

**Maine Land Use Planning Commission**  
Department of Agriculture, Conservation and Forestry



**BASIS STATEMENT AND SUMMARY OF COMMENTS**  
**FOR THE REPEAL AND REPLACEMENT OF**  
**CHAPTER 17: REESTABLISHMENT OF COMMISSION JURISDICTION**

August 13, 2025

**STATUTORY AUTHORITY:**

12 M.R.S. § 685-A(3), (4-A), and (7-A)  
12 M.R.S. § 685-C(5)(A)

**FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT:**

At the time of the Commission's inception, Highland Plantation was part of the Land Use Planning Commission's original jurisdiction. After a local process to develop a comprehensive plan and land use ordinance, Highland Plantation assumed local land use authority from the Commission in July 2016.

Since 2016, the community has struggled to fill local board vacancies and retain and pay for local code enforcement services. At the annual Plantation meeting on April 26, 2025, residents in attendance voted 11-6 to repeal the comprehensive plan and land use ordinance. Plantation officials subsequently submitted a petition to return to the LUPC service area.

For communities previously part of the Commission's service area that wish to cede land use authority to the Commission, or in situations where there is evidence that the municipal land use program in a community that has assumed land use authority has been repealed, the provisions of [12 M.R.S. §685-A\(4-A\)\(B\)](#) are applied. In addition, [Chapter 17](#) of the Commission's rules guides and documents the reestablishment of Commission jurisdiction.

Pursuant to 12 M.R.S. §685-A (4-A)(B), the Commission finds that Highland Plantation has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of this subsection or to otherwise protect the resources within the plantation; and the plantation no longer has functioning the administrative bodies and officers necessary to implement the land use program as approved by the Commission in 2016.

The Commission repeals and replaces Chapter 17, Reestablishment of Commission Jurisdiction, to reestablish jurisdiction in Highland Plantation. The replaced rule addresses the reestablishment of jurisdiction, incorporates the prior Land Use Guidance Map for Highland Plantation for interim guidance until an update can be completed, and includes minor edits to the chapter, involving reorganization and reformatting to improve consistency and functionality.

#### **PUBLIC NOTICE OF RULEMAKING**

At a meeting held on May 14, 2025, the Commission approved the staff recommendation to post the proposed repeal and replacement of Chapter 17 to public comment. Notice of the rulemaking was provided in the Secretary of State's consolidated rulemaking notice on June 4, 2025. The Secretary of State's notice appeared in the Bangor Daily News, Kennebec Journal, Portland Press Herald, Lewiston Sun-Journal, and the Central Maine Morning Sentinel. In addition to the legal notice, the Commission posted notice by email through the State's GovDelivery system to approximately 2,226 individuals. These included the Commission's mailing list of persons wishing to be contacted regarding rulemaking matters. Notice of the proposed revisions was also posted on the agency's rulemaking webpage. Printed letters were mailed to all identified property owners in Highland Plantation and the Somerset County Commissioners. Resource agencies were also notified by email.

The record remained open until July 7, 2025 to allow interested persons to file written statements with the Commission.

#### **COMMENTS AND RESPONSES:**

No comments were submitted.