

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 1407**

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H. P. 1084

House of Representatives, March 8, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Stillings of Berwick.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### AN ACT Relating to Regional Planning.

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

**Sec. 1. R. S., T. 30, § 4501, amended.** The first paragraph of section 4501 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 382 of the public laws of 1969, is further amended to read as follows:

A municipality ~~which has a planning board~~ may join a regional planning commission for the purpose of regional development and for coordination with state and federal planning and development programs.

**Sec. 2. R. S., T. 30, § 4501, sub-§ 1, amended.** The last paragraph of subsection 1 of section 4501 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 382 of the public laws of 1969, is amended to read as follows:

In establishing standards and determining boundaries the Governor through the State Planning Office shall afford all affected parties adequate notice and an opportunity to present relevant information, and give appropriate consideration to geographic, demographic, social and economic ~~inter dependent~~ **factors of interdependence among** communities.

**Sec. 3. R. S., T. 30, § 4501, sub-§ 2, amended.** Subsection 2 of chapter 4501 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 382 of the public laws of 1969, is amended to read as follows:

**2. Revision.** The Governor may, after consultation with the State Planning Office, **regional planning commissions** and the officers of the municipalities and counties involved, revise the designation of districts to reflect changing conditions or otherwise to fulfill the purposes of this chapter.

**Sec. 4. R. S., T. 30, § 4501, sub-§ 4, repealed and replaced.** Subsection 4 of section 4501 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 382 of the public laws of 1969, is repealed and the following enacted in place thereof:

**4. Agreements.** The Governor may enter into agreements on behalf of the State with the Governor of another state or with the consent of the United States Congress or with the premier of a province of Canada to establish interstate and international regional planning or development districts.

**Sec. 5. R. S., T. 30, § 4502, sub-§ 1, repealed and replaced.** Subsection 1 of section 4502 of Title 30 of the Revised Statutes, as repealed and replaced by section 3 of chapter 382 of the public laws of 1969 and as amended by section 1 of chapter 584 of the public laws of 1971, is repealed and the following enacted in place thereof:

**1. Composition.** The commission shall be composed of the representatives of 2 or more member municipalities or member counties and, where wildlands or unorganized townships or plantations are involved in designated districts, the Executive Director of the Maine Land Use Regulation Commission or his designee.

**Sec. 6. R. S., T. 30, § 4503, sub-§ 1, §§ A and B, repealed and replaced.** Paragraph A, as amended, and paragraph B of subsection 1 of section 4503 of Title 30 of the Revised Statutes are repealed and the following enacted in place thereof:

**A.** Where the population of the municipality according to the last Decennial Census of the United States is less than 20,000, it is entitled to 2 representatives, no more than one of whom shall be a resident currently holding elective office in the municipality; and one additional representative for each 10,000 of population or major fraction thereof of whom no more than  $\frac{1}{3}$  shall be residents currently holding elective office in the municipality.

**B.** Each member municipality is entitled to one alternate representative. The alternate representative may be directly appointed by the municipal officers to fill a vacancy as a regular representative and the alternate representative position shall be filled for the unexpired term in the same manner in which the regular appointment is made.

**C.** Nonmunicipal representatives shall be appointed to the commission as provided in the commission bylaws.

**Sec. 7. R. S., T. 30, § 4503, sub-§ 2, amended.** Subsection 2 of section 4503 of Title 30 of the Revised Statutes is amended by adding at the end the following new sentence:

However, all representatives, regular or alternate, who are currently holding elective office in their municipalities shall be replaced for the unexpired term of the representative replaced when they fail to be reelected for any office in their respective municipalities.

**Sec. 8. R. S., T. 30, § 4503, sub-§ 3, amended.** The first sentence of subsection 3 of section 4503 of Title 30 of the Revised Statutes is amended to read as follows:

When a regular representative is unable to act because of interest, physical incapacity or absence, the ~~associate~~ **alternate** representative shall act in his stead.

**Sec. 9. R. S., T. 30, § 4504, sub-§ 1, repealed and replaced.** Subsection 1 of section 4504 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

**1. Jurisdiction**

**A.** Where the Governor has designated a regional planning and development district or subdistrict, all incorporated local governmental units within the designated district or subdistrict shall be within the jurisdiction of a regional planning commission.

**B.** The power of a commission is advisory, and pertains generally to the development of the entire area within its jurisdiction, or to the solution of a problem which involves one or more members.

**Sec. 10. R. S., T. 30, § 4504, sub-§ 2, ¶ C, amended.** Paragraph C of subsection 2 of section 4504 of Title 30 of the Revised Statutes is amended by inserting after the 2nd sentence the following new sentence:

**It may expend funds for the local share of federal grant programs.**

**Sec. 11. R. S., T. 30, § 4504, sub-§ 2, ¶ C, amended.** The last sentence of paragraph C of subsection 2 of section 4504 of Title 30 of the Revised Statutes is amended to read as follows:

**It may contract with the State and Federal Governments and with any legal entity including instrumentalities of member municipalities for carrying out the purposes authorized by this section.**

**Sec. 12. R. S., T. 30, § 4504, sub-§ 3, ¶ A, repealed and replaced.** Paragraph A of subsection 3 of section 4504 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

**A.** A commission shall conduct continuing regional planning including necessary studies, analyses and evaluations as well as recommendations for the development of the area within its jurisdiction. A commission shall annually prepare a summary of these recommendations for use as a guide in coordinating planning activities in its district.

**Sec. 13. R. S., T. 30, § 4504, sub-§ 3, ¶¶ B - D, amended.** Paragraphs B, C and D of subsection 3 of section 4504 of Title 30 of the Revised Statutes are amended to read as follows:

**B.** The purpose of the ~~plan~~ **planning process** is to promote the health, safety and general welfare of the residents of the region.

**C.** Among other things, ~~it~~ **the planning process** shall be designed to encourage the most appropriate use of land and water for agriculture, forestry, industry, commerce and residence; to provide adequate transportation and communication; to provide for the proper location of public utilities and service; to encourage the development of adequate recreational areas; to promote good civic design; and to encourage the judicious expenditures of public funds.

**D.** Among other things, the commission may make recommendations for the use of land and water; the general location, extent, type of use, character, and development of public ways, public property, public utilities and services; and for the improvement, redevelopment, rehabilitation and conservation of industrial, commercial, residential and other areas.

**Sec. 14. R. S., T. 30, § 4504, sub-§ 3, ¶ E, repealed and replaced.** Paragraph E of subsection 3 of section 4504 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

**E.** When any plan is completed, a commission shall file certified copies of it, signed by the commission chairman and executive director, with each member and the State Planning Office.

**Sec. 15. R. S., T. 30, § 4504, sub-§ 4, repealed and replaced.** Subsection 4 of section 4504 of Title 30 of the Revised Statutes, as amended by section 107 of chapter 622 of the public laws of 1971, is repealed and the following enacted in place thereof:

**4. Staff services.** To avoid duplication of staffs for various regional bodies assisted by the Federal Government, a commission may provide basic administrative and research and planning services for any regional development and planning bodies presently or hereafter established in Maine.

**5. Planning review.** The Governor may designate a Regional Planning Commission as the authorized agency to receive, review and comment on local, state and federal projects and plans affecting regional planning, coordination and development.

**A.** Where 2 or more contiguous regional planning commissions are affected, the following shall hold:

(1) When it is determined by the State Planning Office that a project clearly concerns the jurisdictional area of only one regional planning commission, that commission shall be the authorized review agency;

(2) When a project clearly concerns the jurisdictional area of the 2 or more commissions as determined by the State Planning Office, joint receipt and review and comment shall be required;

**B.** When a project clearly concerns both incorporated and unincorporated areas within a district, there shall be joint receipt and review and comment by the affected regional planning commission or commissions and the Maine Land Use Regulation Commission;

C. All regional planning commission review pursuant to this subsection shall be completed within 30 days after all relevant information is submitted to them unless agreed by the requesting agency that this period be extended.

6. Planning review of federal program grant application. All applications for federal program grants affecting regional planning, coordination and development including programs pursuant to Section 204 of the Federal Demonstration Cities and Metropolitan Development Act of 1966 and the Federal Intergovernmental Cooperation Act of 1968 and the objectives set forth in the Federal Office of Management and Budget Circular A-95 shall be submitted to the commission for review and comment and the provisions of subsection 5 shall apply.

7. Planning review of state agency long-term plans. Each state department, commission, board or agency will submit to the commission, for review and comment, all long-term comprehensive plans that will have regional effect within its jurisdiction. No action will be taken to place the plan or any part thereof into effect before commission review and comment. Where 2 or more regional planning commissions coexist within a district, subsection 5 shall apply.

8. Planning review of local government and special district plans and programs. Each city, town, watershed district and soil conservation district, all or part of which lies within jurisdictional area of the commission, shall submit to the commission, for comment and recommendation thereon, its long-term comprehensive plans or any matter which in the judgment of the commission has a substantial effect on regional development, including but not limited to plans for land use. No action shall be taken to institute any such plan or part thereof for 30 days after all the relevant information has been submitted to the regional planning commission for review and comment. The commission shall notify each city or town or special district which may be affected by the plans submitted of the general nature of the plan, the date of submission and the identity of the submitting unit. The commission may conduct a hearing on the submitted plans if, in the opinion of the commission, such a hearing would be in the best interest of the region.

9. Review of applications for state-aid programs. Within each planning and development district or subdistrict in which a regional planning commission has been organized, the governing body of each governmental unit and special district shall submit to the regional planning commission for review any applications to state agencies for loans or grants-in-aid before such application is made. The regional planning commission shall determine whether or not the proposed application is properly coordinated with other existing or proposed projects within the district, as well as any district plans or policies where such exist. In making such a determination, the commission shall within 30 days inform both the applicant agency and the granting authority of its opinion.

10. Referral of proposals for interlocal agreements or formation of special purpose districts. Before any 2 or more municipalities may join together

through interlocal agreement or formation of a special purpose district under any provisions of the Revised Statutes or any special act for purposes of jointly developing or operating physical facilities and services for the performance of municipal or regional functions, such municipalities shall refer such proposal to the regional planning commission or commissions within whose areas of jurisdiction the municipalities may be located. The commission or commissions shall, within 30 days, render an advisory report of the regional significance of the proposal, unless agreed by the referring municipalities that this period be extended.

11. Notice to regional planning commission to establish or change land use zones. When a municipality proposes to establish or change a land use zone or any regulation affecting the use of a zone any portion of which is within 500 feet of the boundary of another municipality located within the jurisdiction of a regional planning commission, the municipality shall give written notice of its public hearing to be held in relation thereto. The commission shall study such proposal and shall report its findings and recommendations thereon to the municipality at or before the hearing. If such an advisory report of the commission is not submitted at or before the hearing, it shall constitute approval.

12. Local assistance.

A. The commission may make recommendations on the basis of its plans and studies to local planning boards or to the municipal officers of any member, and to any county, state or federal authorities;

B. A municipal planning board may use any part of the regional planning studies which pertain to the municipality in its own comprehensive plan;

C. The commission may assist any of its members in solving a local planning problem. All or part of the cost of local assistance may be paid by any of its members.

Sec. 16. R. S., T. 30, § 4505, repealed. Section 4505 of Title 30 of the Revised Statutes, as enacted by section 3 of chapter 533 of the public laws of 1967, is repealed.

### STATEMENT OF FACT

The legislation provides for modifications and amendments to the present regional planning statutes in order to comply with increased regional planning commission responsibilities implicit in regional planning and development districting, and to aid in the implementation of a viable planning and management system for the State of Maine.