of the Senate;

6. One member representing both Maine Audubon and the Natural Resources Council of Maine, appointed by the Speaker of the House;

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 615, L.D. 819

1 7. One land use planner representing the Maine Association of Planners, appointed
2 by the President of the Senate; and

3 8. One member representing the interests of outdoor recreation tourism businesses
4 located within the unorganized territories, appointed by the Speaker of the House; and be
5 it further

6 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
7 chair and the first-named House of Representatives member is the House chair of the
8 LURC review committee; and be it further

9 **Sec. 4. Appointments; convening of committee. Resolved:** That all
10 appointments must be made no later than 30 days following the effective date of this
11 resolve. The appointing authorities shall notify the Executive Director of the Legislative
12 Council once all appointments have been completed. After appointment of all members,
13 the chairs shall call and convene the first meeting of the LURC review committee. If 30
14 days or more after the effective date of this resolve a majority of but not all appointments
15 have been made, the chairs may request authority and the Legislative Council may grant
16 authority for the LURC review committee to meet and conduct its business; and be it
17 further

18 **Sec. 5. Duties. Resolved:** That the LURC review committee shall:

19 1. Review historical permitting data of the Maine Land Use Regulation Commission,
20 referred to in this resolve as "LURC," to assess the agency's performance in processing
21 permit applications and identify and propose process improvements, including
22 suggestions that could increase permit processing timelines;

23 2. Review LURC's regulations and guidance documents to identify opportunities to
24 make them clearer and more efficient for applicants;

25 3. Review LURC Rule Chapter 10.25: Development Standards, Rule Chapter 10.26:
26 Dimensional Requirements and Rule Chapter 10.27: Activity-Specific Standards to
27 determine if there are ways to make them more business friendly while maintaining
28 environmental protection;

29 4. Compare LURC's rules with those of a similar nature administered by
30 municipalities and the Department of Environmental Protection to determine whether
31 more consistency between the rules is desirable, and, if so, determine ways to make them
32 more consistent;

33 5. Recommend ways in which LURC can better receive and incorporate local
34 community input;

35 6. Explore the desirability of establishing a new position at LURC to serve as an
36 ombudsman to assist applicants in the permit application process;

37 7. Determine whether regulation of timber harvesting and activities related to timber
38 harvesting should be transferred to the Maine Forest Service;

39 8. Determine whether any permitting activities currently performed by LURC should
40 be transferred to the Department of Environmental Protection;

COMMITTEE AMENDMENT

R. 615

1 9. Suggest one or more regions that should be priorities for prospective zoning by
2 LURC;

3 10. Consider ways to ensure that, as LURC reviews applications, LURC has the
4 benefit of the expertise of the agency responsible for economic development in the
5 county in which the application LURC is reviewing is located; and

6 11. Review the current and historical membership of LURC to determine whether
7 there is adequate representation of residents of unorganized townships and adjacent
8 service center communities and of the counties in which unorganized territories are
9 located.

10 All meetings of the LURC review committee must be open to the public. The LURC
11 review committee may choose to take public comment if it would be helpful in its review;
12 and be it further

13 **Sec. 6. Staff assistance. Resolved:** That LURC shall provide necessary staffing
14 services to the LURC review committee; and be it further

15 **Sec. 7. Report. Resolved:** That, no later than January 2, 2012, the LURC review
16 committee shall submit a report that includes its findings and recommendations, including
17 suggested legislation, to the Joint Standing Committee on Agriculture, Conservation and
18 Forestry. Following receipt and review of the report, the Joint Standing Committee on
19 Agriculture, Conservation and Forestry may report out a bill to the Second Regular
20 Session of the 125th Legislature to implement the LURC review committee's
21 recommendations.'

22 **SUMMARY**

23 This amendment is the minority report of the Joint Standing Committee on
24 Agriculture, Conservation and Forestry. It replaces the resolve. It establishes the
25 Committee To Review the Maine Land Use Regulation Commission's Practices to review
26 the Land Use Regulation Commission's procedures, rules, standards and membership and
27 make recommendations to the Joint Standing Committee on Agriculture, Conservation
28 and Forestry. It authorizes the Joint Standing Committee on Agriculture, Conservation
29 and Forestry to report out a bill to the Second Regular Session of the 125th Legislature.

30 **FISCAL NOTE REQUIRED**

31 (See attached)



125th MAINE LEGISLATURE

LD 819

LR 1494(02)

Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of the Committee to Review the Land Use Regulation Commission's Practices are projected to be \$4,890 in fiscal year 2011-12. The Legislature's proposed budget includes \$10,000 in fiscal year 2011-12 for legislative studies. Whether the amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

The Department of Conservation, Maine Land Use Regulation Commission will incur some additional costs to staff the study committee. These costs can be absorbed within the department's existing budgeted resources.