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**Department of Agriculture, Conservation and Forestry 22 State House Stations**

**Augusta, Maine 04333**

**(207) 287-3200**

**2024-2025 Amended Regulatory Agenda**

**Prepared: May 14, 2025**

**01-672: Maine Land Use Planning Commission**

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**01-672**

AGENCY UMBRELLA - UNIT NUMBER: **01-672**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Land Use Planning Commission**

**CONTACT PERSON:** Benjamin Godsoe, 22 SHS, Augusta, Maine 04333, (207) 592-6429,

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**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2024-2025 RULE-MAKING ACTIVITY:**

**CHAPTER 17: Reestablishment of Commission Jurisdiction, Highland Plantation**

STATUTORY BASIS: 12 M.R.S. §685-A(4-A)(B) and §685-C(5)

PURPOSE: At the annual Highland Plantation meeting on April 26, 2025, residents in attendance voted 11-6 to repeal the comprehensive plan and land use ordinance. Pursuant to 12 M.R.S. §685-A(4-A)(B), this rule needs to be updated to officially reestablish the Commission’s jurisdiction regarding land use planning and zoning authority within Highland Plantation.

SCHEDULE FOR ADOPTION: Issue proposed amendments in May 2025 and adopt amendments by September 2025; submit for legislative review during January 2026. AFFECTED PARTIES: Property owners and others who hold interests in lands within Highland Plantation.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stacy Benjamin, 22 State House Station, Augusta, ME 04333-0022; 207-441-3761, stacy.benjamin@maine.gov

**CHAPTER 10: Land Use Districts and Standards, NRPA-related Changes**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to improve resource protection in LUPC jurisdiction consistent with that provided under the Natural Resource Protection Act in organized areas of the state, as required by the NRPA statute.

SCHEDULE FOR ADOPTION: Issue proposed amendments by June 2025 adopt amendments by September 2025; submit for legislative review during January 2026. AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public. CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stacy Benjamin, 22 State House Station, Augusta, ME 04333-0022; 207-441-3761, stacy.benjamin@maine.gov

**CHAPTER 10: Land Use Districts and Standards, Miscellaneous Changes**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Chapter 10 rules establish land use subdistricts and land use standards for lands within the unorganized and de-organized areas of the state. They need to be updated periodically to address issues which become obvious through experience gained from applying current rules, as well as to correct errors, ensure consistency with recently enacted legislation, update references as appropriate, and make other changes to Chapter 10. Examples of changes to be considered include updating standards governing nonconformity, updating road and road crossing standards, updating clearing standards, updating water withdrawal standards, updating the recreational lodging rules as more experience is gained in applying them, updating language regarding mining, updating standards to address cannabis law changes, improving consistency in terminology, adding areas to the list of DACSS, changing the terminology for bridge reconstruction and certain other development in flood prone areas, and updating standards for lighting. SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2025; adopt amendments by July 2025; submit for legislative review during January 2026.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public. CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov

**CHAPTER 10: Land Use Districts and Standards, New Standards for Certain Development Activities**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to address current research, policy concepts, and new standards for small and mid-sized solar energy generation facilities, battery storage facilities, decommissioning, financial assurances, short-term rentals, and water withdrawals.

SCHEDULE FOR ADOPTION: Issue proposed amendments by June 2025; adopt amendments by September 2025; submit for legislative review during January 2026. AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public. CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ben Godsoe, 22 State House Station, Augusta, ME 04333-0022: 207-592-6429; Benjamin.Godsoe@maine.gov

**CHAPTER 10: Land Use Districts and Standards,** Climate Change Related Updates, Including **Standards for Activities in Flood Prone Areas**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be reviewed and updated to address the recommendations of “Maine Won’t Wait, a Four-year Plan for Climate Action” released in December 2020 by the Maine Climate Council. In particular, rules need to be promulgated to revise standards for development in flood prone areas in accordance with the National Flood Insurance Program and be consistent, where possible, with changes to standards adopted in the organized areas of the state.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2025; adopt amendments by July 2025; submit for legislative review during January 2026.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public. CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Carr, 22 State House Station, Augusta, ME 04333-0022; 207- 287-4930, Tim.Carr@maine.gov

**CHAPTER 2: Definitions**

STATUTORY BASIS: 12 MRS §§ 685-A(3) and 685-C(5)

PURPOSE: Chapter 2 establishes definitions pertinent to the Commission’s land use regulations. This rule needs to be updated periodically to address issues which become obvious through experience gained from applying current rules, as well as to correct errors, ensure consistency with recently enacted legislation, update references as appropriate, and make other changes to Chapter 2.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2025; adopt amendments by July 2025.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public. CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated/not warranted.

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov.

**CHAPTER 4: Rules of Practice, Miscellaneous Changes**

STATUTORY BASIS: 12 MRS §684 and §685-C(5)

PURPOSE: Chapter 4 establishes rules of procedure pertinent to the Commission’s zoning and permitting processes. Periodic updates to this rule are warranted to address issues that become obvious through experience gained from applying current rules, as well as to correct errors, update references as appropriate, and make other revisions to the Commission’s procedures.

SCHEDULE FOR ADOPTION: Issue proposed amendments by April 2025; Consideration of comments received and possible adoption in August 2025.

AFFECTED PARTIES: The proposed changes could affect all individuals proposing development in the unorganized and deorganized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov

**CHAPTER 15: Guidelines for Private Roads or Ways in Management Districts, Possible Repeal**

STATUTORY BASIS: 12 MRS §684 and §685-C(5)

PURPOSE: Chapter 15 contains standards for the construction and maintenance of private roads in management districts. However, Chapter 10 of the Commission’s rules, Land Use Districts and Standards, includes sufficient standards for all roads, including situations addressed by Chapter 15.

SCHEDULE FOR ADOPTION: Issue proposed repeal by April 2025; Consideration of comments received and possible repeal in August 2025.

AFFECTED PARTIES: None

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov