

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1725

H. P. 1315

House of Representatives, April 2, 1973

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Dam of Skowhegan.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Local Planning Boards.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, by previous enactment of the Legislature the authority of a municipality to establish a local planning board was repealed; and

Whereas, although under the home rule provisions a municipality may establish a planning board without specific enabling legislation, the intention of this bill is to provide a uniform provision, similar to that which previously existed, so that there will be no question as to the makeup and operation of the local planning boards which are essential to the zoning process; and

Whereas, the following legislation is vitally necessary to prevent undue hardship on the inhabitants of many Maine municipalities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 30, § 4957-A, additional. Title 30 of the Revised Statutes is amended by adding a new section 4957-A to read as follows:

§ 4957-A. Planning board

1. **Establishment.** A municipality may establish a planning board.

- A. Appointments to the board shall be made by the municipal officers.
- B. The board shall consist of 5 members and 2 associate members.
- C. The term of office of a member is 5 years, but initial appointments shall be made for one, 2, 3, 4 and 5 years, respectively. The term of office of an associate member is 5 years.
- D. A municipal officer may not be a member or associate member of the board.
- E. When a member is unable to act because of interest, physical incapacity, absence from the State or any other reason satisfactory to the chairman, the chairman of the planning board shall designate an associate member to act in his stead. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term.
- F. An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.
- G. The board shall elect a chairman and secretary from its own membership.
- H. A copy of each subdivision plot approved under this subchapter shall be filed with the municipal clerk.

2. **Plans.** The board shall prepare, adopt and may amend a comprehensive plan containing its recommendations pursuant to section 4961.

3. **Appropriations.** A municipality which has a planning board may raise or appropriate money and may contract with the State and Federal Governments for the purpose of the comprehensive planning authorized by this subchapter.

4. **Personnel and services.** The board may hire personnel and obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

Sec. 2. Validating clause. All proceedings of municipal planning boards, taken under the repealed Revised Statutes, Title 30, chapter 239, subchapter V, are hereby confirmed, validated and made effective.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.