

OPPOSE

LD 17 -- An Act to Reform the Land Use and Planning Authority within the Unorganized Territories of the State

Sponsor: Representative Davis of Sangerville

Cosponsors: Representatives AYOTTE of Caswell, BLACK of Wilton, CRAFTS of Lisbon, FREDETTE of Newport, HANLEY of Gardiner, LONG of Sherman, THIBODEAU of Waldo, TIMBERLAKE of Turner; and Senator THOMAS of Somerset

Summary This bill would abolish the Land Use Regulation Commission (LURC) and transfer all land use planning, permitting and enforcement authority in Maine's North Woods to the counties in which the land lies, effective July 15, 2012. The bill also would overrule the recently adopted 2010 Comprehensive Land Use Plan and reinstate the 1997 plan.

Explanation Maine's North Woods and off-shore islands have no local government. Since 1971, all land use planning, zoning, permitting and environmental enforcement in these 10.5 million acres of "unorganized townships" have been carried out by Maine's Land Use Regulation Commission (LURC), a state agency. Abolishing LURC and shifting its responsibilities to eight or more counties would be more expensive, less efficient and less predictable for developers. A better approach is to focus on improvements in LURC, which are already underway.

LURC's activities are guided by the statute that established LURC, a Comprehensive Land Use Plan (updated in 2010), and rules adopted by the agency and approved by the Legislature. In establishing LURC, the Legislature determined that Maine's undeveloped North Woods is a resource of statewide significance and that it was desirable to have sound principles of planning, zoning and subdivision standards in the unorganized townships in order to prevent inappropriate uses, provide for appropriate uses, prevent water pollution, and preserve ecological and natural values. The Legislature also wanted to encourage public use of the unorganized townships by Maine residents and visitors for outdoor recreation – including hunting, fishing, boating, hiking and camping.

If LURC were abolished, eight different counties would need to hire staff to provide for the full range of LURC functions, including permit review, compliance, enforcement, mapping, education, and responding to legal appeals. These functions would need to be paid for through tax increases. Standards likely would be different from one county to the next, which would add significant complexity and unpredictability for major landowners and developers with parcels across more than one county. Shifting responsibilities to the counties could decrease protection of ecological and natural values, since some counties could adopt standards that are significantly less protective than those currently in place. Counties could also choose to limit enforcement of environmental standards.

Abolishing LURC in this fashion could lead to increased development on remote ponds and increased dispersed development generally throughout the unorganized townships – increasing fragmentation of Maine's forested landscape and potentially ending Maine's North Woods as we know them. Public access for hunting, fishing, snowmobiling and other traditional uses could be curtailed as a result of scattered development.

LURC's mission has never been more important: to protect the natural character of the North Woods, to keep the forest as forest - protecting jobs in the forest products and recreation industries, and to protect wildlife habitat and recreational opportunities for Maine people, while allowing development in appropriate areas. LURC has instituted a new expedited permitting procedure for residential construction with a guaranteed response within 10 days. Reforms such as this will help ensure that LURC continues to serve its important functions.

NRCM opposes LD 17.