

OPPOSE

LD 1798 – An Act to Reform Land Use Planning in the Unorganized Territories

Sponsor: Representative EDGECOMB of Caribou

Background: LD 1798 was printed at the direction of the Agriculture, Conservation and Forestry Committee for the purpose of review and consideration during a public hearing, but the Committee has not taken a position on the substance of the bill.

Summary: Last year, a bill was introduced to abolish the Land Use Regulation Commission (LURC.) The Legislature changed that bill into a study of land use planning and regulation in Maine’s North Woods. The task force held six meetings and issued a report in December, which proposes a number of changes in the way land use would be regulated in Maine’s Unorganized Territories (UT). Some of the changes could improve the way LURC operates, but several could significantly harm Maine’s North Woods.

Explanation: The North Woods is the largest remaining forest in the east, vast enough to provide wildlife habitat, timber for the forest products industry, and myriad tourism and recreation opportunities. LURC is the state agency that for the past 40 years has provided planning, permitting, and enforcement activities that have helped to protect what is special about Maine’s North Woods while respecting local and regional needs.

The majority of people who testified to the task force said that LURC should not be abolished; rather, they urged the group to focus on areas to improve the efficiency and functioning of the agency so that it continues to serve the interests of all Maine people. The task force did, in fact, back away from the idea of abolishing LURC. However, some of the task force’s proposals could significantly weaken protections for Maine’s North Woods.

LD 1798 captures the task force recommendations. The bill proposes changing LURC’s name to the Maine Land Use Planning Commission (MLUC). The new Commission would consist of nine members, six of which would be county commissioners from the counties with the greatest acreage in the UT. These commissioners would be allowed to appoint themselves directly to the MLUC without going through the normal process of a gubernatorial nomination, legislative committee hearing, and Senate confirmation vote. NRCM is not convinced that county commissioners should be allowed to serve on the MLUC, and we strongly oppose the self-appointment proposal.

Also of great concern, LD 1798 would allow counties to “opt out” of the unified land use system that consistently applies to the entire North Woods, which could result in the dismantlement of a statewide system, one county at a time. If counties withdrew from MLUC, then it would result in an inconsistent, fragmented, and complicated system of land use rules and regulations across Maine’s North Woods.

LD 1798 proposes to turn permitting of all large projects over to the Department of Environmental Protection (DEP), but DEP is not equipped to review the impacts of development on the undeveloped character of the North Woods, the scenic values of the North Woods, existing North Woods-type recreational uses, and the businesses that rely on Maine’s North Woods. DEP also does not review shoreland zoning impacts. A project needing rezoning or located in the shoreland zone would require permits from LURC and DEP, complicating the permitting process.

LD 1798 proposes to eliminate the requirement that a developer show there is a need for the proposed project. This could lead to speculative, scattered development and extra costs to the public to pay for public infrastructure (police and fire protection, roads, snow plowing, school buses, etc.) for unneeded developments.

NRCM opposes LD 1798 as written.