

MAINE STATE LEGISLATURE

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SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1863

H. P. 1320

House of Representatives, January 9, 1968

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Levesque of Madawaska.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

AN ACT Revising the Laws Relating to Regional Planning.

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

Sec. 1. R. S., T. 30, § 4501, amended. Section 4501 of Title 30 of the Revised Statutes is amended to read as follows:

§ 4501. Regional planning commission

A municipality which has a planning board may join a regional planning commission for the purpose of regional development **and for coordination with federal planning and development programs relating to physical, economic and human resources.**

1. **Districts.** The Governor may designate regional planning and development districts when he finds the following conditions exist:

A. There exists within the proposed district a clear need to plan and develop its physical, economic and social resources;

B. Special or acute agricultural, forestry, conservation, transportation or other rural problems, park and recreational needs, civil defense, or the existence of physical, social and economic problems of a regional character; and

C. The proposed district meets such other reasonable and necessary general conditions, standards and criteria as the Governor may establish to further the purpose of this subchapter.

In establishing standards the Governor shall afford all affected parties adequate notice and an opportunity to present relevant information.

2. **Revision.** The Governor may, after consultation with the governing bodies of the counties, municipalities and townships involved, revise the designation of districts as required to reflect changing conditions or otherwise to fulfill the purposes of this subchapter.

3. **Assistance.** The Division of Research and Planning of the Department of Economic Development may assist interested local and county units in arranging for designation of planning and development districts as provided in this subchapter. All departments and agencies of the State and any political subdivisions, and public authorities thereof, are authorized and directed to provide such assistance and data as may be needed in carrying out the purposes of this subchapter, including the designation of districts and establishment of commissions.

4. **Agreements.** The Governor may enter into agreements with the Governor of New Hampshire to establish interstate regional planning and development districts consisting of areas in each of the states. In negotiating the agreements, the Governor shall be guided by the provisions of this subchapter with respect to the area of such districts and the selection, composition, powers and functions of district commissions. Any agreement shall specify:

- A. Its duration;
- B. The precise organization, composition and nature of the legal or administrative entity created thereby together with the powers delegated thereto;
- C. Its purpose or purposes;
- D. The manner of financing the joint or cooperative undertaking of establishing and maintaining a budget therefor;
- E. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon partial or complete termination; and
- F. Any other necessary and proper matters.

Sec. 2. R. S., T. 30, § 4502, sub-§ 1, amended. Subsection 1 of section 4502 of Title 30 of the Revised Statutes is amended to read as follows:

1. **Composition.** The commission may be composed of 2 or more member municipalities, the county commissions as provided for in section 1301 and, where wildland or unorganized townships are involved in designated districts, the Forest Commissioner, the Commissioner of Agriculture, the State Geologist, the Commissioner of Economic Development and the Commissioner of Inland Fisheries and Game.

A. No compensation shall be paid members of a commission. This shall not affect in any way remuneration received by a State or local official who, in addition to his responsibilities as a state or local official, serves as a member of a commission. All members of a commission may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as members of the commission.

B. Commissions shall comply with such other reasonable and necessary general standards, conditions and criteria as the Governor may establish in order to further the purposes of this subchapter, but the Governor, in establishing the standards, shall afford all affected parties adequate notice and an opportunity to present relevant information.

Sec. 3. R. S., T. 30, §§ 4505-4506, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections, 4505 and 4506, to read as follows:

§ 4505. Advisory committees

A commission may appoint advisory committees whose membership may consist of individuals whose experience, training or interest in one or more programs, or representation of particular groups or areas, may qualify them to render valuable assistance to the commission by acting in an advisory capacity or consulting with the commission on its activities. Members of the advisory committees shall receive no compensation for their services, but may be reimbursed for actual expenses incurred in performance of their duties.

§ 4506. Report and evaluation

A regional planning and development commission shall make an annual report of its activities to the chief executive officers, legislative bodies and planning agencies of all local units of government within the district, the members of the Legislature elected from legislative districts lying wholly or partially within the district, and the Governor.

The Governor shall from time to time evaluate the effectiveness and activities of districts designated and commissions established under this subchapter and may take actions, including the withholding of state funds and the revision of designation of districts required under federal planning and development programs, necessary to accomplish the purposes of this subchapter. The Governor shall afford the affected parties a full opportunity to present their views and shall make a full and prompt report to the Legislature of the actions taken.

STATEMENT OF FACTS

Regional, or area, concepts in planning and programming of state and federal public works, conservation, pollution prevention, water supplies and waste disposal engineering have accelerated remarkably in the past few years.

Federal planning agencies have served notice that in nearly all cases they will withhold approval of planning and project applications unless such applications conform to the results of regional plans.

Certain areas of the State do not now have regional planning commission coverage, due to a variety of reasons ranging from local apathy to scarcity of population. Nevertheless, such areas may and do possess potentially valuable natural resources which might be dissipated and wasted by selfish interests unless a cooperative regional planning program is initiated.

The State alone has sufficiently broad authority to institute and coordinate regional planning, with its manifold safeguards for the public welfare. These amendments to existing statutes will enable the Governor, as chief executive authority of the State, to initiate regional planning machinery in those areas where the need clearly exists.

Fast moving developments, especially as to mining development, in the western and northern thinly populated area of the State, which may be launched during the coming year, create an emergency under which the State must take adequate steps to protect the interests of its citizens.