

# MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 13, 1975

To Abbie C. Page, Resource Planner

Dept. State Planning Office

from Cabanne Howard, Assistant

Dept. Attorney General

subject Status of Executive Order 6 and 35

You have asked whether two executive orders remain in force after the termination of the term of the Governor, Kenneth M. Curtis, who issued them. The two orders were Executive Order 6 of January 26, 1972, establishing a system of planning and development districts and Executive Order 35 (FY 1974-75) of December 20, 1974, making a slight adjustment in the boundaries of the districts established by the first order.

The general principle regarding the effectiveness of an act of a chief executive beyond his term is that, so long as the chief executive is acting pursuant to explicit constitutional or statutory authority, such acts remain in force and are binding on his successor unless altered by the successor. See, e.g., in area of the continuing force of gubernatorial appointments, the Opinions of the Attorney General of September 28, 1972, January 24, 1956 and December 15, 1955; State ex rel. Fox v. Brewster, 84 S.E. 2d 231 (W. Va., 1954); Mc-Ginness v. Hunt, 57 Ariz. 70 (1941). In the present instance, Executive Order 6 was issued pursuant to 30 MRSA §4501, Laws of Maine of 1969, Ch. 382 §2 (since repealed and replaced by 30 MRSA §4521, which confers on the Governor similar authority and which provided the authority for the amendatory Executive Order 35 (FY 1974-75) ). Since the designations of planning and development districts made therein were supported by specific legislative authority, they would continue in force beyond the termination of the term of the Governor who made them. It should be noted, however, that under 30 MRSA §4521 (2), the current Governor may "revise the district boundaries to reflect changing conditions or otherwise to fulfill the purposes of this chapter."

*Cabanne Howard*

CABANNE HOWARD

Assistant Attorney General

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For subsequent status see  
Mar. 13, 1975 memorandum  
in AG binders.



OFFICE OF  
THE GOVERNOR

NO. 6  
DATE January 26, 1972

AN ORDER ESTABLISHING A SYSTEM OF PLANNING AND DEVELOPMENT DISTRICTS FOR THE PURPOSE OF ENCOURAGING FEDERAL, STATE AND LOCAL COMPREHENSIVE PLANNING AND COORDINATED DEVELOPMENT.

WHEREAS, it is the policy of this administration to encourage the development of a planning and development system in which Federal, State and local interests work together in the proper planning and development of the State as authorized by existing provisions of the law, and

WHEREAS, The Act Relating to Regional Planning and The Establishment of Regional Councils of Governments as codified in Title 30, Chapter 239, Sections 4501-4503, Maine Revised Statutes Annotated, authorizes the Governor to designate regional planning and development districts, and

WHEREAS, the Governor through the State Planning Office has obtained information from the State departments, regional planning commissions and other affected or interested agencies or parties concerning the delineation of district boundaries, and

WHEREAS, the Federal Government, in its efforts to improve inter-governmental relations, has been recently requiring the use, insofar as possible, of coterminous boundaries for planning the various federally assisted programs within the states, and

WHEREAS, it is deemed desirable to establish and preserve the eligibility of State agencies, Regional Planning Commissions and local governments to participate in the Federal assistance programs and any others that may be instituted from time to time, and also to provide a framework of organization which will eliminate duplication and confusion, and

WHEREAS, the State Planning Office has delineated eight proposed planning and development districts reflecting physical, economic and human resources relationships encompassing the entire area of Maine,

NOW, THEREFORE, I, KENNETH M. CURTIS, Governor of the State of Maine, by virtue of the authority vested in me, do hereby order and direct that the said Districts, as delineated by the State Planning Office, be and hereby are officially established for the aforesaid purposes, and direct

that all State agencies within the Executive Branch of government shall take the regional alignment into consideration in the establishment and revision of all applicable regional state programs.

Further, I hereby direct the heads of the State departments and agencies to submit a written report no later than October 1, 1972 to the Director of the State Planning Office indicating the measures taken to comply with this Order. Where the head of any department or agency deems it not feasible for his department or agency to conform to these official district boundaries for planning purposes, he shall detail in the report the reasons for this infeasibility, and shall propose alternative regional boundaries which shall adhere to the official boundaries insofar as possible. This report shall include a departmental review of field services and operations detailing the extent to which it would be desirable and possible to administer these services and operations on the basis of the districts established by this Order. The Director of the State Planning Office shall recommend to me alternative regional boundaries if such an alternative is clearly justified.

In addition, any Regional Planning Commission, local government unit or other interested agency or individual may submit recommendations on the feasibility of these districts to the Director of the State Planning Office. Such recommendations shall be considered in any recommendations for alternative regional boundaries.

Accordingly, the eight planning and development districts as now constituted are shown on the attached map, and as regions may be changed from time to time by the Governor of Maine.

As shown on this map, the following planning commissions will operate in these respective planning jurisdictions:

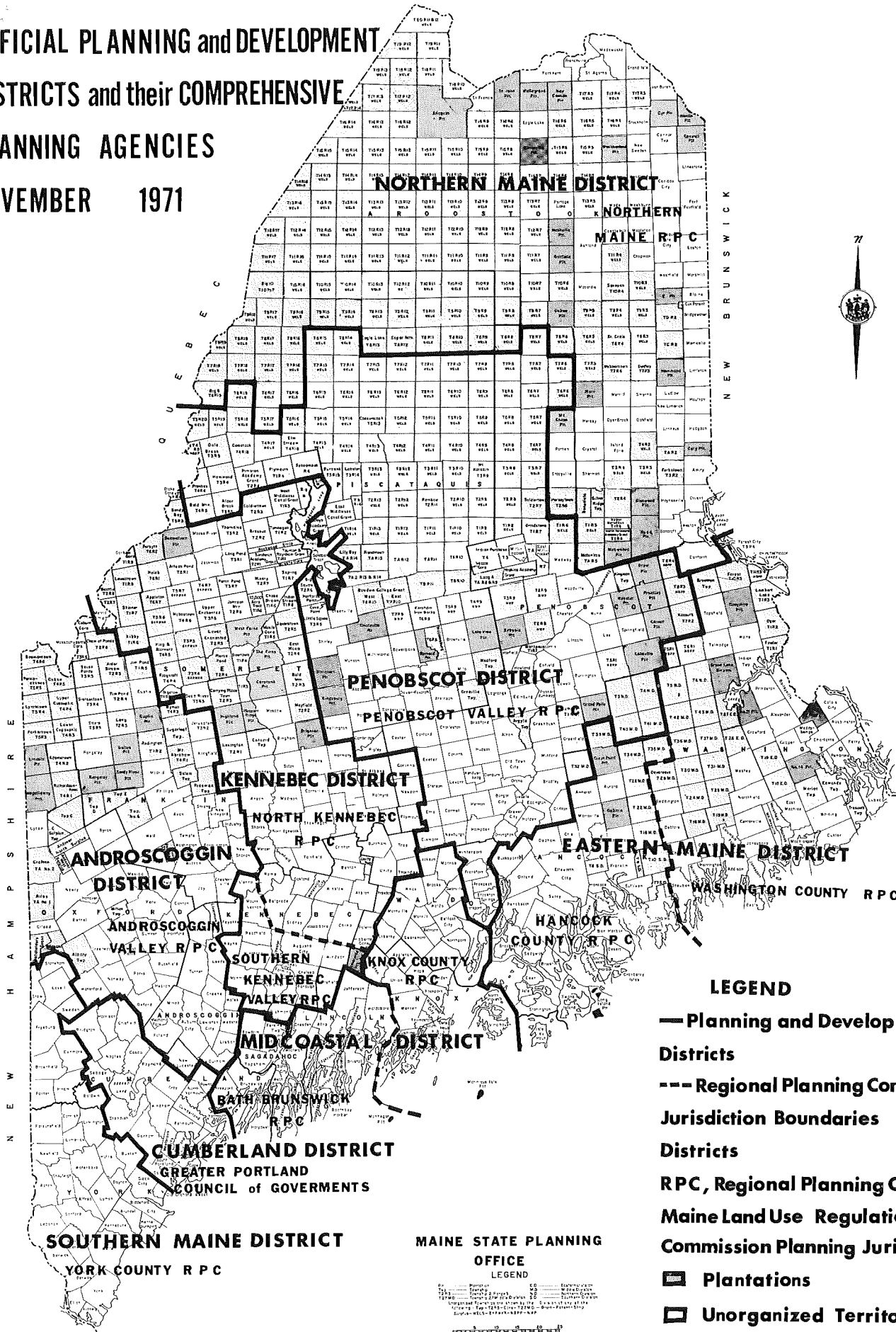
<u>Regional Planning Commission</u>	<u>Planning Jurisdiction</u>
Androscoggin Valley	Androscoggin District
Bath-Brunswick	Southern part of Mid-Coastal District
Greater Portland Council of Governments	Cumberland District
Hancock County	Hancock County section of Eastern Maine District
Knox County	Eastern Section of Mid-Coastal District
North Kennebec	Northern part of the Kennebec District
Northern Maine	Northern Maine District
Penobscot Valley	Penobscot District
Southern Kennebec Valley	Southern part of the Kennebec District
Washington County	Washington County section of Eastern Maine District
York County	Southern Maine District

The Maine Land Use Regulation Commission will, under legislation recently enacted by the 105th Maine Legislature, have jurisdiction over the unorganized and deorganized townships of the State. The Maine Land Use Commission and the respective Regional Planning Commissions will mutually cooperate to accomplish the objectives of sound planning and land use control for the entire State, within these planning districts.

*Kenneth M. Curtis*

Kenneth M. Curtis  
Governor of Maine

**OFFICIAL PLANNING and DEVELOPMENT  
DISTRICTS and their COMPREHENSIVE  
PLANNING AGENCIES  
NOVEMBER 1971**



**LEGEND**

- Planning and Development Districts
- Regional Planning Commission Jurisdiction Boundaries within Districts
- RPC**, Regional Planning Commission
- Maine Land Use Regulation Commission Planning Jurisdiction :**
- Plantations
- Unorganized Territory

**MAINE STATE PLANNING OFFICE  
LEGEND**

01 - Plantations  
 02 - Unorganized Territory  
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COMMISSIONER OF  
FINANCE & ADMINISTRATION

OFFICE OF  
THE GOVERNOR

NO. 35 FY 74-75  
DATE December 20, 1974

AN ORDER AMENDING THE SYSTEM OF PLANNING AND DEVELOPMENT  
DISTRICTS PREVIOUSLY ESTABLISHED

WHEREAS, it is the policy of this administration to encourage the development of a planning and development system in which Federal, State and local interests work together in proper planning for and development of the State as authorized by existing provisions of the law; and

WHEREAS, the Act Relating to Regional Planning and the Establishment of Regional Councils of Governments as codified in Title 30, Chapter 239, Sections 4501-4503, of the Maine Revised Statutes, authorizes the Governor to designate regional planning and development districts; and

WHEREAS, a system of planning and development districts was established by Executive Order dated January 26, 1972; and

WHEREAS, responsible public officials in the communities of Newport, Corinna, and Plymouth have indicated an interest in being in the Penobscot Planning and Development District rather than the Kennebec Planning and Development District as heretofore established; and

WHEREAS, the responsible officials in the communities of Cambridge and Ripley have expressed a willingness to be included in the Kennebec Planning and Development District rather than the Penobscot Planning and Development District as heretofore established; and

WHEREAS, the North Kennebec Regional Planning Commission, the Penobscot Valley Regional Planning Commission and the Director of the State Planning Office have concurred in such readjustments of boundaries;

NOW THEREFORE, I, Kenneth M. Curtis, Governor of the State of Maine, by virtue of the authority vested in me do hereby order and direct:

1. That the territorial jurisdiction of the Kennebec Planning and Development District, as heretofore established, be adjusted to include the towns of Cambridge and Ripley and to exclude the towns of Newport, Corinna, and Plymouth.

*For subsequent status, see  
AG binder for memorandum  
on Mar. 13, 1975.*

2. That the territorial jurisdiction of the Penobscot Planning and Development District, as heretofore established, be adjusted to include the towns of Newport, Corinna, and Plymouth and to exclude the towns of Cambridge and Ripley.

  
KENNETH M. CURTIS