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Regional Planning Commission Review of State Plans
30 M.R.S. § 4522-3

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To: Dana A. Little, Senior Planner, State Planning
From: Cabanne Howard, Assistant, Attorney General
Subject: Review of state agency plans by Regional Planning Commissions

You have inquired into the legal effect of a failure of a state agency to submit to the relevant Regional Planning Commission any long-term comprehensive plan for review and comment, as required by 30 M.R.S. §4522(3). Our response is that such a failure would not render such a plan invalid.

30 M.R.S. §4522(3) provides as follows:

"Each state department, commission, board or agency will submit to the commission, for review and comment, all long-term comprehensive plans that will have significant regional effect within its jurisdiction. The planning commission review shall be completed within 30 days after receipt of such long-term comprehensive plan. Where 2 or more regional planning commissions coexist within a district, subsection 1 shall apply."

The original versions of this legislation, however, did not contain its present second sentence, but rather included the following:

"No action will be taken to place the plan or any part thereof into effect before commission review or comment." Legislative Document 1407, §15; Legislative Document 2003, §4, Maine 106th Legislature (1973).

This language, which clearly would have restrained the effectiveness of any plan not submitted to a commission for review and comment, was deleted by Senate Amendment A to the bill. Senate Amendment Filing No. S-222, Maine 106th Legislature (1973). It appears, then,

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that the Legislature did not intend for such plans to be of no effect until commission review and comment had been made. Thus, the provisions of subsection 3 of Section 4522 are in clear contradistinction to those of subsection 4, which do provide that "no action shall be taken to institute" a comprehensive plan of various political subdivisions of the State until commission comment had been made. In view of this, it would appear that failure to submit a plan to a commission would not affect its effectiveness.

You also ask whether any legal significance is to be attached to the use by the Legislature, in various places in the Regional Planning and Development Act, 30 M.R.S. §§4521 et seq., of such terms as "review and comment," "comment and recommendations," "review," "advisory report" and "findings and recommendations." There is no indication, either on the face of the statute or in its legislative history, that these terms are being used in any way other than synonymously.



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