

# MAINE STATE LEGISLATURE

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SECOND SPECIAL SESSION

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ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 1844**

S. P. 772

In Senate, January 9, 1968

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

JERROLD B. SPEERS, Secretary

Presented by Senator Sewall of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-EIGHT

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**AN ACT Establishing a State Planning Office.**

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

**Sec. 1. R. S., T. 5, Part 8, additional.** Title 5 of the Revised Statutes is amended by adding a new part 8 to read as follows:

**PART 8**

**STATE PLANNING**

**CHAPTER 311**

**STATE PLANNING**

§ 3301. Title

This chapter shall be known and may be cited as the "Maine State Planning Act."

§ 3302. Definitions

The following terms shall have the following meanings, unless a different meaning is plainly required by the context:

1. **Comprehensive planning.** "Comprehensive planning" includes, but is not limited to:

A. **Preparation of long-range physical plans with respect to land and water use, traffic, transportation, recreation, open spaces and the provision of public facilities for such development;**

- B. Programming and financing plans for capital improvements;
- C. Coordination of related departmental plans;
- D. Intergovernmental coordination of related planning activities;
- E. Preparation of regulatory and administrative measures in support of paragraphs A to D;
- F. Continuing analysis of the economy of the State.

2. Council. "Council" means the State Planning Council as provided in section 3306.

3. Director. "Director" means the State Planning Director.

4. Office. "Office" means the State Planning Office as provided in section 3303.

#### § 3303. State Planning Office

There is established to carry out the purpose of this chapter a State Planning Office in the Executive Department which shall be concerned with coordinating and developing the several planning responsibilities of the State Government.

1. Responsibility. A system of state planning and implementation being a function and responsibility of the executive branch of State Government, the State Planning Office shall be directly responsible to the Governor, and shall serve as an advisory, consultative, coordinating, administrative and research agency as specified in section 3305.

#### § 3304. State Planning Director

1. Director. The executive head of the State Planning Office shall be the director and shall be appointed by the Governor with the approval of the Executive Council and shall hold office for a term of 5 years. The director shall be paid a salary fixed by the Governor and Council.

2. Qualifications. The director shall be qualified by education, training and experience in regional or state planning.

3. Powers and duties. The director shall exercise the powers of the State Planning Office and shall be responsible for the execution of its duties. The director shall:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees. All other employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.

(1) The State Planning Director is authorized to employ professional planning personnel competent by education, training and experience in the

fields of economics, local and regional planning, urban renewal, human resources, natural resources and transportation.

(2) The director is authorized to employ such statistical, clerical and other office help as required and authorized by the budget.

B. Supervise and administer the affairs of the State Planning Office and advise the Governor, the Legislature and the State Planning Council with respect to matters affecting state, regional, and community planning generally and more specifically the extent to which the State should participate in such planning.

C. Serve as secretary of the State Planning Council or designate a staff member of the office to act in his stead.

D. Advise the State Planning Council of the activities of the office and submit to the council for its consideration and advise the Maine Comprehensive Plan or any phase or part, amendment, revision or deletions thereto.

E. Advise the Governor, the State Planning Council, and other officials of the State Government on all matters of state-wide planning and consult with them in respect to planning matters and projects which affect the future plans of the State.

F. Be assisted by departments, agencies, authorities, boards, commissions, other instrumentalities of the State or other governmental units in the gathering of information, reports and data which relate to state planning. The State Planning Office shall designate staff members of the office who shall work with the several departments.

G. The director may act for the State in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter.

H. The director shall prepare and submit for executive and legislative action thereon the budget for the State Planning Office.

I. The director shall make reports at least annually to the Governor and to the Legislature on the activities of the office and, after consultation with and approval by the Governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter.

### § 3305. State Planning Office

1. Powers and duties. The State Planning Office shall:

A. Technical assistance. Provide technical assistance to the Governor and the Legislature in identifying long-range goals and policies for the State.

B. Maine Comprehensive Plan. Prepare and from time to time revise and perfect a comprehensive plan or plans for the physical development of the State which plan or plans shall be known as the Maine Comprehensive Plan. Such comprehensive plan, with any accompanying maps, plats, charts and descriptive matter, shall be designed with the general purpose of guiding and

carrying forward such coordinated, effective and economic development of the State, with due respect to its topography, resources and its present needs and future possibilities, as will best promote the health, safety, order, convenience, welfare and prosperity of the people. Among other things, such comprehensive plan shall tend to bring into suitable relation the use of land, soil, water and natural resources; the location and distribution of population and habitation; the quality of the natural and man-made environment; agriculture and forestry, recreational resources, facilities and opportunities; fishing and mining; trade and industry; ports, highways, airways and every form of transportation, travel and communication; public instrumentalities of every description, whether publicly or privately supported, water supply and disposal of sewage; and all such other developments and uses as will tend to avoid waste of the human, financial and physical resources of the State and to promote the above purposes through guidance of and assistance to private activities and public programs at all levels of government.

C. Economic analysis and planning. Conduct continuing economic analysis of the economy and resources of the State of Maine, collect and collate all pertinent data and statistics relating thereto; participate in establishing a data and statistics center for making such material available in useful form; and assist the Governor, the Legislature and the various state departments in formulating economic goals and programs and policies to achieve such goals.

D. Planning assistance. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. The State Planning Office may assist in forming regional planning commissions and may assist with financing the cost of operation of such regional planning commissions established under Title 30, sections 4501 to 4503. Participation shall be limited to half of the nonfederal share of a federally assisted project or  $1/3$  of a nonfederally assisted planning operation.

E. Inter-governmental planning. Participate with other states or subdivisions thereof in interstate planning, and assist cities, towns, municipal corporations and regional planning commissions to participate with other states or their subdivisions in planning.

F. Assistance to public or citizens groups. The State Planning Office may assist in planning and executing any public or private project involving grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning and planning relating to schools, housing, health, land use controls and other objectives.

G. Coordinating agency.

(1) The State Planning Office shall act as the coordinating agency between the several officers, authorities, boards, commissions, departments and divisions of the State in matters relative to the physical development of the State, and review the proposals of said agencies in the light of their relationship to the comprehensive plan and incorporate such reviews in the reports of the office.

Nothing in this section shall be construed as limiting the powers and duties of any officer, authority, board, commission, department or political subdivision of the State.

(2) Provide general coordination and review of plans in functional areas of State Government as may be necessary for receipt of federal funds.

2. Administrative responsibilities

A. Staff. The State Planning Director is authorized to employ staff as described in section 3304, subsection 3.

B. Consultant services. The State Planning Office, with the consent of the Governor, may employ such expert and professional consultants, and contract for such research projects, as it deems necessary within the limits of the funds provided and consistent with the powers and duties of the office.

C. Agreements. The State Planning Office is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

D. Acceptance of funds. Funds from the Federal Government or from any individual, foundation or corporation may be accepted by the State Planning Office and expended for purposes consistent with this chapter.

§ 3306. State Planning Council

1. Appointment. The Governor shall appoint a State Planning Council of not to exceed 15 members to advise the Governor and the director on policy matters as specified in this chapter.

2. Membership. The State Planning Council shall be appointed by the Governor with the advice and consent of the Executive Council and shall consist of representatives drawn one each from the fields of health, education, natural resources, transportation, local and regional planning, and commerce and industry; at least 3 citizens-at-large; and the Speaker of the House and President of the Senate, or their designees, as members *ex officio*. Terms of office shall not be in excess of 4 years except that initial appointments shall be for 1, 2, 3, and 4 years. The members shall serve without compensation but be reimbursed for necessary expenses incurred in the performance of their duties. The chairman of the State Planning Council shall be elected annually by the council.

3. Duties. The State Planning Council shall:

A. Meet at least twice each year and at other times at the request of the Governor. In addition, the chairman shall call a meeting of the council whenever requested to do so by the State Planning Director or by any 4 members, or he may do so on his own initiative.

B. Consider the Maine Comprehensive Plan or any part thereof prior to its submission to the Governor, and advise the director thereto.

C. Request and consider special reports by the State Planning Office concerning activities of the office.

**D.** Request information of the director concerning current programs which, in the opinion of the council, are of public interest.

**E.** Act in a general advisory capacity to the director and, when requested by him, make recommendations concerning the operation of the office.

**F.** Study and report from time to time upon the effectiveness of planning in the State, of the effectiveness of this chapter, and to urge its revision or amendment when, in the opinion of the council, such action is necessary to assure the maximum effectiveness of planning activities covered herein.

**G.** Advise and assist the director in fostering public awareness and understanding of the objectives and functions of state and local planning and in stimulating public participation and interest in the orderly, integrated, development of the State.

**H.** Hold hearings and sponsor public forums in any part of the State.

**I.** Consider how the planning responsibilities assigned to the State of departments or agencies of the State can best be coordinated and carried out for the efficient pursuit of public goals and shall advise the Governor concerning desirable steps to implement such coordination and action.

**J.** Advise and aid the various state departments in establishing and coordinating sound planning practices for the programming of their future operations.

#### § 3307. Limitation

Nothing in this chapter creating a State Planning Office and State Planning Council shall operate to restrict, limit or alter planning powers conferred upon state agencies, state agency heads, instrumentalities of the State, regional planning agencies or municipalities by any existing law except as provided in this chapter.

**Sec. 2. R. S., T. 10, § 451, sub-§§ 6-8, repealed.** Subsections 6, 7 and 8 of section 451 of Title 10 of the Revised Statutes are repealed.

**Sec. 3. R. S., T. 30, § 4505, additional.** Title 30 of the Revised Statutes is amended by adding a new section 4505 to read as follows:

#### § 4505. Community and rural development districts

**1. Duties.** Any community or rural development district authorized under federal legislation shall be organized and have those powers and duties provided under this subchapter.

**2. Limitation.** No community or rural development district shall be formed where a regional planning commission has been legally constituted.

**3. Application.** Nothing in this section shall be construed to deny a regional planning commission from being eligible to apply for assistance under the community or rural development programs.

**Sec. 4. Transfer of personnel and budget.** The Assistant Director of the Planning Division of the Department of Economic Development, who is chief

administrator of planning programs and holds a position of Planning Associate II, shall be transferred to the State Planning Office. He shall become the Director of Regional and Local Planning. In addition, one position of Planning Associate I, one position of Illustrator III and the position of Clerk Typist II shall be transferred to the State Planning Office.

The positions will remain classified, but the Personnel Board is instructed to reevaluate the positions in comparison with the planning positions in other New England States and in comparison with the engineering positions of the State Highway Commission with the intent of upgrading the positions to enable the State to be competitive in obtaining professional planners.

The appropriation requests of the Department of Economic Development, or actual appropriations, which cover the positions or relate to the supplying and supporting of the positions for planning assistance to Maine regions and municipalities are transferred with the positions. This includes the transfers and contributions appropriation for urban planning and the appropriation made to the Department of Economic Development for Urban Renewal.

**Sec. 5. Appropriation.** There is appropriated from the General Fund to the State Planning Office of the Executive Department the sum of \$159,550 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

	1968-69
<b>EXECUTIVE DEPARTMENT</b>	
State Planning Office	
Personal Services	
State Planner	\$ 16,000
Assistant State Planner	14,000
Regional Planner	12,500
Secretary	5,800
Clerk	5,250
	\$ 53,550
All Other	
Printing, Supplies, Telephone, Travel	\$ 8,000
Capital Expenditures	3,000
Comprehensive Planning	15,000
(Federal 2 to 1 Program Available)	
Economic Planning	10,000
(Federal 3 to 1 Program)	
Water Resources Council	20,000
	\$ 56,000
Regional Planning Assistance	\$ 50,000
	\$159,550



(50% of State Planner, 50% of Assistant State Planner and 50% of Regional Planner's time may be contributed services as part of state share of Comprehensive Planning (HUD), Economic Planning (EDA), and Regional Planning Applications to the Federal Government. Rest of state contribution is cash in "all other".)