

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1317

H. P. 979

House of Representatives, February 19, 1965

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Benson of Southwest Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Entering the State of Maine into the New England Interstate Planning Compact.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., T. 10, c. 5, additional. Title 10 of the Revised Statutes is amended by adding a new chapter 5, to read as follows :

‘CHAPTER 5

NEW ENGLAND INTERSTATE PLANNING COMPACT

§ 301. Compact entered into by State

The New England Interstate Planning Compact is hereby enacted into law and entered into with any other state or states legally joining therein in the form substantially as follows :

§ 302. Findings—Article I

New England is by virtue of geographic location and other characteristics a great population, cultural, economic and resource area which, with more intense use of physical, social and economic resources, increasingly requires co-ordinated planning as a basic ingredient of effective and orderly growth of the region. To this end, it is the intent of this compact to establish and provide for the operation of an interstate planning agency for New England.

§ 303. Purpose—Article II

It is the purpose of this compact to provide, in the New England region, improved facilities and procedures for the coordination of the policies, programs

and activities of interstate significance in the New England region in the field of physical, social and economic resources and to study, investigate and plan appropriate governmental activities with respect to the conservation, development and use of the same; to provide means by which interstate conflicts may be resolved; and to provide procedures for interstate coordination of the interests of all public and private agencies, persons and entities in the fields covered by this compact, and to provide an organization for cooperation in such coordination.

§ 304. Creation of commission—Article III

There is hereby created the New England Interstate Planning Commission, hereinafter called the "commission."

§ 305. Membership—Article IV

The commission shall consist of one member from each party state to be appointed and to serve, in accordance with and subject to the laws of the State which he represents. Any member of the commission may be represented by an alternate with power to act in his place and stead, if the laws of his state so provide and if notice of the designation of such alternate is given to the commission in such manner as its bylaws may provide.

§ 306. Functions—Article V

To carry out the purposes of the compact it shall be the responsibility of the commission to prepare studies and plans, and to recommend procedures for implementing coordination of the policies and programs and activities of interstate significance in the field of physical, social and economic conservation and development in the New England region which may include the following:

1. Collection of data. Collection and interpretation of basic data;
2. Investigation of projects. Investigation, planning and programming, including scheduling, of projects of interstate or regional significance;
3. Plans and schedules. Planning and scheduling of governmental services and programs which would be of assistance to the orderly growth and prosperity of the region and to the well-being of its population;
4. Referral of proposals. Encouraging of the referral of plans or proposals for projects and programs of interstate or regional significance to the commission;
5. Federal assistance. Studying and recommending means for the most effective utilization of such federal assistance as may be available on a regional basis or as may have an interstate or regional impact;
6. Cooperative planning. Assisting the party states, or any of them, in cooperative planning undertakings with the Federal Government or any agencies thereof.

To avoid duplication of effort and in the interests of economy, the commission shall make use of existing studies, surveys, plans, data and other materials in

the possession of the governmental agencies of the party states and their respective subdivisions or in the possession of other interstate agencies. Each such agency, within available appropriations and if not expressly prevented or limited by law, is authorized to make such materials available to the commission and to otherwise assist it in the performance of its functions. At the request of the commission each such agency is further authorized to provide the commission with information regarding plans and programs affecting the New England region so that the commission may have available to it current information with respect thereto.

The commission shall use qualified public and private agencies to make investigations and conduct research, but if it is unable to secure the undertaking of such investigations or original research by a qualified public or private agency, it shall have the power to make its own investigations and conduct its own research. The commission may make contracts with any public or private agencies or private persons or entities for the undertaking of such investigations or original research within its purview.

The officers and personnel of agencies of the party states and of any other government or agency whatever, or private citizens or representatives of private organizations, may serve at the request of the commission upon such advisory committees as the commission may determine to create; and such officers and personnel of any such government or agency may serve upon such committees without forfeiture of office or employment and with no loss or diminution in the status, rights and privileges which they otherwise enjoy.

§ 307. Cooperation with the Federal Government and other Governmental Entities — Article VI

Each party state is authorized to participate in cooperative or joint planning undertakings with the Federal Government, any appropriate agency or agencies thereof, or with any interstate agency or agencies. Such participation shall be at the instance of the Governor or in such other manner as state law may provide or authorize. The commission shall facilitate the work of state representatives in any joint interstate or cooperative federal-state undertaking authorized by this Article, and each such state shall keep the commission advised of its activities in respect of such undertakings, to the extent that they have interstate or regional significance.

§ 308. Meetings and voting — Article VII

The commission shall hold at least 4 regular meetings a year. No action of the commission shall be binding unless taken at a meeting at which a majority of the commission members are present and a majority of the total number of votes on the commission are cast in favor thereof; provided that any action not binding by reason of failure to meet this requirement may be ratified within 30 days by the concurrence in writing of a majority of the commission members.

§ 309. Finances — Article VIII

1. Budget. The commission shall submit to the Governor or designated officer of each party state a budget including a statement of all funds expected

to be available to the commission and their sources and a request for an appropriation to cover that state's share of expenditures of such period as may be required by the laws of that jurisdiction for presentation to the Legislature thereof.

2. **Appropriation.** With due regard for such moneys and other assistance as may be made available to it, the commission shall be provided with such funds by each of the several states participating therein to provide the means of establishing and maintaining facilities, a staff of personnel and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the commission.

With due allowance for moneys otherwise available, each budget of the commission shall be the responsibility of the party states, to be apportioned among them as follows: 50% on an equal basis; 30% on the basis of population and 20% on the basis of area either within incorporated places, or places having units of local governments, such population to be determined in accordance with the last official United States Census of Population.

3. **Pledge of credit.** The commission shall not pledge the credit of any jurisdiction. The commission may meet any of its obligations in whole or in part with funds available to it under section 310, subsection 5, Article IX of this compact, provided that the commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in such manner.

4. **Reimbursement of expenses.** The members of the commission shall be paid by the commission their actual expenses incurred and incidental to the performance of their duties, subject to the approval of the commission.

5. **Receipts and disbursements.** The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

6. **Inspection of accounts.** The accounts of the commission shall be open at any reasonable time for inspection by such agency, representative, or representatives of the jurisdictions which appropriate funds to the commission.

§ 310. Administration and management — Article IX

1. **Suits.** The commission may sue and be sued and shall have a seal.

2. **Officers.** The commission shall elect annually, from among its members, a chairman, vice-chairman and treasurer. The commission shall appoint an executive director who shall also act as secretary, and together with the treasurer shall be bonded in such amounts as the commission may require.

3. **Personnel and employee benefits.** The commission shall appoint and remove or discharge such personnel as may be necessary for the performance of its

functions irrespective of any civil service laws which might otherwise apply. The commission shall establish and maintain, independently by contract or agreement, or in conjunction with any one or more of the party states, suitable retirement programs for its employees. Employees of the commission shall be eligible for social security coverage in respect to old age and survivors insurance, provided that the commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the commission terms and conditions of employment similar to those enjoyed by employees of the party states generally.

4. Utilization of services. The commission may borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any intergovernmental agency, or from any institution, person, firm or corporation.

5. Acceptance of aid. The commission may accept for any of its purposes and functions under this compact any and all appropriations, donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state or the United States or any subdivision or agency thereof, or intergovernmental agency, or any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

6. Facilities. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

7. Bylaws. The commission may adopt, amend and rescind bylaws, rules and regulations for the conduct of its business.

8. Annual report. The commission shall make and transmit annually, to the Legislature and Governor of each party state, a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been adopted by the commission. The commission may issue such additional reports as it may deem desirable.

§ 311. Other compacts and activities—Article X

Nothing in this compact shall be construed to impair or otherwise affect the jurisdiction of any interstate agency in which any party state participates nor to abridge, impair or otherwise affect the provisions of any compact to which any one or more of the party states may be a party, nor to supersede, diminish or otherwise affect any obligation assumed under any such compact; nor shall anything in this compact be construed to discourage additional interstate compacts among some or all of the party states or the establishment of intergovernmental agencies in subareas of the region. Nothing in this compact shall be construed to limit the jurisdiction or activities of any participating government, agency or officer thereof, or any private person or agency.

§ 312. Enactment—Article XI

This compact shall become effective when entered into and enacted into law by

any 3 of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Thereafter it shall become effective with respect to any other aforementioned state upon its enacting this compact into law.

§ 313. Withdrawal—Article XII

This compact shall continue in force and remain binding upon each party state until renounced by it. Renunciation of this compact must be preceded by sending 3 years' notice in writing of intention to withdraw from the compact to the Governor of each of the other states party hereto.

§ 314. Construction and severability—Article XIII

The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any other state, agency, person or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this compact be reasonably and liberally construed.

§ 315. Appointment of state member—Article XIV

The member of the New England Interstate Planning Commission who represents this State thereon shall be appointed by the Governor for a term of 3 years. The member may, with the approval of the Governor, designate an alternate who may act in his place and stead as contemplated by section 305, Article IV of this compact.

§ 316. Retirement coverage—Article XV

The employees of the New England Interstate Planning Commission may, upon the concluding of an agreement for coverage with the State Retirement System, be eligible for and covered by such system. Any such agreement shall provide, as nearly as may be, for the same ratio of employee contribution to total contribution as pertains for members of the State Retirement System generally. No such agreement shall be concluded if the New England Interstate Planning Commission has already entered into arrangements for the coverage of its employees in a public employees retirement system for any other state.

§ 317. Renunciation—XVI

Renunciation, within the meaning of section 313, of Article XII of this compact, shall be accomplished by Act of the Legislature repealing the compact and by notice in accordance with said Article. In the event of such an Act of repeal, the Governor shall send the necessary notice to all other party states.'

Sec. 2. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to the New England Interstate Planning Commission to carry out the purposes of this Act the sum of \$17,850 for the fiscal year ending June 30, 1966 and the sum of \$17,850 for the fiscal year ending June 30, 1967.