

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1973

S.P. 675

In Senate, January 8, 2020

An Act To Amend the Laws Regarding Municipal Conservation Commissions

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on State and Local Government 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 CARSON of Cumberland.

Cosponsored by Senators: BELLOWS of Kennebec, CHENETTE of York, GRATWICK of Penobscot, Representatives: DOUDERA of Camden, FAY of Raymond, HARNETT of Gardiner, KESCHL of Belgrade.

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

2 **Sec. 1. 30-A MRSA §3261**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
3 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
4 amended to read:

5 **§3261. Conservation commissions**

6 Unless otherwise provided under their home rule authority, municipalities may
7 establish conservation commissions as provided in this section.

8 **1. Appointment of commissioners, associate and alternate commissioners; ad**
9 **hoc committees.** The municipal officers may appoint at least 3, but not more than 7,
10 conservation commissioners. ~~Members shall~~ Commissioners must initially be appointed
11 for terms of one, 2 and 3 years, such that the terms of approximately 1/3 of the ~~members~~
12 commissioners will expire each year. Their successors ~~shall~~ must be appointed for terms
13 of 3 years each. ~~Members shall~~ Commissioners serve until the appointment of their
14 successors.

15 ~~The commission may recommend to the municipal officers that associate members be~~
16 ~~appointed to assist the commission as the commission requires. Associate members are~~
17 ~~nonvoting members. Their terms of office shall be for one, 2 or 3 years.~~

18 A. The commission may appoint nonvoting associate commissioners to assist the
19 commission as the commission requires.

20 B. Commissioners shall elect, for terms of one year, one of the voting commissioners
21 to act as chair and one of the voting commissioners to act as secretary.

22 C. The commission may recommend to the municipal officers that alternate
23 commissioners be appointed to act in place of absent commissioners to ensure a
24 quorum for voting purposes at a meeting.

25 D. The commission may appoint ad hoc committees to perform specific tasks, which
26 the commission shall define. Ad hoc committees must include and be chaired by a
27 voting commissioner or associate commissioner. Ad hoc committees may include
28 members of the public.

29 **2. Duties of commission.** The commission shall:

30 A. Keep records of its meetings and activities and make an annual report to the
31 municipality;

32 B. ~~Conduct research, in conjunction with the planning board, if any, into the local~~
33 ~~land areas;~~

34 C. ~~Seek to coordinate the activities of conservation bodies organized for similar~~
35 ~~purposes; and~~

36 D. Keep an index of all open areas within the municipality, ~~whether publicly or~~
37 ~~privately owned, including open marshlands, swamps and other wetlands,~~ for the
38 purpose of obtaining information relating to the proper protection, development or
39 use of those open areas. ~~The commission may recommend to the municipal officers~~

1 or any municipal body or board, or any body politic or public agency of the State, a
2 program for the better protection, development or use of those areas, which may
3 include the acquisition of conservation easements.;

4 (1) ~~Any body politic or public agency of the State conducting planning~~
5 ~~operations with respect to open areas within a municipality having a conservation~~
6 ~~commission shall notify that conservation commission of all plans and planning~~
7 ~~operations at least 30 days before implementing any action under that plan.~~

8 E. Develop an open area plan for review and approval by the municipal legislative
9 body;

10 F. Assist in drafting or updating natural resource provisions in the municipality's
11 comprehensive plan as defined in section 4301, subsection 3;

12 G. Advise the planning board or other municipal reviewing authority in its
13 deliberations as they relate to effects on the environment and natural resources of the
14 municipality; and

15 H. Conduct activities designed to educate community members regarding the
16 protection and conservation of natural resources.

17 Any body politic or public agency of the State conducting planning operations with
18 respect to open areas within a municipality having a conservation commission shall notify
19 that conservation commission of all plans and planning operations at least 30 days before
20 implementing any action under such a plan or operation.

21 **3. Powers of commission.** The commission may:

22 A. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets
23 which that it considers necessary;

24 ~~B. Have the care and superintendence of the public parks and, subject to the approval~~
25 ~~of the municipal officers, direct the expenditure of all money appropriated for the~~
26 ~~improvement of those parks;~~

27 B-1. Develop and recommend to the municipal officers or any municipal body or
28 board, or any body politic or public agency of the State, programs for the better
29 protection, development or use of open areas, which may include the acquisition of
30 conservation easements;

31 C. Acquire land or interest in land in the municipality's name for any of the purposes
32 set forth in this section for which the municipal officers established the commission
33 with the approval of the municipal legislative body; and

34 D. Receive gifts in the municipality's name for any of the ~~commission's~~ purposes ~~and~~
35 for which the municipal officers established the commission; the commission shall
36 administer the gift such gifts for those purposes subject to the terms of the each gift.;
37 and

38 E. Collaborate with conservation entities established for similar purposes.

39 ~~4. Park commission under previous law.~~ This section does not require a
40 municipality which has previously created a park commission under prior law to establish

1 ~~a conservation commission. Any such park commission previously created may continue~~
2 ~~to operate as originally established.~~

3 **SUMMARY**

4 This bill makes several changes to the law that permits municipal officers to establish
5 a conservation commission. It adds the requirement that the commissioners appoint a
6 chair and a secretary. It allows municipal officers to appoint alternate commissioners
7 when necessary to ensure a quorum for voting purposes. It allows the commission to
8 establish ad hoc committees and to appoint members to those committees that are not
9 members of the commission.

10 It changes the duties and powers of the commission to include developing an open
11 area plan; assisting in drafting the municipality's comprehensive plan; advising any
12 municipal reviewing authority in its deliberation related to effects on the municipality's
13 environment and natural resources; educating community members; and developing and
14 recommending to bodies politic a program for the better use of open areas.

15 It repeals the provision that addressed park commissions established under previous
16 law.