

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST SPECIAL SESSION - 1989

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Legislative Document

No. 1814

H.P. 1310

House of Representatives, August 22, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Senator COLLINS of Aroostook.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act to Establish a Charter for the Northern Regional Planning  
Commission and the Northern Maine Regional Planning Commission.

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(EMERGENCY)



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

4           Whereas, regional planning commissions are quasi-municipal  
6 governmental organizations established by law; and

8           Whereas, these commissions are funded largely by federal,  
state and local tax money; and

10           Whereas, it was the intention of the State in establishing  
12 these commissions that they be responsive to local and municipal  
concerns in the areas they serve; and

14           Whereas, it is clear that the Northern Regional Planning  
16 Commission and the Northern Maine Regional Planning Commission no  
longer respond effectively to those concerns; and

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

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

26           **Sec. 1. Commission charters.** Notwithstanding the provisions  
28 of the Maine Revised Statutes, Title 30-A, chapter 119, or any  
act of the Northern Regional Planning Commission or the Northern  
30 Maine Regional Planning Commission, the provisions of this Act  
shall be a charter for each of those commissions. No regional  
32 planning commission, other than as provided herein, may be  
established or act within the designated area of the present  
34 Northern Regional Planning Commission or the Northern Maine  
Regional Planning Commission, unless in conformity with this Act.

36           **Sec. 2. Eligibility for funds and grants.** No state or county funds  
38 may be paid to the Northern Regional Planning Commission or the  
Northern Maine Regional Planning Commission unless the  
40 commissions reorganize and govern themselves exclusively under  
this charter. It is the intent of the State that only if the  
42 Northern Regional Planning Commission and the Northern Maine  
Regional Planning Commission govern themselves under this charter  
44 shall they be eligible for federal funds or grants for any  
purpose.

46           **Sec. 3. Failure to reorganize.** If either the Northern Regional  
48 Planning Commission or the Northern Maine Regional Planning  
Commission fails to reorganize and govern itself by this charter,  
50 then, on determination of such failure by the county  
commissioners, after notice and hearing, the commission shall

2 cease to have the authority or status as a regional planning  
3 commission under the Maine Revised Statutes, Title 30-A, chapter  
4 119, and all funds and assets of the commission shall be  
5 transferred to the State Planning Office. The State Planning  
6 Office shall thereafter act for all purposes and with all  
7 authority as the regional planning commission for that region.  
8 The county commissioners may petition the Superior Court to  
enforce this Act.

10 **Sec. 4. Charter.** The following shall be the charter for the  
11 Northern Regional Planning Commission and the Northern Maine  
12 Regional Planning Commission.

14 **1. Legal bases for planning commission.** The legal bases  
15 for these regional planning commissions are contained in the  
16 Maine Revised Statutes, Title 30-A, chapter 119, and other  
17 applicable laws.

18 **2. Name.** Northern regional Planning Commission, Inc. may  
19 conduct business under its corporate name or as the Northern  
20 Maine Regional Planning Commission, Inc.

22 **3. Purposes.** The purposes of the planning commissions,  
23 hereinafter referred to as the commission, shall be to prepare a  
24 coordinated plan for the development of northern Maine, taking  
25 into account present and future needs, with a view toward  
26 encouraging the most appropriate use of land, such as for  
27 industry, commerce, education, housing, forestry and agriculture,  
28 the facilities of transportation and communications, the proper  
29 and economic location of public utilities and services, the  
30 development of adequate recreational areas, the encouragement of  
31 educational programs and facilities, the promotion of good civic  
32 design and the wise and efficient expenditure of public funds.  
33 The plan shall be made in order to promote the health, safety,  
34 education and general welfare of the northern Maine region and  
35 its inhabitants.

38 **4. Membership; term; dues.** The membership, terms of office  
39 and dues shall be as set forth in this subsection.

40 **A.** Cities, towns, plantations and unorganized townships  
41 within the Northern Maine Planning and Development District  
42 that have chosen to become members in accordance with the  
43 laws made and provided therefor and that have complied with  
44 subsection 5 shall be a member of the commission. There  
45 shall be at least 7 member communities. Each community that  
46 is a member of the commission shall be entitled to have 2  
47 representatives and one alternate representative on the  
48 commission and an additional representative for each 10,000  
49 increment in population or a major part thereof over  
50 10,000. City, town and plantation representatives shall be  
51 appointed by and serve at the pleasure of community  
52

officials. At least one representative for each municipality shall be an elected official. Representatives shall have full voting privileges and shall be eligible to hold any office in the commission, except those for which remuneration is provided. Communities that are not members of the commission may be associate members and may appoint delegates to the commission. Delegates shall have no vote in the official proceedings and shall not be eligible to hold office in the commission, but may participate to any extent in the commission's activities and discussions in behalf of regional planning and developments.

B. The county commissioners shall appoint 2 representatives and one alternate representative (unorganized township representatives) to serve on the commission. The unorganized township representatives shall serve at the pleasure of the county commissioners.

C. Counties which have chosen to become members, in recognition of a reasonable annual contribution to the commission's planning and development programs, are accorded membership and may have 2 representatives and one alternate representative on the commission (county representatives) appointed by and serving at the pleasure of the county commissioners, at least one representative appointed by the commissioners shall represent minority interests. A minority shall be any group so recognized under the laws or regulations of the United States Government. County representatives shall have full voting privileges and shall be eligible to hold any office in the commission, except those for which remuneration is provided.

D. The community representatives and the county representatives shall together be called member representatives.

E. Terms of community membership shall be for one year and shall start July 1st and end June 30th, following such affirmative vote to begin or continue.

F. Membership dues shall become payable July 1st of each year. Communities failing to pay their dues on or before September 1st of each year shall be considered nonmembers for that year.

2 G. The officers of the commission shall include a chair,  
vice-chair, secretary and treasurer. The chair and  
4 vice-chair shall be elected officials.

6 **5. Appropriation to the commission.** Budgetary concerns are  
governed by this subsection.

8 A. The commission's executive board of directors and  
administrative staff shall prepare an annual budget and  
10 shall recommend, on an equitable basis in relation to the  
current state valuation of communities and the latest United  
12 States Decennial Census count, the amount to be paid by each  
community within its service area. The amounts shall be  
14 submitted to the full commission, by the executive board,  
for review and approval at the November meeting of the  
16 commission.

18 B. The commission's executive board of directors and  
administrative staff shall recommend what they consider a  
20 reasonable contribution to the commission from the county.  
The amount shall be submitted to the full commission by the  
22 executive board for review and approval at the November  
meeting of the commission.

24 C. After approval, the amounts shall be certified to the  
26 community officers and county commissioners in sufficient  
time to allow for appropriations to be made.

28 **6. Executive board.** The executive board shall consist of a  
30 total of 29 persons, 2 of whom shall be county representatives  
and 27 persons who shall be elected on the basis of the following  
32 seats.

34 A. Districts shall be as follows.

36 (1) Commission district 1. Nine seats representing  
the following Aroostook County communities located  
38 within county commissioner district 1, plus the  
communities of Danforth, Mount Chase and Stacyville:

40 (a) Amity, Ashland, Bancroft, Blaine,  
42 Bridgewater, Cary Plantation, Crystal, Dyer Brook,  
E Plantation, Easton, Fort Fairfield, Garfield  
44 Plantation, Glenwood Plantation, Hammond,  
Haynesville, Hersey, Hodgdon, Houlton, Island  
46 Falls, Linneus, Littleton, Ludlow, Macwahoc  
Plantation, Mars Hill, Masardis, Merrill,  
48 Monticello, Moro Plantation, Nashville Plantation,  
New Limerick, Oakfield, Orient, Oxbow Plantation,

2 Reed Plantation, Sherman, Smyrna, Westfield,  
Weston, Danforth, Mount Chase and Stacyville;

4 (2) Commission district 2. Nine seats representing  
6 the following Aroostook County communities located  
8 within county commissioner district 2, plus the  
community of Patten:

10 (a) Allagash, Caribou, Castle Hill, Chapman,  
12 Eagle Lake, Mapleton, Perham, Portage Lake,  
Presque Isle, St. Francis, St. John Plantation,  
Wade, Washburn, Westmanland, Winterville  
14 Plantation and Patten; and

16 (3) Commission district 3. Nine seats representing  
18 the following Aroostook County communities located  
within county commissioner district 3, plus all of the  
unorganized townships:

20 (a) Caswell Plantation, Cyr Plantation, Fort  
22 Kent, Frenchville, Grand Isle, Hamlin, Limestone,  
Madawaska, New Canada, New Sweden, Saint Agatha,  
24 Stockholm, Van Buren, Wallagrass Plantation,  
Woodland, Unorganized Townships.

26 Any one community shall not have more than one seat on the  
28 executive board, except for those seats appointed by the  
county commissioners. The executive board shall be  
subordinate to the commission.

30 B. The representatives from each district shall, during  
32 part 2 of the annual meeting, elect by written ballot from  
among themselves, 9 representatives to the executive board  
34 of whom 3 shall serve a one-year term, 3 shall serve a  
2-year term and 3 shall serve a 3-year term or as  
36 appropriate to maintain the balance of staggered terms.

38 C. After the election and installation of the executive  
40 board, the full commission shall elect by written ballot its  
chair, vice-chair, secretary and treasurer from among the  
42 members of the executive board. The chair and vice-chair  
shall be limited to serve not more than 2 consecutive  
44 one-year terms in office.

46 D. At the expense of the commission, the treasurer and  
executive director shall be bonded. The amount shall be  
determined by the executive board.

48 E. The terms of office of all executive board members shall  
50 begin immediately upon their election, and they shall hold

2 office until their successors have been elected and  
installed. Not counting any terms served prior to adoption  
4 of this charter, executive board members shall not serve  
more than 2 consecutive full 3-year terms.

6 F. The executive board by majority vote may temporarily  
fill vacancies in offices occurring between annual  
8 elections. Officers and executive board members so elected  
shall serve only for the balance of the current year or  
10 until their successors are elected and installed.

12 G. The executive board shall supervise the affairs of the  
commission and the executive director in their duties, make  
14 recommendations to the commission and perform such other  
duties as are specified by this charter.

16 The board shall be subject to the orders of the commission  
and none of its acts may conflict with action taken by the  
18 commission.

20 The chair shall preside at meetings of the commission and  
executive board, may call special meetings of the commission  
22 and executive board, may serve as a nonvoting ex officio  
member of all committees, shall present an annual report to  
24 the annual meeting and shall perform such other duties as  
are customary to the office. The chair may vote only in the  
26 case of a tie.

28 The vice-chair shall preside at meetings in the absence or  
incapacity of the chair.

30 The secretary shall be responsible for reviewing minutes  
32 prior to their printing and shall perform such duties as are  
customary to the office.

34 The treasurer shall supervise the expenditures of the  
36 commission and all other normal duties of the office,  
including regular reports of the current financial condition  
38 of the commission at each regular meeting of the commission  
and executive board.

40 H. Regular meetings of the executive board shall be held  
42 bimonthly. Special meetings of the executive board may be  
called by the chair or may be called upon the request of 8  
44 members of the executive board.

46 I. Twelve members of the executive board shall constitute a  
48 quorum for transaction of business by the executive board.



2 J. The executive board may appoint honorary or advisory  
nonvoting members to the executive board.

4 **7. Commission finances.** The commission finances shall be  
governed as follows.

6 A. The fiscal year of the commission shall begin January  
8 1st and end December 31st.

10 B. Representatives shall not be remunerated for their  
12 services, but may be reimbursed upon approval of the  
commission for their expenses incurred in behalf of the  
14 commission.

16 **8. Commission meetings.** Commission meetings shall be  
governed as follows.

18 A. The commission shall schedule at least 2 meetings  
yearly. All efforts shall be made to hold these meetings on  
20 the 2nd Monday of the months of May and November at a time  
and place, to be determined by the executive board, which  
22 shall best serve the convenience of the greatest number of  
representatives and alternates.

24 B. The regular meeting on the 2nd Monday in November shall  
26 be known as the annual meeting and shall be divided into 2  
parts as follows: Part 1 shall be for the purpose of  
28 receiving reports of the executive board, committees, staff  
and for unfinished business; part 2 shall be for the purpose  
30 of electing executive board members and officers and for new  
business.

32 C. Additional meetings may be called by the chair, majority  
34 vote of the executive board or by petition of 20% of the  
representatives.

36 D. Seven days' notice of all meetings of the commission and  
38 executive board shall be mailed to representatives and  
alternates, except in an emergency when, with the approval  
40 of a majority of the executive board, the chair may call a  
meeting on shorter notice.

42 E. Minutes of all meetings of the commission and executive  
44 board shall be written by the secretary or a staff person  
and shall be available for public inspection. After review  
46 by the secretary, copies shall be mailed to representatives  
and alternates.

48 F. A quorum for the transaction of business at meetings of  
50 the commission shall consist of a minimum of 25%

2 of the appointed representatives or alternates holding full  
voting privileges present at the particular meeting.

4 **9. Administration.** The administration of the commission  
shall be vested in a full commission, an executive board and an  
6 executive director, all of whom shall be selected in accordance  
with this charter and shall function according to a schedule of  
8 responsibilities outlined as follows.

10 A. The management of personnel shall be as set forth in  
this paragraph.

12 (1) The executive director shall be hired as follows.

14 (a) The executive board shall interview and  
16 recommend candidates to the full commission.

18 (b) The full commission shall review and approve  
the selection.

20 (2) Disciplinary action against the executive director  
22 shall be as follows.

24 (a) The executive board shall recommend  
disciplinary action to the full commission.

26 (b) The full commission shall review and approve  
28 disciplinary action.

30 (3) Other staff shall be hired as follows.

32 (a) The executive director shall interview and  
recommend candidates to the executive board.

34 (b) The executive board shall review and approve  
36 hiring consistent with the annual work program and  
budget.

38 (4) Disciplinary action against other staff shall be  
40 governed as follows.

42 (a) The executive director shall prescribe  
disciplinary action.

44 (b) The executive board shall review disciplinary  
46 action on appeal.

48 (5) A personnel manual shall be prepared as follows.

50 (a) The executive director shall prepare and  
supervise a draft of a personnel manual

2 and amendments to that manual and shall make  
recommendations to the executive board.

4 (b) The executive board shall review and approve  
6 the personnel manual and proposed amendments.

8 B. The budget, contracts and loans shall be governed as  
follows.

10 (1) The annual budget shall be prepared as follows.

12 (a) The executive director shall prepare and  
14 supervise a draft budget and recommend a proposed  
budget to the executive board.

16 (b) The executive board shall review and  
18 recommend a proposed annual budget to the full  
commission.

20 (c) The full commission shall review and approve  
22 the annual budget.

24 (2) Interim contracts not included in the annual  
budget shall be reviewed as follows.

26 (a) The executive director shall recommend  
28 contracts to the executive board.

30 (b) The executive board shall review and approve  
contracts.

32 (3) Interim loans not included in the annual budget  
34 shall be reviewed as follows.

36 (a) The executive director shall recommend loans  
to the executive board.

38 (b) The executive board shall review and approve  
40 loans under \$50,000.

42 (c) The full commission shall review and approve  
loans over \$50,000.

44 (4) Interim purchases, such as capital expenditures  
46 not included in the annual budget, shall be reviewed as  
follows.

48 (a) The executive director shall recommend  
purchases to the executive board.

50 (b) The executive board shall review and approve  
52 purchases.

- 2 (5) Annual audits shall be performed in accordance  
with the following.
- 4 (a) The executive director shall request bids for  
audits and bids may be for a 3-year period.
- 6 (b) The executive board shall select the auditor.
- 8 (6) The salary schedule for the executive director  
10 shall be approved as follows.
- 12 (a) The executive board shall review and  
14 recommend the executive director's salary.
- 16 (b) The full commission shall review and approve  
the executive director's salary.
- 18 (7) The salary schedule for other staff shall be  
20 approved as follows.
- 22 (a) The executive director shall review and  
24 recommend the staff salary schedule.
- 26 (b) The executive board shall review and approve  
the staff salary schedule.
- 28 C. The program management shall be governed as follows.
- 30 (1) The annual work program shall be prepared as  
follows.
- 32 (a) The executive director shall prepare and  
34 supervise a draft of the annual work program and  
make recommendations to the executive board.
- 36 (b) The executive board shall review and approve  
38 the annual work program.
- 40 (2) The annual work program shall be implemented as  
follows.
- 42 (a) The executive director shall implement the  
44 adopted annual work program.
- 46 (b) The executive board shall supervise  
48 implementation of the adopted annual work program.
- 50 (3) An official plan and position statement shall be  
prepared as follows.

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(a) The executive director shall prepare and supervise a draft of the official plan and position statement.

(b) The executive board shall review and approve the official plan and position statement.

(4) Additional administrative policies are set forth as follows.

(a) The executive director shall prepare and supervise a draft of the administrative policies.

(b) The executive board shall review and approve the administrative policies.

(5) The formulation of committees shall be as follows.

(a) The executive director shall recommend the formation of, supervise and prepare resolutions for executive board action.

(b) The executive board shall review and approve these resolutions.

(6) The implementation of committees shall be as follows.

(a) The executive director shall supervise staff support of committees.

(b) The executive board shall appoint members to committees.

(7) The preparation of the service policy shall be as follows.

(a) The executive director shall prepare and supervise the drafting of a service policy and amendments and make recommendations to the executive board.

(b) The executive board shall review and approve the service policy and amendments.

(8) News releases shall be released as follows.

(a) The executive director shall prepare, supervise and approve: news releases on general administrative matters; news releases on program and committee activities; and news releases on proposed commission policies and positions.

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(b) The executive board shall review and approve news releases on proposed commission policies and positions.

**10. Committees.** The formation, membership, powers and reports of committees shall be governed as follows.

A. The commission may adopt resolutions creating continuing or permanent committees that shall be known as standing committees. The method of appointment or election of each committee and its chair, the filling of vacancies that occur, provisions for committee members who are members of the public but not commissioners and temporary members, according to paragraph C, may be included in the resolution.

B. Unless otherwise provided in this charter, terms of members of standing committees shall run until the end of the first part of the annual meeting, except that committee members may continue their duties until their successors are chosen. Resolutions creating these committees may provide for their renewal of terms and may limit the number of terms that may be served.

C. The commission may vote to add one or more temporary members to a standing committee, provided that the resolution forming that standing committee provides for the possible addition of temporary members. The temporary members may be added to assist the committee in considering a particular question. The motion adding temporary members shall specify either the names of the proposed members or how those members shall be selected and whether or not those members shall have a vote in the committee.

D. Committees formed to carry out a specified task will cease to exist at the completion of the presentation of their final reports and shall be known as special committees. The representatives may adopt resolutions forming special committees in the same manner in which standing committees are formed in paragraph A, or the chair of the commission, with the consent of the majority of the executive board, may create a special committee and appoint its members.

Terms of members of special committees shall continue through an annual meeting if the committee has yet to present its final report, except that representatives or

2 alternates on a special committee whose terms on the  
commission expire at that annual meeting may be replaced by  
4 new representatives and alternates in the same manner in  
which the original appointments were made.

6 E. The commission may give a standing committee or special  
committee, by a majority vote of the commission, power to  
8 act for the commission on a specific question.

10 If a standing committee is to have authority to act for the  
commission on matters of a certain class without specific  
12 instructions from the commission, or if all business of a  
certain class is to be automatically referred to a standing  
14 committee, such authority may be granted only by a 2/3 vote  
of the commission, following previous notice of the motion.

16 All powers authorized in this paragraph shall expire at the  
18 end of the first part of the annual meeting but may be  
renewed at the 2nd part of the annual meeting in the same  
20 manner as originally voted.

22 F. Standing committees shall present reports at each annual  
meeting summarizing the work done by the committee during  
24 the year.

26 On their own initiative, standing committees may make  
reports recommending action to the commission. When a  
28 subject or resolution has been referred to a standing  
committee for study or recommendation, the committee may  
30 make progress reports or a final report, when ready or when  
requested by the commission or its chair, with 20 days'  
32 notice.

34 Except when very brief, reports of committees should be in  
writing.

36 **11. Parliamentary authority.** The rules contained in the  
38 current edition of Robert's Rules of Order Newly Revised shall  
govern the commission in all cases when applicable and when not  
40 inconsistent with this charter and any special rule or order the  
commission may adopt.

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

## STATEMENT OF FACT

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4 This bill establishes the charter for the Northern Regional  
Planning Commission and the Northern Maine Regional Planning  
Commission.