## MAINE STATE LEGISLATURE

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## 115th WAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 1565

S.P. 593

In Senate, April 17, 1991

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator COLLINS of Aroostook
Cosponsored by Speaker MARTIN of Eagle Lake and Senator THERIAULT of Aroostook.

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Northern Maine Regional Planning Commission, Inc. and the Northern Regional Planning Commission, Inc. Charter.



P&SL 1989, c. 89 is amended to read:

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

Sec. 2. Eligibility for funds and gramts. No state or county funds may be paid to the-Northern Regional Planning-Commission. Inc. unless the Northern Maine Regional Planning Commission, Inc. unless the semmissions—reerganize commission reorganizes and govern themselves governs itself exclusively under this charter. It is the intent of the State that only if the-Northern-Regional Planning-Commission—and the Northern Maine Regional Planning Commission govern—themselves, Inc. governs itself under this charter shall they it be eligible for federal funds or grants for any purpose

Sec. 3. Failure to reorganize. If either-the Northern-Regional Planning Planning-Commission—or the Northern Maine Regional Planning Commission, Inc. fails to reorganize and govern itself by this charter, then, on determination of such failure by the county commissioners, after notice and hearing, the commission shall cease to have the authority or status as a regional planning commission under the Maine Revised Statutes, Title 30-A, chapter 119, and all funds and assets of the commission shall be transferred to the State Planning Office. The State Planning Office shall thereafter act for all purposes and with all authority as the regional planning commission for that region. The county commissioners may petition the Superior Court to enforce this Act.

Sec. 4. Charter. The following shall be the charter for the Nerthern-Regional-Planning-Commission-and the Northern Maine Regional Planning Commission, Inc.

1. Legal basis for planning commission. The legal bases basis for these this regional planning commissions—are commission is contained in the Maine Revised Statutes, Title 30-A, chapter 119, and other applicable laws.

2. Name. <u>The commission is known as the Northern regional</u>

Maine Regional Planning Commission, Inc. may-conduct and all

business <u>must</u> be <u>conducted</u> under <u>its-corporate</u> <u>this</u> name or-as the-Northern-Maine-Regional-Planning-Commission,-Inc.

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

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In addition, the commission shall promote cooperative efforts toward regional economic development, coordinate with state and federal planning and development programs, provide planning assistance and advisory services to municipalities and promote and assist the growth and development of business concerns including small business.

The regional planning commission has all the powers provided for by law, to accomplish the purposes as set forth in this section.

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- 4. Membership; term; dues. The membership, terms of office and dues shall be as set forth in this subsection.
- Cities, towns, plantations and unorganized townships \_ referred to in this Act as communities, within the Northern Maine Planning and Economic Development District that have chosen to become members in accordance with the laws made and provided therefor and that have complied with subsection 5 paragraphs E and F shall be a member of the commission. shall be at least 7 member communities. community that is a member of the commission shall be have 2 representatives entitled to and one alternate representative commission and additional on the an representative for each 10,000 increment in population or a major part thereof over 10,000. City, town and plantation representatives shall be appointed by and serve at the pleasure of community-officials their municipal officers. At least one representative for each municipality shall be an elected official, or employee of, a general purpose unit of local government. 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 2 in-the-official-proceedings-and-shall-not-be-eligible-to hold-office-in-the-commission,-but-may-participate-to-any 4 extent -- in -- the -- commission -- activities -- and -- discussions -- in behalf-of-regional-planning-and-developments-6 The governing body of the commission must be composed of 8 both elected officials and private citizens including male and female representatives of major governmental, economic 10 and social groups within the boundaries of the district. 12 At least 1/5 of the representatives must be private citizens who are neither elected officials of a general purpose unit of local government nor employees of such government. The 14 commission must comply with civil rights guidelines. 16 Representatives have full voting privileges and are eligible to hold any office in the commission, except those for which 18 remuneration is provided. Communities that are not members of the commission may be associate members and may appoint 20 delegates to the commission. Delegates may not vote in the official proceedings and are not eligible to hold office in 22 the commission, but may participate to any extent in the commission's activities and discussions in behalf of 24 regional planning and developments. 26 The executive board may adopt a rule for the acceptance of other nonvoting associate members and accept gifts on behalf 28 of the commission. 30 The county commissioners shall appoint 2 representatives alternate representative (unorganized township 32 representatives) who reside in unorganized townships to 34 commission. The unorganized representatives shall serve at the pleasure of the county 36 commissioners. 38 Counties which have chosen to become members, recognition of a reasonable annual contribution to the commission's planning and development programs, are accorded 40 membership and may have 2 representatives and one alternate 42 representative on the commission (county representatives) appointed by and serving at the pleasure of the county 44 commissioners, at least one representative appointed by the county commissioners shall represent minority interests. minority shall be any group so recognized under the laws or 46 of the United States Government. regulations 48 representatives shall have full voting privileges and shall

those for which remuneration is provided.

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be eligible to hold any office in the commission, except

		D. The community representatives and the county
2	* .	representatives shall together be called member
		<u>-</u>
		representatives.
4		
		E. Terms of community and county membership shall be for
б		one year and shall start July 1st and end June 30th,
~1		following such affirmative vote to begin or continue.
8	11.	
Ü		F. Membership dues shall become payable July 1st of each
10	•	year. Communities failing to pay their dues on or before
		September 1st of each year shall be considered nonmembers
12		for that year.
14		G. The officers of the commission shall include a chair,
		vice-chair, secretary and treasurer. Thechairand
16		
16		viee-ehair-shall-be-eleeted-officials.
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18		5. Appropriation to the commission. Budgetary concerns are
	gove	rned by this subsection.
20	25.	
		A. The commission's executive board of directors and
22		administrative staff shall prepare an annual budget and
	•	shall recommend, on an equitable basis in relation to the
2.4		
24		current state valuation of communities and the latest United
100	West of the second	States Decennial Census count, the amount to be paid by each
26		community within its service area. The amounts shall be
		submitted to the full commission, by the executive board,
28	y .	for review and approval at the November meeting of the
	and the second second	commission.
30	* P * 3	
•		B. The commission's executive board of directors and
32		administrative staff shall recommend what they consider a
		reasonable contribution to the commission from the each
34	5.00	county. The amount shall be submitted to the full
	me ji wani	commission by the executive board for review and approval at
36	1. 9	the November meeting of the commission.
38		C. After approval, the amounts shall be certified to the
		eemmunity municipal officers and county commissioners in
4.0		
40	130 1 150	sufficient time to allow for appropriations to be made.
	ne de la companya de	and the control of th
42	1.	D. The fiscal year of the commission begins January 1st and
		end December 31st.
44		
		E. Representatives may not be remunerated for their
46		services, but may be reimbursed upon approval of the
40		commission for their expenses incurred in behalf of the
48	•	commission.
50		6. Executive board. The executive board shall consist of a
	tota]	l of 29 persons, 2 of whom shall be county representatives

2	•	among themselves, 9 representatives to the executive board of whom 3 shall serve a one-year term, 3 shall serve a
4		2-year term and 3 shall serve a 3-year term. In succeeding elections, these representatives are elected for a 3-year
6	·	term or as appropriate to maintain the balance of staggered terms.
8		If the executive board members can not attend an executive board meeting, it is their responsibility to notify their
10		alternates prior to the board meeting.
12	<u>.</u>	Executive board members who fail to attend or have their alternates attend for 4 consecutive executive board meetings
14		without just cause may be replaced by the executive board in the same manner as provided in paragraph F.
16		C. After the election and installation of the executive
18		board, the full commission shall elect by written ballot its chair, vice-chair, secretary and treasurer from among the
20		members of the executive board. The chair and vice-chair shall be limited to serve not more than 2 consecutive
22		one-year terms in office.
24	,	D. At the expense of the commission, the treasurer and executive director shall be bonded. The amount shall be
26		determined by the executive board.
28	•	E. The terms of office of all executive board members, including the terms of the chair, vice-chair, secretary and
30	-	treasurer, shall begin immediately upon their election, and they shall hold office until their successors have been
32		elected and installed. Not counting any terms served prior to adoption of this charter, executive board members shall
34	<del>-</del>	not serve more than 2 consecutive full 3-year terms.
36	•	F. The executive board by majority vote may temporarily fill vacancies in offices occurring between annual
38		elections. Officers and executive board members so elected shall serve only for the balance of the current year or
40	,	until their successors are elected and installed.
42		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
18		and none of its acts may conflict with action taken by the commission.
50		
52		The chair shall preside at meetings of the commission and executive board, may call special meetings of the commission

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2	**	and executive board, may serve as a nonvoting ex officio member of all committees, shall present an annual report to
4		the annual meeting and shall perform such other duties as are customary to the office. The chair may vote only in the case of a tie.
6		
8	7 - 40 •	The vice-chair shall preside at meetings in the absence or incapacity of the chair.
10		The secretary shall be responsible for reviewing minutes prior to their printing and shall perform such duties as are
12		customary to the office.
14	•	The treasurer shall supervise the expenditures of the commission and all other normal duties of the office,
16		including regular reports of the current financial condition of the commission at each regular meeting of the commission
18	*	and executive board.
20	٠,	H. Regular meetings of the executive board shall be held bimonthly. Special meetings of the executive board may be
22		called by the chair or may be called upon the request of 8 members of the executive board.
24		I. Twelve members of the executive board shall constitute a
26		quorum for transaction of business by the executive board.
28		J. The executive board may appoint honorary or advisory nonvoting members to the executive board.
30		7 Garage Sirver Charles Sirver shall be
32	gove	7. Commission finances. The commission finances shall be rned as follows.
34		A. The fiscal year of the commission shall begin January 1st and end December 31st.
36		
38		B. Representatives shall not be remunerated for their services, but may be reimbursed upon approval of the
40		commission for their expenses incurred in behalf of the commission.
42	, ,	8. Commission meetings. Commission meetings shall be
44	gove.	rned as follows.
46		A. The commission shall schedule at least 2 meetings yearly. All-efferts-shall-be-made-to-hold-these-meetings-on
48		the-2nd-Monday-of These meetings must be held in the months of May and November at a time and place, to be determined by
50		the executive board, which shall best serve the convenience of the greatest number of representatives and alternates.

	B. The regular meeting on-the-2nd-Monday in November shall
2	be known as the annual meeting and shall be divided into 2 parts as follows: Part 1 shall be for the purpose of
4	receiving reports of the executive board, committees, staff and for unfinished business; part 2 shall be for the purpose
6	<del>_</del>
8	
10	C. Additional meetings may be called by the chair, majority vote of the executive board or by petition of 20% of the representatives.
12	
14	D. Seven days' notice of all meetings of the commission and executive board shall be mailed to representatives and
16	alternates, except in an emergency when, with the approval of a majority of the executive board, the chair may call a meeting on shorter notice.
18	meeting on shorter hottee.
20	E. Minutes of all meetings of the commission and executive board shall be written by the secretary or a staff person and shall be available for public inspection. After review
22	by the secretary, copies shall be mailed to representatives and alternates.
24	and diccinaces.
26	F. A quorum for the transaction of business at meetings of the commission shall consist of a minimum of 25% of the appointed representatives or alternates holding full voting
28	privileges present at the particular meeting.
30	9. Administration. The administration of the commission shall be vested in a full commission, an executive board and an
32	executive director, all of whom shall be selected in accordance with this charter and shall function according to a schedule of
34	responsibilities outlined as follows.
36	A. The management of personnel shall be as set forth in this paragraph.
38	
40	(1) The executive director shall be hired as follows.
42	(a) The executive board shall interview and recommend candidates to the £ull commission.
44	(b) The full commission shall review and approve the selection.
46	5100 B010001011
48	(2) Disciplinary action against the executive director shall be as follows.
50	(a) The executive board shall recommend
52	disciplinary action to the full commission.

2		(b) The full commission shall review and approve disciplinary action.
4	(3)	Other staff shall be hired as follows.
6		(a) The executive director shall interview and recommend candidates to the executive board.
8		
10		(b) The executive board shall review and approve hiring consistent with the annual work program and budget.
12	1 A 1 A 1 A 1 A 1 A 1 A 1 A 1 A 1 A 1 A	plinting and a second a second and a second
14		Disciplinary action against other staff shall be ned as follows.
16		(a) The executive director shall prescribe disciplinary action.
18		(b) The executive board shall review disciplinary
20		action on appeal.
22	(5)	A personnel manual shall be prepared as follows.
24		(a) The executive director shall prepare and
26		supervise a draft of a personnel manual and amendments to that manual and shall make recommendations to the executive board.
28		recommendations to the executive board.
30		(b) The executive board shall review and approve the personnel manual and proposed amendments.
32	B. The b follows.	udget, contracts and loans shall be governed as
34	4.7.	
36		The annual budget shall be prepared as follows.
38-	e de la companya de l	(a) The executive director shall prepare and supervise a draft budget and recommend a proposed budget to the executive board.
40	•	
42		(b) The executive board shall review and recommend a proposed annual budget to the full
44		commission.
46		(c) The full commission shall review and approve the annual budget.
48	(2)	Interim contracts not included in the annual
50		t shall be reviewed as follows.
52		(a) The executive director shall recommend

2		(b) The executive board shall review and approv contracts.
4		(3) Interim loans not included in the annual budge shall be reviewed as follows.
8		(a) The executive director shall recommend loans
10		to the executive board.
12		(b) The executive board shall review and approve loans under \$50,000.
14		(c) The full commission shall review and approve loans over \$50,000.
16		
18 .		(4) Interim purchases, such as capital expenditures not included in the annual budget, shall be reviewed as follows.
20		
22		<ul><li>(a) The executive director shall recommend purchases to the executive board.</li></ul>
24		(b) The executive board shall review and approve purchases.
26		purchases.
28		(5) Annual audits shall be performed in accordance with the following.
30		(a) The executive director shall request bids for audits and bids may be for a 3-year period.
32		and the same same same same same same same sam
34		(b) The executive board shall select the auditor.
		(6) The salary schedule for the executive director
36		shall be approved as follows.
38	a e	(a) The executive board shall review and recommend the executive director's salary.
40		
42		(b) The full commission shall review and approve the executive director's salary.
44		(7) The salary schedule for other staff shall be approved as follows.
46		(a) The executive director shall review and
48	,	recommend the staff salary schedule.
50		(b) The executive board shall review and approve

	C.	the program management shall be governed as follows.
2		
4		(1) The annual work program shall be prepared as follows.
6		(a) The executive director shall prepare and
8		supervise a draft of the annual work program and make recommendations to the executive board.
10		(b) The executive board shall review and approve the annual work program.
12	•	The second secon
14		(2) The annual work program shall, including loans made from the commission's revolving loan fund, must be implemented as follows.
16		implemented as lollows.
18		<ul><li>(a) The executive director shall implement the adopted annual work program.</li></ul>
20		(b) The executive board shall supervise
22		<pre>implementation of the adopted annual work program and approve loans from the commission's revolving loan fund.</pre>
24	Sign of the second	(c) The executive director may recommend the
26		grouping of communities into several subdistricts.
28		(d) The executive board shall review and approve the subdistricts.
30	A	
32	j marek	(3) An official plan and position statement shall be prepared as follows.
34		(a) The executive director shall prepare and
Ŧ.		supervise a draft of the official plan and
36		position statement.
38		(b) The executive board shall review and approve the official plan and position statement.
40		and official plan and position beddemend.
42		(4) Additional administrative policies are set forth as follows.
44	•	<ul><li>(a) The executive director shall prepare and supervise a draft of the administrative policies.</li></ul>
46		The state of the desiration of politicist
48 <sup>.</sup>		(b) The executive board shall review and approve the administrative policies.
<b>-</b> 0		(E) mi e a c' e c' e a c'

	(a)The-executivedirectorshallrecommendthe
2	formationof,superviseandprepareresolutions
4	for-executive-board-action.
4	(b) The executive -board - shall - review - and - approve
6	these-resolutions.
8	(6)Theimplementationofcommitteesshallbeas
10	(a)The-executive-director-shall-supervise-staff
12	support-of-committees.
14	(b) The-executive-beard-shall-appoint-members-te
16	(7) (5) Whe proporation of the corrige policy shall be
18	(7) $(5)$ The preparation of the service policy shall be as follows.
20	<ul><li>(a) The executive director shall prepare and supervise the drafting of a service policy and</li></ul>
22	amendments and make recommendations to the executive board.
24	
26	(b) The executive board shall review and approve the service policy and amendments.
28	(8) (6) News releases shall be released as follows.
30	(a) The executive director shall prepare,
32	supervise and approve: news releases on general administrative matters; and news releases on
34	program and committee activities;andnews releasesonproposedcommissionpoliciesand positions.
36	(b) The executive director shall prepare and
38	supervise news releases on proposed commission policies and positions. The executive board shall
40	review and approve news releases on proposed commission policies and positions.
42	
<b>44</b> .	10. Committees. The formation, membership, powers and reports of <u>standing and special</u> committees shall be governed as follows.
46	
48	A. The commission <u>representatives</u> may adopt resolutions creating continuing or permanent committees that shall be
	known as standing committees. The method of appointment or
50	election of each committee and its chair, the filling of vacancies that occur, provisions for committee members who
52	are members of the public but not commissioners

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.

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- C. The commission representatives may vote to add one or more temporary members to a standing committee, provided that the resolution forming that standing committee provides the possible addition of temporary members. temporary members may be added to assist the committee in considering a particular question. The motion temporary members shall specify either the occupations of the proposed members or and how those members shall be selected and whether or not those members shall have a vote in the committee.
- Committees formed to carry out a specified task will D. cease to exist at the completion of the presentation of final reports and shall be known The representatives committees. 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 alternates on a special committee whose terms on the commission expire at that annual meeting may be replaced by new representatives and alternates in the same manner in which the original appointments were made.
- E---The-commission may give a standing-committee or special committee, by a majority vote of the commission, power to act-for the commission on a specific question.
- If-a-standing-committee-is-te-have-authority-to-act-for-the commission-on-matters-of-a-certain-class-without-specific instructions-from-the-commission,-or-if-all-business-of-a certain-class-is-to-be-automatically-referred-to-a-standing committee,-such-authority-may-be-granted-only-by-a-2/3-vote of-the-commission,-following-previous-notice-of-the-metion-

	All-powers-authorized-in-this-paragraph-shall-expire-at-the
2	endof-the-first-part-of-the-annual-meeting-but-may-be renewed-at-the-first-part-of-the-annual-meeting-in-the-same
4	manner-as-eriginally-veted.
6	F. Standing committees shall present reports at each annual meeting summarizing the work done by the committee during
8	the year.
10	On their own initiative, standing committees may make
12	reports recommending action to the commission. When a subject or resolution has been referred to a standing committee for study or recommendation, the committee may
14	make progress reports or a final report, when ready or when requested by the commission or its chair, with 20 days'
16	notice.
18	Except when very brief, reports of committees should be in
20	writing.
41	11. Parliamentary authority. The rules contained in the
22	current edition of Robert's Rules of Order Newly Revised shall
24	govern the commission in all cases when applicable and when not inconsistent with this charter and any special rule or order the
	commission may adopt.
26	
	12. General corporation limitations. The following
28	limitations apply to the commission as a corporation.
30	A. This corporation is organized without capital stock and
	must be operated exclusively for those public purposes
32	stated in this charter and in its certificate of
34	organization and all the assets and income of this corporation must be used exclusively for public purposes.
<b>J T</b>	No part of the assets and income may inure to the benefits
36	°of any member of this corporation or any individual, provided however, that nothing in this section contained may
38	be construed to prevent the payment by this corporation of
40	salaries and expenses to employees of this corporation and of expenses to directors and officers of this corporation.
	en en en en la fille en en el en en el en
42	B. This corporation has all corporate powers and is subject to all corporate limitations as set forth in the Maine
44	Revised Statutes, Title 13-B, as amended.
46	C. Any part of the net earnings of this corporation may not
	inure to the benefit of, or be distributable to, its
48	members, directors, officers or other private persons,
	except that this corporation is authorized and empowered to
50	pay reasonable compensation for services rendered and to
52	make payments and distribution in furtherance of its
24	purposes.

2	D. This corporation may not participate in any partisan
	politics or participate in any public campaign on behalf of
4	any candidate for public office.
7	any candidate for public office.
6	
ь	E. Notwithstanding any other provision of this charter,
	this corporation may not carry on any activities not
8	permitted to be carried on by a corporation exempt from
	federal income tax under the Internal Revenue Code of 1954,
10	Section 501(c)(3), as amended, or by a corporation,
	contributions to which are deductible under the Internal
12	Revenue Code of 1954, Section 170(c)(2), as amended.
	그는 사람이 하는 것이 되었다. 이 상에 되었다면 보고 보고 있다면 하는 것이 되었다. 그는 사람들이 되었다는 것이 되었다면 하는 것이 되었다. 
14	F. Upon termination of this corporation, after all debts,
	liabilities and obligations of this corporation have been
16	paid and discharged or adequate provisions have been made
	for their payment and discharge, all remaining property and
18	assets of this corporation must be distributed
10	proportionately among the member communities in the same
20	manner as requests for contributions from them were last
.20	
2.2	computed before termination.
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	STATEMENT OF FACT
24	S I A I H IVI II I I I I I I I I I I I I I I
26	The changes in the Northern Maine Regional Planning
. : <u>.</u> .	The changes in the Northern Maine Regional Planning Commission and Northern Regional Planning Commission charter
26 28	The changes in the Northern Maine Regional Planning Commission and Northern Regional Planning Commission charter included in this bill have the unanimous approval of both the
28	The changes in the Northern Maine Regional Planning Commission and Northern Regional Planning Commission charter included in this bill have the unanimous approval of both the executive board and the overall board of the commission. Many of
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that they will automatically correspond with county commissioner districts in Aroostook County.

- 7. The bill adds language that makes executive board members responsible for notifying alternate members when they can not attend meetings and makes it possible to replace executive board members who have missed 4 consecutive executive board meetings without just cause.
  - 8. The bill makes it clear that the 2 annual overall board meetings must be held in the months of May and November.
- 9. The bill allows the executive director to group communities into several subdistricts.

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- 10. The bill removes language that is adequately covered in Public Law 1989, chapter 89, section 10.
- 11. The bill removes unnecessary power given to standing 20 committees.
- 22 12. The bill adds language that is necessary for a nonprofit corporation to meet the guidelines of the United States 24 Internal Revenue Service.