

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

79-94

Inter-Departmental Memorandum Date May 14, 1979

To Richard G. Bachelder, Director

Dept. Bureau of Public Improvements

From Leon V. Walker, Assistant

Dept. Attorney General

Subject Opinions Requested by Capitol Planning Commission

This is in reply to your memorandum of May 3, addressed to Robert Stolt, Deputy Attorney General, in which you asked two questions at the request of the Capitol Planning Commission.

The first opinion is as follows:

1. Does the Capitol Planning Commission have any responsibilities regarding signs and parking requirements in established facilities where there is no construction and/or reconstruction involved?

The answer is Yes. In 5 M.R.S.A. §297 "the Legislature has declared that it is the policy of the State that the development of the Capitol Area shall proceed with economy, careful planning, aesthetic consideration and with due regard to the public interests involved."

Then in 5 M.R.S.A. §298, it provides that "the Commission may make such rules and regulations as it shall deem necessary for the purposes of carrying out this chapter. Among such rules and regulations, the Commission shall adopt and promulgate regulations governing the height, setback, location of driveways, exterior design and materials, landscaping, location of parking and parking ratio of parking area to building area of all buildings erected or reconstructed within the Capitol Area of the City of Augusta provided that such regulations shall not apply to the erection, reconstruction or repair of buildings which are used for residential purposes and do not exceed 4 dwelling units."

It seems clear that the intent of the Legislature is to grant broad scope in making such rules and regulations as are necessary for carrying out this chapter. There is no apparent intent to limit the Commission to carrying out its rules and regulations only in conjunction with actual erection and reconstruction of buildings.

2. Does the Capitol Planning Commission have authority to incorporate fines in its Rules and Regulations?

The answer is No. A fine is a criminal matter requiring an enactment by the Legislature, and is not within the power of the Commission.