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Public Law
123rd Legislature
First Regular Session

Chapter 264
S.P. 159 - L.D. 472

**An Act To Clarify Land Planning in the Unorganized
and Deorganized Townships of the State**

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

Sec. 1. 12 MRSA §685-C, sub-§1, as amended by PL 1977, c. 694, §233, is further amended to read:

1. Comprehensive land use plan. ~~Not later than January 1, 1975 the~~The commission shall adopt an official comprehensive land use plan for the unorganized and deorganized townships of the State.

~~Such plan shall guide the~~The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.

The plan may consist of maps, data and statements of present and prospective resource uses ~~which~~that generally delineate the proper use of resources, and recommendations for its implementation.

The commission ~~may~~shall hold public hearings to collect information to be used in establishing the land use guidance plan. The public hearings ~~will~~must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules ~~and regulations~~ pursuant to Title 5, chapter 375, subchapter ~~H~~2.

The commission may, on its own motion or petition of any state agency or regional planning commission, hold such other hearings as ~~it may deem~~the commission considers necessary from time to time for the purpose of obtaining information helpful in the determination of its policies, the carrying out of its duties; or the formulation of its land use standards or rules ~~and regulations~~.

The commission ~~shall~~may not adopt ~~no~~a plan or portion of a plan, unless:

- A. The tentative plan has been submitted to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days; ~~and;~~
- B. The tentative plan has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; ~~and~~
- C. The commission has considered all such comments.

Upon adoption of the official land use plan by the commission, ~~it~~ the commission shall submit the plan to the Governor for approval. The Governor shall approve or disapprove the plan, plans or any portion of a plan within 30 days of receipt. If the Governor fails to act, the plan ~~shall be~~ is deemed approved. This subsection ~~shall~~ also apply ~~applies~~ to any alteration in the comprehensive plan.

Sec. 2. Presentation of the comprehensive land use plan for areas within the jurisdiction of the Maine Land Use Regulation Commission. At least 30 days prior to a scheduled vote by the commission on final adoption, but in no case later than December 3, 2007, the Maine Land Use Regulation Commission shall submit to the Joint Standing Committee on Agriculture, Conservation and Forestry the most recent draft of the tentative comprehensive land use plan developed pursuant to the Maine Revised Statutes, Title 12, section 685-C, subsection 1. In addition to the draft plan, the commission shall provide an accompanying report that includes:

1. The reasons for periodic revisions to the comprehensive land use plan, both general and specific to the 2007 revisions;
2. A summary of public hearings held in accordance with the Maine Revised Statutes, Title 12, section 685-C, subsection 1, including dates, locations, number of people attending and information received;
3. The dates that the tentative plan was or is expected to be submitted to regional planning commissions, agencies and the Executive Department, State Planning Office in accordance with Title 12, section 685-C, subsection 1, paragraphs A and B; and, if already submitted, a summary of comments and recommendations received; and
4. The anticipated date for a vote on adoption of the plan by the commission.

The commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. If changes are made to the plan subsequent to the initial draft and report submitted under this section, the Maine Land Use Regulation Commission shall submit the revised plan to the Joint Standing Committee on Agriculture, Conservation and Forestry with clearly identified changes a minimum of 30 days prior to the commission's final vote on the plan.

Effective September 20, 2007