

MAINE STATE LEGISLATURE

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L.D. 1534

Date: 6/7/11

(Filing No. H-562)

Minority

AGRICULTURE, CONSERVATION AND FORESTRY

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

COMMITTEE AMENDMENT "B" to H.P. 1126, L.D. 1534, Bill, "An Act To Reform the Land Use and Planning Authority in the Unorganized Territories"

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

'Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory'

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

'Sec. 1. Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory established. Resolved: That the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory, referred to in this resolve as "the commission," is established to advise the Joint Standing Committee on Agriculture, Conservation and Forestry on matters relating to land use planning and regulation in the unorganized territory; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 13 members, 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 Governor;

5. One member representing a major landowner, appointed by the Governor;

6. One representative of a statewide environmental or conservation organization, appointed by the President of the Senate;

COMMITTEE AMENDMENT

1 7. One land use planner representing a regional or local economic development
2 organization serving an area that includes unorganized territory, appointed by the
3 President of the Senate; and

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

7 **Sec. 3. Chair. Resolved:** That the first-named Senate member is the Senate chair
8 and the first-named House of Representatives member is the House chair of the
9 commission; and be it further

10 **Sec. 4. Duties. Resolved:** That the commission shall consider the governance of
11 land use planning in the unorganized territory and make recommendations to the Joint
12 Standing Committee on Agriculture, Conservation and Forestry. The commission shall:

13 1. Review options for improving land use planning and regulation for the
14 unorganized territory, with the goal of advancing the public welfare, balancing competing
15 interests and providing efficient and effective decisions on proposals to develop, utilize
16 and conserve resources within the unorganized territory;

17 2. Consider the role of state and local governments. The commission shall review
18 the permitting and appeals process, seek opportunities for improved attention to local
19 needs and priorities and increase predictability while still achieving the purpose of the
20 Maine Revised Statutes, Title 12, chapter 206-A;

21 3. Consider options for reforming the governance of land use planning in the
22 unorganized territory;

23 4. Review the historical permitting data of the Maine Land Use Regulation
24 Commission, referred to in this resolve as "LURC," to assess LURC's performance in
25 processing permit applications and identify and propose process improvements, including
26 suggestions to improve permit processing timelines;

27 5. Consider ways to create, implement and enforce uniform standards across the
28 unorganized territory for timber harvesting activities and forest management, wildlife
29 habitat protection and issues under the jurisdiction of the Natural Resources Protection
30 Act;

31 6. Recommend ways in which LURC can better receive and incorporate local
32 community input;

33 7. Explore the desirability of establishing an ombudsman position at LURC to assist
34 applicants in the permit application process;

35 8. Review LURC's regulations and guidance documents to identify opportunities to
36 make them clearer, more business-friendly and more efficient for applicants;

37 9. Determine whether any permitting activities currently performed by LURC should
38 be transferred to the Department of Environmental Protection;

39 10. Consider ways to ensure that, as LURC reviews an application, LURC has the
40 benefit of the expertise of the agency responsible for economic development in the
41 county in which the project or project for which the application is sought is located;

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

3 12. Compare LURC's rules with ordinances and rules with similar objectives
4 administered by municipalities and the Department of Environmental Protection to
5 determine whether more consistency between the rules is desirable and, if so, advise ways
6 to make them more consistent; and

7 13. Review the current and historical membership of LURC to determine whether
8 there is adequate representation of residents of the unorganized townships and adjacent
9 service centers to ensure a broad diversity of representation of the counties in which
10 unorganized territories are located; and be it further

11 **Sec. 5. Meetings; interim update. Resolved:** That the commission shall meet
12 as necessary to complete the assigned duties. The commission shall hold no fewer than 2
13 public listening sessions on dates determined by the commission. The commission shall
14 meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no
15 later than October 28, 2011 for an update on the progress of the commission; and be it
16 further

17 **Sec. 6. Staffing. Resolved:** That the Department of Conservation shall provide
18 staff support to the commission within existing resources and invite resource people as
19 appropriate, including individuals with experience as LURC commissioners or staff. The
20 commission may request that the Legislative Council provide assistance in drafting
21 legislation to implement the recommendations of the commission for inclusion in the
22 report under section 7 of this resolve; and be it further

23 **Sec. 7. Report. Resolved:** That the commission shall complete its work no later
24 than December 15, 2011 and submit its recommendations to the Joint Standing
25 Committee on Agriculture, Conservation and Forestry no later than January 15, 2012; and
26 be it further

27 **Sec. 8. Authority to submit legislation. Resolved:** That the Joint Standing
28 Committee on Agriculture, Conservation and Forestry may submit legislation reforming
29 the governance of land use planning in the unorganized territory to the Second Regular
30 Session of the 125th Legislature to take effect in fiscal year 2012-13.'

31 **SUMMARY**

32 This amendment is the minority report of the Joint Standing Committee on
33 Agriculture, Conservation and Forestry. It replaces the bill with a resolve that establishes
34 the Commission on Reform of the Governance of Land Use Planning in the Unorganized
35 Territory. The commission consists of 13 members, including 7 Legislators and
36 representatives of various interest groups, appointed by the President of the Senate, the
37 Speaker of the House and the Governor. The commission is directed to study issues
38 associated with land use planning and economic development in the unorganized
39 territory, including options for improving the efficiency and effectiveness of permitting,
40 incorporating local community input and providing an appropriate balance of interests. It
41 authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to
42 submit legislation to the Second Regular Session of the 125th Legislature.

FISCAL NOTE REQUIRED
(See attached)



Approved: 06/04/11 *MAC*

125th MAINE LEGISLATURE

LD 1534

LR 1640(03)

An Act To Reform the Land Use and Planning Authority in the Unorganized Territories

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

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The estimated cost for the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory is estimated to be \$6,990 in fiscal year 2011-12 and the estimated costs for the Joint Standing Committee on Agriculture, Conservation and Forestry to hold an interim meeting with the Commission is \$1,625 in fiscal year 2011-12. The Legislature's proposed budget includes \$10,000 in fiscal year 2011-12 for legislative studies. Whether the amounts are 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 will incur additional costs to staff the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory which can be absorbed within existing budgeted resources.

Any costs associated with assuming responsibility for permitting and regulatory functions formerly performed by the Maine Land Use Regulatory Commission can be absorbed by the Department of Environmental Protection within existing budgeted resources.