

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE LAND USE PLANNING COMMISSION

**Proposed Repeal and Replacement of Chapter 17,
Reestablishment of Commission Jurisdiction**

May 14, 2025 – Draft

The following amendments propose changes to Chapter 17, Reestablishment of Commission Jurisdiction within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections and indicates additions in underline, deletions with a ~~striketrough~~, and relocated text in double underline and double ~~striketrough~~. Most revisions are self-evident. Where necessary, further explanations of some changes have been included in **[revision notes]**. These explanatory notes would not be included in the final rule.

Rulemaking Overview and Introduction

- This rulemaking proposes to repeal and replace the rule as a whole; however, individual revisions are illustrated below for reader convenience.
- On April 26, 2025, at an annual meeting of the plantation, Highland Plantation voted to repeal its comprehensive plan and land use ordinance. Pursuant to 12 M.R.S. § 685-A(4-A)(B)(1), the Maine Land Use Planning Commission is required to reestablish its jurisdiction (land use regulatory authority and responsibility) over Highland Plantation.
- In order to provide time to prepare and seek community feedback on an updated Land Use Guidance Map for Highland Plantation, this rulemaking also proposes to adopt the Land Use Guidance Map for Highland Plantation that was in effect prior to the 2016 transfer of authority.
- This rulemaking also includes other clerical edits, including but not limited to revision of the rule title, updating of statutory citations, and minor rule format changes.

Department of Agriculture, Conservation and Forestry
MAINE LAND USE PLANNING COMMISSION
22 State House Station, Augusta, Maine 04330. Tel. (207) 287-2631

Reestablishment of Commission Jurisdiction

Chapter 17 of the Commission's Rules

~~(APA Office Note dated November 6, 2013: due to a legislatively mandated reorganization, the Land Use Regulation Commission was renamed as Land Use Planning Commission, with its umbrella unit number changed from 04-061 to 01-672.)~~

Effective Date: August 14, 1992

Amended Effective: October 17, 2000

Chapter 17: REESTABLISHMENT OF COMMISSION JURISDICTION

17.01 AUTHORITY

Pursuant to 12 M.R.S. § 685-A(4-A)(B) the Commission is authorized to reestablish its jurisdiction over certain towns or plantations.

~~A. 12 M.R.S.A. §685-A(4) states in part that any plantation or municipality which adopts planning, zoning and subdivision control as provided in Title 30-A §7059, shall be continued to be regulated by the Commission until such time as the plantation or municipality adopts land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the Commission. Upon obtaining approval, the plantation or municipality shall thereafter adopt, administer and enforce the approved plans, maps, regulations and standards.~~

~~B. 12 M.R.S.A. §685-A(4) provides that the Commission review from time to time the administration and enforcement of local land use plans and regulations by plantations and municipalities which have adopted land use plans, maps, regulations and standards approved by the Commission. If, following the review, the Commission finds that any of the following have occurred, the Commission may reestablish its jurisdiction over that plantation or municipality:~~

~~(1)1. a plantation or municipality has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of the Commission's land use laws, regulations or standards or has substantially modified the land use plan, maps, standards or regulations so that the resources of the plantation or municipality are not reasonably protected;~~

~~(2)2. a plantation or municipality has abolished or does not have functioning the administrative bodies and officers necessary to implement the land use program as approved by the Commission, normally a planning board, board of appeals and code enforcement officer; or~~

~~(3)3. a plantation or municipality has not administered or enforced its land use program in a manner which reasonably protects the resources in the plantation or municipality involved.~~

~~The action by the Commission must conform with the provisions for rulemaking of the Maine Administrative Procedure Act, Title 5, chapter 375.~~

17.02 PURPOSE

This rule reestablishes the jurisdiction of the Maine Land Use Planning Commission in those municipalities and plantations where the Commission has found that one or more of the conditions for reestablishing jurisdiction set forth in 12 M.R.S. ~~A~~: § 685-A(4-~~A~~)(~~B~~) has occurred in the plantation or municipality.

17.03 APPLICABILITY AND EFFECTIVE DATE OF REESTABLISHED JURISDICTION

The Commission has found that one or more of the conditions set forth in 12 M.R.S. ~~A~~: § 685-A(4-~~A~~) has occurred in each municipality and plantation identified below and has concluded reestablishment of the Commission's jurisdiction in that municipality or plantation is necessary to reasonably protect the natural, recreational, historic or other resources of the municipality or plantation and to extend the principles of sound planning, zoning and subdivision control to the municipality or plantation:

A. BRIGHTON PLANTATION, SOMERSET COUNTY

1. ~~(1)~~—Brighton Plantation, located in Somerset County, had been granted plantation status under Maine law. When the Land Use Regulation Commission was formed, Brighton Plantation did not administer its own land use planning and regulatory program. Instead, the Commission carried out those functions in lieu of local government.
2. ~~(2)~~—In accordance with 12 M.R.S. ~~A~~: § 685-A(4-~~A~~), Brighton Plantation submitted to the Commission a Comprehensive Land Use Plan, zoning ordinance including standards and land use subdistricts, and a land use district boundary map(s) for the plantation. ~~In February~~ On February 26, 1987, the Commission approved the plan, ordinance, and map~~s(s)~~.
3. ~~(3)~~—On May 12, 1990, the Plantation adopted its Comprehensive Land Use Plan, zoning ordinance and map(s) that earlier had been approved by the Commission. Thus the plantation removed itself from the Commission's jurisdiction on May 12, 1990 and began administering its local land use program.
4. ~~(4)~~—On March 28, 1992, at an annual meeting of the plantation, Brighton Plantation abolished its planning board and voted to return to ~~the jurisdiction of~~ the Maine Land Use Planning Commission's jurisdiction. The plan and ordinance were not repealed at that time although the plantation lacks the administrative body necessary to review and act upon zoning or permit applications or carry out other necessary provisions of the land use plan and ordinance in the plantation. At a special plantation meeting held on May 19, 1992, Brighton Plantation reaffirmed its decision of March 28, 1992.

5. ~~(5)~~—The Commission ~~had~~ reestablished jurisdiction over Brighton Plantation effective August 14, 1992.
6. Subsequently, Brighton Plantation submitted an updated Comprehensive Land Use Plan and Land Use Zoning Ordinance to the Commission in 1995. The Commission approved this Plan and Ordinance on June 15, 1995. Brighton Plantation adopted these updated versions of its Comprehensive Land Use Plan and Land Use Zoning Ordinance on July 20, 1995, and resumed land use control effective on the same date.

B. HIGHLAND PLANTATION, SOMERSET COUNTY

1. Highland Plantation, located in Somerset County, had been granted plantation status under Maine law. When the Land Use Regulation Commission was formed, Highland Plantation did not administer its own land use planning and regulatory program. Instead, the Commission carried out those functions in lieu of local government.
2. In accordance with 12 M.R.S. § 685-A(4-A), Highland Plantation submitted to the Commission a Comprehensive Land Use Plan, zoning ordinance including standards and land use subdistricts, and a land use district boundary map(s) for the plantation. On April 13, 2016, the Commission approved the plan, ordinance, and maps.
3. On March 26, 2016, the Plantation adopted its Comprehensive Land Use Plan, zoning ordinance, and map(s). On April 13, 2016, the Commission approved these documents, with a condition requiring the hiring of a qualified Code Enforcement Officer. On July 11, 2016, the Commission transferred local land use regulatory authority.
4. On April 26, 2025, at an annual meeting of the plantation, Highland Plantation voted to repeal its comprehensive plan and land use ordinance. Pursuant to 12 M.R.S. § 685-A(4-A)(B)(1), the Maine Land Use Planning Commission reestablishes its jurisdiction over Highland Plantation. The Land Use Guidance Map for Highland Plantation that was in effect prior to the 2016 transfer of authority is hereby adopted and effective until a land use inventory is completed, and the Commission's rezoning process, including opportunity for public comment, is conducted to create an updated zoning map.

17.04 JURISDICTION REESTABLISHED

A. REESTABLISHMENT

1. ~~A.~~ The Commission reestablishes its jurisdiction over the municipalities and plantations identified in ~~section~~ Section 17.03 above and adopts ~~a~~ Land Use Guidance Maps(s) for those areas.
 2. ~~B.~~ The municipalities and plantations identified in ~~section~~ Section 17.03 above are subject to the plans, maps, regulations, standards and other requirements of the Commission.
 3. ~~C.~~ This reestablishment of jurisdiction supersedes any prior Commission ~~prior~~ approval of such municipalities' and plantations' plan, ordinance, and maps(s).
 4. The reestablishment of the Commission's jurisdiction may be superseded by subsequent town or plantation action. Any such circumstances will be indicated as applicable in Section 17.03.
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STATUTORY AUTHORITY: 12 M.R.S. ~~A.~~ §§ 685-A(4-A) and 685-C(5); and 30-A M.R.S. § 7059-681 et seq.

EFFECTIVE DATE:

August 14, 1992 – filing 1992-318

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996 – filing 1996-165

NON-SUBSTANTIVE CORRECTIONS:

January 10, 1997 – filing C-1997-071

September 2, 1997 - converted to Microsoft Word for Windows 2.0 format.

AMENDED:

October 17, 2000 – filing 2000-455

(APA Office Note dated November 6, 2013: due to a legislatively-mandated reorganization, the Land Use Regulation Commission was renamed as Land Use Planning Commission, with its umbrella-unit number changed from 01-672 to 01-672.)