

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1181
6

7 H.P. 837

House of Representatives, April 1, 1985

8 Reported by Representative McHenry from the Committee on Local and
9 County Government. Sent up for concurrence and ordered printed. Approved
by the Legislative Council on May 25, 1983.

10 EDWIN H. PERT, Clerk

11 Reported from the Joint Standing Committee on Local and County
Government under Joint Rule 19.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Strengthen State-local Cooperation
18 through Regional Councils.
19

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

22 Sec. 1. 5 MRSA §3305, sub-§1, ¶D, as amended by
23 PL 1973, c. 788, §25, is further amended to read:

24 D. Upon request provide technical assistance to
25 local and regional planning groups in the fields
26 of planning, public housing and urban renewal.
27 The State Planning Office may assist in forming
28 regional planning commissions and councils of
29 governments and may assist with financing the
30 cost of operation of such regional planning com-
31 missions established under Title 30, ~~chapter 239,~~
32 ~~subchapter 1-A~~ chapter 204-A, subchapter III, and
33 of councils of governments empowered under Title
34 30, ~~section 1983, subsection 3~~ chapter 204-A,
35 subchapter II. Participation shall be limited to
36 half of the nonfederal share of a federally as-

1 sisted project or 1/3 of a nonfederally assisted
2 planning operation-;

3 Sec. 2. 5 MRSA §3305, sub-§1, ¶E, as enacted by
4 PL 1967, c. 533, §1, is amended to read:

5 E. Participate with other states or subdivisions
6 thereof in interstate planning, and assist
7 cities, towns, municipal corporations and regional
8 ~~planning commissions~~ councils to participate
9 with other states or their subdivisions in plan-
10 ning-;

11 Sec. 3. 14 MRSA §8102, sub-§3, as enacted by PL
12 1977, c. 2, §2, is amended to read:

13 3. Political subdivision. "Political subdivi-
14 sion" means any city, town, plantation, county, ad-
15 ministrative entity or instrumentality created pursu-
16 ant to Title 30, chapters 203, 204 and 239 204-A,
17 quasi-municipal corporation and special purpose dis-
18 trict, including, but not limited to, any water dis-
19 trict, sanitary district, hospital district and
20 school district of any type.

21 Sec. 4. 30 MRSA c. 204, as amended, is repealed.

22 Sec. 5. 30 MRSA c. 204-A is enacted to read:

23 CHAPTER 204-A

24 REGIONAL COUNCILS

25 SUBCHAPTER I

26 §1991. Declaration of policy

27 The Legislature recognizes that a high level of
28 cooperation and understanding between the State and
29 its local governments is necessary to achieve common
30 public goals and that coordination through regional
31 councils is a way to achieve improved state and local
32 cooperation. The Legislature further recognizes that
33 regional councils are uniquely qualified to assist in
34 the development of technical capacities of local gov-
35 ernments; to develop regional policies, services and
36 solutions to meet local needs; and to serve as a vi-
37 tal link between local governments and the State.

1 §1991-A. Forms of regional councils

2 The Legislature recognizes councils of govern-
3 ments and regional planning commissions as forms of
4 regional councils.

5 §1991-B. Lead agency

6 1. State Planning Office. The State Planning
7 Office shall serve as the coordinator between region-
8 al councils and the State. The State Planning Office
9 shall administer state funds supporting regional
10 council tasks and may provide technical assistance to
11 regional councils as appropriate.

12 2. Rulemaking. The Director of the State Plan-
13 ning Office may adopt rules to create standardized
14 contracts, administrative and audit requirements for
15 state funds received by regional councils.

16 §1992. Tax status

17 Regional councils established in accordance with
18 this Title are tax exempt institutions which shall be
19 exempt only from income and sales taxes.

20 SUBCHAPTER II

21 COUNCILS OF GOVERNMENTS

22 §1994. Establishment

23 The municipal officers of any 2 or more municipi-
24 palities, by appropriate action and as authorized by
25 Title 5, section 12004, subsection 10, may enter into
26 an agreement, between or among those municipalities,
27 for the establishment of a regional council of gov-
28 ernments.

29 §1994-A. Contents of agreement

30 The agreement shall provide for representation,
31 provided that at least 1/2 of the representatives of
32 each member shall be municipal officers. The agree-
33 ment shall specify the organization, the method of
34 withdrawal, the method of terminating the agreement
35 and the grounds for suspension of member municipali-
36 ties.

1 §1994-B. Powers and duties

2 1. Powers. The council may:

3 A. Study such area governmental problems common
4 to 2 or more members of the council as it deems
5 appropriate, including, but not limited to, mat-
6 ters affecting health, safety, welfare, educa-
7 tion, economic conditions and regional develop-
8 ment;

9 B. Promote cooperative arrangements and coordi-
10 nate action among its members; and

11 C. Make recommendations for review and action to
12 its members and other public agencies that per-
13 form functions within the region.

14 2. Other powers. The council may, by appropri-
15 ate action of the governing bodies of the member mu-
16 nicipalities, exercise such other powers as are exer-
17 cised or capable of exercise, separately or jointly,
18 by the member governments and necessary or desirable
19 for dealing with problems of local or regional con-
20 cern.

21 3. Standing committee. The council may, by ap-
22 propriate action of the governing bodies of the mem-
23 ber municipalities, establish a standing committee
24 for the purpose of preparing and maintaining a com-
25 prehensive regional plan.

26 4. Transfer. Where a regional planning commis-
27 sion has been established under subchapter III, the
28 member municipalities, by appropriate action, may
29 provide for the transfer of all assets, liabilities,
30 rights and obligations of the commission to the coun-
31 cil and provide for the dissolution of the commis-
32 sion.

33 5. Authority. The council may, on behalf of one
34 or more member municipalities and upon appropriate
35 action of the governing bodies of one or more member
36 municipalities, exercise any power, privilege or au-
37 thority capable of exercise by a member municipality,
38 except essential legislative powers, taxing authority
39 or eminent domain power. This authority shall be in

1 addition, and supplemental, to any other authority
2 granted to municipalities by the general laws, and
3 this chapter shall be liberally construed toward the
4 end of enabling councils to implement municipal pro-
5 grams and services on behalf of member municipali-
6 ties, while avoiding the creation of special dis-
7 tricts or other legal or administrative entities to
8 accomplish these purposes.

9 §1995. Bylaws

10 The council shall adopt bylaws designating the
11 officers of the council and providing for the conduct
12 of its business.

13 §1995-A. Staff

14 The council may employ such staff, and consult
15 and retain such experts, as it deems necessary.

16 §1995-B. Finances; annual report

17 1. Expenses. The governing bodies of the member
18 governments may appropriate funds to meet the ex-
19 penditures of the council. Services of personnel, use of
20 equipment and office space and other necessary ser-
21 vices may be accepted from members as part of their
22 financial support.

23 2. Governmental funds. The council may accept
24 funds, grants, gifts and services from the Federal
25 Government or its agencies, from this State or its
26 departments, agencies or instrumentalities or from
27 any other governmental unit whether participating in
28 the council or not, and from private and civic
29 sources.

30 3. Report. The council shall make an annual re-
31 port of its activities to the member governments.

32 4. Borrowing. To accomplish the purposes of
33 this chapter and for paying any indebtedness and any
34 necessary expenses and liabilities incurred therefor,
35 the council may borrow money and issue therefor its
36 negotiable notes having such terms and provisions as
37 the governing body of the council determines. The
38 council may contract with one or more member municipi-

1 palities for the receipt of funds to accomplish any
2 of the purposes authorized by this subchapter and may
3 incur indebtedness in anticipation of the receipt of
4 these funds by issuing its negotiable notes payable
5 in not more than one year. The notes may be renewed
6 from time to time by the issue of other notes, pro-
7 vided that no notes may be issued or renewed in an
8 amount which at the time of issuance or renewal ex-
9 ceeds the amount of funds remaining to be paid under
10 contracts with one or more member municipalities.

11 SUBCHAPTER III

12 REGIONAL PLANNING COMMISSIONS

13 §1996. Establishment

14 Any 7 or more municipalities, all of which are
15 within one regional planning and development district
16 and within one subdistrict if any, may by vote of
17 their municipal officers join together to form a re-
18 gional planning commission. The purpose of a region-
19 al planning commission shall be to promote coopera-
20 tive efforts toward regional development, prepare and
21 maintain a comprehensive regional plan, coordinate
22 with state and federal planning and development pro-
23 grams and to provide planning assistance and advisory
24 services to municipalities. In preparation of a com-
25 prehensive plan, the public shall be given an ade-
26 quate opportunity to be heard.

27 §1996-A. Incorporation; powers

28 Regional planning commissions shall be incorpo-
29 rated in accordance with Title 13, chapter 81, and
30 shall possess all powers of a corporation organized
31 without capital stock, except as limited by this sub-
32 chapter.

33 §1996-B. Representation

34 The commission's governing body shall consist of
35 representatives of each member municipality appointed
36 by the municipal officers. Municipalities with less
37 than 10,000 population as determined by the last De-
38 cennial Census shall have 2 representatives. Muni-
39 cipalities with populations greater than 10,000 as de-

1 terminated by the last Decennial Census shall have 2
2 representatives and an additional representative for
3 each 10,000 increment in population or major part
4 thereof over 10,000. At least one representative for
5 each municipality shall be a municipal officer or the
6 chief administrative official of the municipality or
7 his designee, who shall serve at the pleasure of the
8 municipal officers or until he ceases to hold a mu-
9 nicipal office. All other representatives shall
10 serve for terms of 2 years and may be removed by the
11 municipal officers for cause after notice and hear-
12 ing. A permanent vacancy shall be filled for the un-
13 expired term in the same manner as a regular appoint-
14 ment.

15 A regional planning commission may, in its by-
16 laws, provide for voting membership of one or more
17 counties within its regional planning and development
18 district or subdistrict. A county shall have no more
19 than 2 representatives. The commission may by bylaw
20 provide for one alternate representative for each
21 member municipality or county.

22 To qualify for General Fund money to carry out
23 its activities, at least 1/2 the members of the com-
24 mission's governing body shall be municipal officers.

25 §1997. Bylaws; records

26 The commission shall adopt bylaws, not inconsis-
27 ent with this subchapter, designating the officers of
28 the commission and providing for the conduct of its
29 business.

30 The minutes of the proceedings of the commission
31 shall be filed in the office of the commission and
32 shall be public record. Copies shall be provided to
33 the municipal officers and planning board of each
34 member municipality.

35 §1997-A. Finances

36 The commission shall prepare an annual budget and
37 shall determine on an equitable basis the contribu-
38 tion of each member municipality toward the support
39 of the commission.

