

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1427

S.P. 513

In Senate, April 23, 2013

### **An Act To Establish a Resource and Development Coordinating Council**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BOYLE of Cumberland.  
Cosponsored by Representative PEOPLES of Westbrook and  
Senators: CAIN of Penobscot, CRAVEN of Androscoggin, DUTREMBLE of York,  
GERZOFKY of Cumberland, LACHOWICZ of Kennebec, MILLETT of Cumberland,  
Representatives: MAREAN of Hollis, NOON of Sanford.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§23-C** is enacted to read:

3 **23-C.**

4 <u>Environment:</u>	<u>Resource and</u>	<u>Not Authorized</u>	<u>30-A MRSA §4312,</u>
5 <u>Natural Resources</u>	<u>Development</u>		<u>sub-§5</u>
6	<u>Coordinating</u>		
7	<u>Council</u>		

8 **Sec. 2. 30-A MRSA §4312**, as amended by PL 2011, c. 655, Pt. JJ, §15 and  
9 affected by §41, is further amended to read:

10 **§4312. Statement of findings, purpose and goals; coordinating council**

11 **2. Legislative purpose.** The Legislature declares that it is the purpose of this Act to:

12 A. Establish, in each municipality of the State, local comprehensive planning and  
13 land use management;

14 B. Encourage municipalities to identify the tools and resources to effectively plan  
15 for and manage future development within their jurisdictions with a maximum of  
16 local initiative and flexibility;

17 C. Encourage local land use ordinances, tools and policies based on local  
18 comprehensive plans;

19 D. Incorporate regional considerations into local planning and decision making so  
20 as to ensure consideration of regional needs and the regional impact of development;

21 F. Provide for continued direct state regulation of development proposals that occur  
22 in areas of statewide concern, that directly impact natural resources of statewide  
23 significance or that by their scale or nature otherwise affect vital state interests;

24 G. Encourage the widest possible involvement by the citizens of each municipality  
25 in all aspects of the planning and implementation process, in order to ensure that the  
26 plans developed by municipalities have had the benefit of citizen input; and

27 I. Encourage the development and implementation of multimunicipal growth  
28 management programs.

29 **3. State goals.** The Legislature hereby establishes a set of state goals to provide  
30 overall direction and consistency to the planning and regulatory actions of all state and  
31 municipal agencies affecting natural resource management, land use and development.  
32 The Legislature declares that, in order to promote and protect the health, safety and  
33 welfare of the citizens of the State, it is in the best interests of the State to achieve the  
34 following goals:

35 A. To encourage orderly growth and development in appropriate areas of each  
36 community and region while protecting the State's rural character, making efficient  
37 use of public services and preventing development sprawl;

- 1 B. To plan for, finance and develop an efficient system of public facilities and  
2 services to accommodate anticipated growth and economic development;
- 3 C. To promote an economic climate ~~which~~ that increases job opportunities and  
4 overall economic well-being;
- 5 D. To encourage and promote affordable, decent housing opportunities for all  
6 Maine citizens;
- 7 E. To protect the quality and manage the quantity of the State's water resources,  
8 including lakes, aquifers, great ponds, estuaries, rivers and coastal areas;
- 9 F. To protect the State's other critical natural resources, including, without  
10 limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic  
11 vistas and unique natural areas;
- 12 G. To protect the State's marine resources industry, ports and harbors from  
13 incompatible development and to promote access to the shore for commercial  
14 fishermen and the public;
- 15 H. To safeguard the State's agricultural and forest resources from development  
16 ~~which~~ that threatens those resources;
- 17 I. To preserve the State's historic and archeological resources; and
- 18 J. To promote and protect the availability of outdoor recreation opportunities for all  
19 Maine citizens, including access to surface waters.

20 **4. Limitation on state rule-making authority.** The department is authorized to  
21 adopt rules necessary to carry out the purposes of this subchapter. Rules adopted  
22 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
23 subchapter 2-A. This section may not be construed to grant any separate regulatory  
24 authority to any state agency beyond that necessary to implement this subchapter.

25 **5. Resource and Development Coordinating Council.** To promote interagency  
26 coordination of the State's activities regarding natural resource management, land use and  
27 development and to identify and coordinate the resolution of policy and program conflicts  
28 among agencies that affect the State's ability to achieve the goals in subsection 3, there is  
29 established the Resource and Development Coordinating Council, referred to in this  
30 subsection as "the council."

31 A. The membership of the council is as follows: the Commissioner of Agriculture,  
32 Conservation and Forestry; the Commissioner of Economic and Community  
33 Development; the Commissioner of Environmental Protection; the Commissioner of  
34 Inland Fisheries and Wildlife; the Commissioner of Marine Resources; the  
35 Commissioner of Transportation; the director of the division of environmental health  
36 within the Department of Health and Human Services; and the Director of the Maine  
37 Historic Preservation Commission; or their designees. The membership shall select a  
38 chair from among themselves.

39 B. The council shall advise the Governor, the Legislature and state agencies in the  
40 formulation of policies for growth, development and management of the State's land,  
41 water and energy resources to achieve the goals in subsection 3. Any state, federal,

1 regional or local agency or private organization may interact and cooperate with the  
2 council in fulfilling the goals. Specifically, the council shall:

3 (1) Recommend coordinated state policy regarding state programs or proposals  
4 that affect economic and energy development in the State, the natural  
5 environment of the State and land use management within the State's organized  
6 municipalities and that involve the concerns of more than one state agency;

7 (2) Support the implementation of an integrated program to provide a land and  
8 water resources information base for planning purposes;

9 (3) Recommend resolutions of conflicting legislative or state agency policies or  
10 programs that contribute to the achievement of one or more goals in subsection 3  
11 with appropriate regard for achieving other goals in subsection 3 and without  
12 substantial detriment to achieving other goals in subsection 3, or that are likely to  
13 inhibit municipalities or regional councils from achieving an appropriate balance  
14 as they, through their comprehensive plans and related implementing actions,  
15 seek to achieve the goals in subsection 3;

16 (4) At the request of the Governor, the Legislature or one or more of the  
17 council's members, study specific resource management, land use or development  
18 issues of statewide significance in order to recommend sound, coordinated  
19 policies; and

20 (5) Seek cooperation from federal agencies with responsibilities for land and  
21 water resources management to ensure that their programs and projects serve the  
22 best interests of the State.

23 C. Each member of the council shall provide the council with staff support to carry  
24 out the council's duties and responsibilities.

25 D. The council shall meet at least quarterly. Every 2 years beginning in 2016 and no  
26 later than January 15th, the council shall prepare and submit to the Governor and to  
27 the joint standing committee of the Legislature having jurisdiction over natural  
28 resources matters a report describing its activities during the previous 2 calendar  
29 years and an outline of anticipated activities for the current calendar year.

30 **Sec. 3. Initial meeting.** The Commissioner of Agriculture, Conservation and  
31 Forestry shall convene the initial meeting of the Resource and Development Coordinating  
32 Council established in the Maine Revised Statutes, Title 30-A, section 4312, subsection 5  
33 no later than January 15, 2014.

## 34 SUMMARY

35 This bill establishes the Resource and Development Coordinating Council to promote  
36 interagency coordination of the State's activities regarding natural resource management,  
37 land use and development and to identify and coordinate the resolution of policy and  
38 program conflicts among government agencies. The council submits a report every 2  
39 years to the Governor and the joint standing committee of the Legislature having  
40 jurisdiction over natural resources matters.