

Committee: ACF

Minority Report

LA: DJI

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COMMITTEE AMENDMENT "." TO L.D. 1534 An Act To Reform the Land Use and Planning Authority in the Unorganized Territories

Amend the Title to "Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territories

Amend the bill by striking everything after the enacting clause and replacing it with:

Sec. 1. Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory established. The Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory referred to in this section 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.

Sec. 2. Membership. The commission consists of 13 members, as follows:

1. Three members of the Senate, appointed by the President of the Senate, including two from the party with the largest number of seats in the Legislature and one from the party with the second largest number of seats in the Legislature;
2. Four members of the House of Representatives, appointed by the Speaker of the House, including two 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;
7. One land use planner representing the regional or local economic development organization serving an area that includes unorganized territory, appointed by the President of the Senate;

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

Sec. 4. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the LURC Review Committee; and be it further

Sec. 5. Duties: The commission shall consider the governance of land use planning in the Unorganized Territory (UT), and make recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry. The commission shall:

1. Review options for improving land use planning and regulation for Maine's unorganized territories, with the goal of advancing the public welfare, balancing competing interests, and providing efficient and effective decisions on proposals to develop, utilize and conserve resources within Maine's unorganized territories;
2. Consider the role of state and local governments. The commission shall review the permitting and appeals process, and seek opportunities for improved attention to local needs and priorities and increase predictability while still achieving the purpose of 12 MSA 681-689.
3. Consider options for reforming the governance of land use planning in the UT.
4. Review LURC's historical permitting data to assess the agency's performance in processing permit applications. Identify and propose process improvements, including suggestions that could increase permit processing timelines;
5. Consider ways to create, implement and enforce uniform standards across the UT for timber harvesting activities and forest management, wildlife habitat protection, and issues under the jurisdiction of the Natural Resources Protection Act;
6. Recommend ways in which LURC can better receive and incorporate local community input;
7. Explore the desirability of establishing a new position at LURC to serve as an "ombudsman" to assist applicants in the permit application process;
8. Review LURC's regulations and guidance documents to identify opportunities to make them clearer, more business-friendly, and more efficient for applicants;
9. Determine whether any permitting activities currently performed by LURC should be transferred to the Department of Environmental Protection;

10. Consider ways to ensure that, as LURC reviews applications, LURC has the benefit of the expertise of the agency responsible for economic development in the county in which the application LURC is reviewing is located;
11. Suggest one or more regions that should be priorities for prospective zoning by LURC;
12. Compare LURC's rules with ordinances and rules with similar objectives administered by municipalities and the Department of Environmental Protection to determine whether more consistency between the rules is desirable, and, if so, advise ways to make them more consistent.
13. Review the current and historical membership of the Land Use Regulation Commission to determine whether there is adequate representation of residents of the unorganized townships, adjacent service centers, and a broad diversity of the counties in which unorganized territories are located.

Sec. 6. Meetings; interim update: The commission shall meet as necessary to complete the assigned duties. The commission shall hold no fewer than 2 public listening sessions on dates of determined by the commission. The commission shall meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 for an update on the progress of the commission.

Sec. 7. Staffing: The Department of Conservation shall provide staff support to the commission within existing resources and invite resource people as appropriate, including individuals with experience as LURC commissioners and or staff. The commission may request that the Legislative Council provide assistance in drafting legislation to implement the recommendations of the commission for inclusion in the report under Sec8 of this Resolve.

Sec. 8. Report. The commission shall complete its work no later than December 15, 2011 and submit its recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than Jan. 15, 2012.

Sec. 9. Authority to submit legislation. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation reforming the governance of land use planning in the unorganized territory to the second session of the 125th Legislature to take effect in FY 2013.

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill with a resolve that establishes the Committee on Reform of the Governance of Land Use Planning in the Unorganized Territory. The Committee consists of 13 members, including 7 legislators and representatives of various interest groups, appointed by the President of the Senate, the Speaker of the House and the Governor. The Committee is directed to study issues associated with land use planning and economic

development in the unorganized territories, including options for improving the efficiency and effectiveness of permitting, incorporating local community input, and providing an appropriate balance of interests. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the second Regular Session of the 125th Legislature.