

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1177

S.P. 358

In Senate, February 25, 1997

**An Act to Amend the Charter of the Northern Maine Development
Commission, Inc..**

Reference to the Committee on Business and Economic Development suggested and
ordered printed.

Jay J. O'Brien

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KIEFFER of Aroostook.
Cosponsored by Senator HARRIMAN of Cumberland, Representatives: AHEARNE of
Madawaska, BELANGER of Wallagrass, BELANGER of Caribou, CLUKEY of Houlton,
DONNELLY of Presque Isle, JOY of Crystal, WHEELER of Bridgewater.

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

2
4 **Sec. 1. P&SL 1989, c. 89, §§1 to 3,** as amended by P&SL 1991, c. 31, are repealed.

6 **Sec. 2. P&SL 1989, c. 89, §4,** as amended by P&SL 1993, c. 23, §§1 to 12, is further amended to read:

8 **Sec. 4. Charter.** The following shall ~~be~~ is the charter for the ~~Northern Maine Regional Planning Commission, Inc. or the~~ Northern Maine Development Commission, Inc.

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

18 **2. Name.** The commission is known as the ~~Northern Maine Regional Planning Commission, Inc. or the~~ Northern Maine Development Commission, Inc. and all business must be conducted under ~~one of these names~~ this name.

22 **3. Purposes.** The purposes of the planning 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.

38 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.

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

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

2 A. Cities, towns, plantations and unorganized townships,
referred to in this Act charter as communities, within the
4 Northern Maine Planning and Economic Development District
that have chosen to become members in accordance with the
6 laws made and provided therefor and that have complied with
paragraphs E and F shall be a member of the commission.
8 There shall be at least 7 member communities. Each
community that is a member of the commission shall be
entitled to have 2 representatives and one alternate
10 representative on the ~~commission~~ General Assembly and an
additional representative for each 10,000 increment in
12 population or a major part thereof over 10,000. City, town
and plantation representatives shall be appointed by and
14 serve at the pleasure of their municipal officers. At least
one representative for each municipality shall be an elected
16 official, or employee of, a general purpose unit of local
government.

18
20 The governing body of the commission is known as the General
Assembly and must be composed of both elected officials and
private citizens including male and female representatives
22 of major governmental, economic and social groups within the
boundaries of the district.

24
26 At least 1/5 of the representatives members of the General
Assembly must be private citizens who are neither elected
officials of a general purpose unit of local government nor
28 employees of such government. The commission must comply
with civil rights guidelines.

30
32 Representatives General Assembly members have full voting
privileges and are eligible to hold any office in the
commission, except those for which remuneration is
34 provided. Communities that are not members of the
commission may be associate members and may appoint
36 delegates to the ~~commission~~ General Assembly. Delegates may
not vote in the official proceedings and are not eligible to
38 hold office in the commission, but may participate to any
extent in the commission's activities and discussions in
40 behalf of regional planning and developments.

42 The executive board may adopt a rule for the acceptance of
other nonvoting associate members and accept gifts on behalf
44 of the commission.

46 B. The county commissioners shall appoint 2 representatives
and one alternate representative (unorganized township
48 representatives) who reside in unorganized townships to
serve on the ~~commission~~ General Assembly. The unorganized

2 township representatives shall serve at the pleasure of the
county commissioners.

4 C. Counties which have chosen to become members, in
6 recognition of a reasonable annual contribution to the
commission's planning and development programs, are accorded
8 membership and may have 2 representatives and one alternate
10 representative on the ~~commission~~ General Assembly (county
12 representatives) appointed by and serving at the pleasure of
the county commissioners, at least one representative
14 appointed by the county commissioners shall represent
minority interests. A minority shall be any group so
16 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.

18 D. The community representatives and the county
20 representatives shall together be called ~~member~~
representatives the General Assembly.

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

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

32 G. The officers of the commission include a chair, a
vice-chair, an officer that performs the duties of secretary
34 and clerk and a treasurer.

36 H. The executive board has the authority, by majority vote,
after 30 days' notice in writing, to exclude any member
38 community or county from participation in the commission for
failure to meet any of the requirements contained in this
40 charter. Member communities and counties may appeal the
proposed action to the executive board or ~~full-commission~~
42 General Assembly for reinstatement. There may be no refund
or proration of annual dues paid or due from the communities
44 or counties against which this action has been taken.

46 I. Any member community or county may withdraw from the
commission by presenting to the officer that performs the
48 duties of secretary and clerk or the executive director
written and attested evidence of a vote of withdrawal by the
50 governing body of the community or county. There may be no

2 refund or proration of annual dues paid or due from the
withdrawing community or county.

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

6
8 A. The commission's executive board of directors and
administrative staff shall prepare an annual budget and
shall recommend, on an equitable basis in relation to the
10 current state valuation of communities and the latest United
States Decennial Census count, the amount to be paid by each
12 community within its service area. The amounts must be
submitted to the ~~commission~~ General Assembly, by the
14 executive board, for review and approval ~~at the May meeting~~
~~of the commission.~~

16
18 B. The commission's executive board of directors and
administrative staff shall recommend what they consider a
reasonable contribution to the commission from each county.
20 The amount must be submitted to the ~~full-commission~~ General
Assembly by the executive board for review and approval at
22 ~~the May meeting of the commission.~~

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

28 D. The fiscal year of the commission begins July 1st and
ends June 30th.

30
32 E. Representatives may not be remunerated for their
services, but may be reimbursed upon approval of the
34 ~~commission~~ executive board for their expenses incurred in
behalf of the commission.

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

- 40 A. Districts shall be as follows.
- 42 (1) Commission district 1. Nine seats representing
44 the Aroostook County municipalities located within
county commissioner district 1, plus the communities of
46 Danforth, Mount Chase and Stacyville.
- 48 (2) Commission district 2. Nine seats representing
the Aroostook County municipalities located within

2 county commissioner district 2, plus the community of
Patten.

4 (3) Commission district 3. Nine seats representing
6 the Aroostook County municipalities located within
county commissioner district 3, plus all of the
unorganized townships.

8
10 Any one community shall not have more than one seat on the
executive board, except for those seats appointed by the
12 county commissioners. The executive board shall be
subordinate to the ~~commission~~ General Assembly.

14 B. The representatives from each district shall, during
16 ~~part 2 of~~ the annual meeting, elect by written ballot from
among themselves, 9 representatives to the executive board
18 of whom 3 shall serve a one-year term, 3 shall serve a
2-year term and 3 shall serve a 3-year term. In succeeding
20 elections, these representatives are elected for a 3-year
term or as appropriate to maintain the balance of staggered
terms.

22 If the executive board members can not attend an executive
24 board meeting, it is their responsibility to notify their
alternates prior to the board meeting.

26 Executive board members who fail to attend or have their
28 alternates attend for 4 consecutive executive board meetings
without just cause may be replaced by the executive board in
30 the same manner as provided in paragraph F.

32 C. After the election and installation of the executive
board, the ~~commission~~ General Assembly shall elect by
34 written ballot a chair, a vice-chair, an officer to perform
the duties of secretary and clerk and a treasurer from among
36 the members of the executive board. The chair and
vice-chair must be limited to serve not more than 2
38 consecutive one-year terms in office.

40 The person that performs the duties of secretary and clerk
is responsible for reviewing minutes prior to their printing
42 and shall perform such other duties as are customary to the
office including responsible direction of such secretarial
44 duties as are assigned by the charter and such duties as are
prescribed by law to the clerk.

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

50

2 E. The terms of office of all executive board members,
including the terms of the chair, vice-chair, secretary and
4 treasurer, begin immediately upon their election, and they
shall hold office until their successors have been elected
and installed. ~~Not--counting--any--terms--served--prior--to~~
6 ~~adoption--of--this--charter--executive~~ Executive board members
may not serve more than 2 consecutive full 3-year terms.

8
9 Executive board members, after having served 2 consecutive
10 full 3-year terms, must have at least one full year of
11 interruption from service on the executive board before they
12 are eligible to be elected for another term.

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

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

24 The executive board shall be subject to the orders of the
26 ~~commission~~ General Assembly and none of its acts may
conflict with action taken by the ~~commission~~ General
28 Assembly.

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

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

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

44 The treasurer shall supervise the expenditures of the
46 commission and all other normal duties of the office,
including regular reports of the current financial condition
48 of the commission at each regular meeting of the ~~commission~~
General Assembly and executive board.

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

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

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

14 ~~7. Commission finances. The commission finances shall be
governed as follows.~~

16 ~~A. The fiscal year of the commission shall begin January
18 1st and end December 31st.~~

20 ~~B. Representatives shall not be remunerated for their
22 services, but may be reimbursed upon approval of the
commission for their expenses incurred in behalf of the
commission.~~

24 8. General Assembly meetings. Commission General Assembly
26 meetings shall be governed as follows.

28 A. The commission General Assembly shall schedule at least
30 2 meetings yearly. The annual meeting must be held in the
month of May at a time and place, to be determined by the
32 executive board, which shall best serve the convenience of
the greatest number of ~~representatives and alternatives~~
General Assembly members and alternates.

34 The executive board has the authority to set the date, time,
36 place and content of the 2nd commission General Assembly
meeting.

38 B. The annual meeting to be held in May is ~~known as the~~
40 ~~annual meeting and must be divided in 2 parts as follows:~~
Part 1 is for the purpose of receiving reports of the
42 executive board, committees and staff and ~~for~~ unfinished
business; ~~part 2 is~~ and for the purpose of electing
44 executive board members and officers and for new business.

46 C. Additional meetings may be called by the chair, majority
48 vote of the executive board or by petition of 20% of the
representatives General Assembly members.

50 D. Seven days' notice of all meetings of the commission
General Assembly and executive board shall be mailed to

2 representatives and alternates, except in an emergency when,
with the approval of a majority of the executive board, the
4 chair may call a meeting on shorter notice.

6 E. Minutes of all meetings of the ~~commission~~ General
Assembly and executive board shall be written by the
8 secretary or a staff person and shall be available for
public inspection. After review by the secretary, copies
10 shall be mailed to ~~representatives~~ General Assembly members
and alternates.

12 F. A quorum for the transaction of business at meetings of
the ~~commission~~ General Assembly shall consist of a minimum
14 of 25% of the appointed representatives or alternates
holding full voting privileges present at the particular
16 meeting.

18 **9. Administration.** The administration of the commission
shall be vested in a ~~full--commission~~ General Assembly, an
20 executive board and an executive director, all of whom shall be
selected in accordance with this charter and shall function
22 according to a schedule of responsibilities outlined as follows.

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

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

28 (a) The executive board shall interview and
30 recommend candidates to the ~~commission~~ General
Assembly.

32 (b) The ~~commission~~ General Assembly shall review
34 and approve the selection.

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

38 (a) The executive board shall recommend
40 disciplinary action to the ~~commission~~ General
Assembly.

42 (b) The ~~commission~~ General Assembly shall review
44 and approve disciplinary action.

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

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

- 2 (b) The executive board shall review and approve
4 hiring consistent with the annual work program and
budget.

- 6 (4) Disciplinary action against other staff shall be
governed as follows.
8
 - 10 (a) The executive director shall prescribe
disciplinary action.
 - 12 (b) The executive board shall review disciplinary
14 action on appeal.

- 16 (5) A personnel manual shall be prepared as follows.
18
 - 20 (a) The executive director shall prepare and
supervise a draft of a personnel manual and
22 amendments to that manual and shall make
recommendations to the executive board.
 - 24 (b) The executive board shall review and approve
the personnel manual and proposed amendments.

- 26 B. The budget, contracts and loans shall be governed as
follows.
28
 - 30 (1) The annual budget shall be prepared as follows.
32
 - 34 (a) The executive director shall prepare and
supervise a draft budget and recommend a proposed
36 budget to the executive board.
 - 38 (b) The executive board shall review and
recommend a proposed annual budget to the
commission General Assembly.
 - 40 (c) The commission General Assembly shall review
and approve the annual budget.
 - 42 (2) Interim contracts not included in the annual
budget shall be reviewed as follows.
44
 - 46 (a) The executive director shall recommend
contracts to the executive board.
 - 48 (b) The executive board shall review and approve
contracts.

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

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

6 (b) The executive board shall review and approve
8 loans up to \$50,000. A 2/3 affirmative vote of
10 the entire executive board is required to approve
loans above \$50,000.

12 ~~(c) -- The commission shall review and approve loans~~
14 ~~over \$50,000.~~

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

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

22 (b) The executive board shall review and approve
24 purchases.

26 (5) Annual audits shall be performed in accordance
with the following.

28 (a) The executive director shall request bids for
audits and bids may be for a 3-year period.

30 (b) The executive board shall select the auditor.

32 (7) The salary schedule for all personnel must be
34 approved as follows.

36 (a) The executive director shall review and
recommend the staff salary schedule.

38 (b) The executive board shall review and approve
40 the staff salary schedule.

42 C. The program management shall be governed as follows.

44 (1) The annual work program shall be prepared as
46 follows.

48 (a) The executive director shall prepare and
supervise a draft of the annual work program and
50 make recommendations to the executive board.

- 2 (b) The executive board shall review and approve
the annual work program.
- 4 (2) The annual work program, including loans made from
6 the commission's revolving loan fund, must be
implemented as follows.
- 8 (a) The executive director shall implement the
adopted annual work program.
- 10 (b) The executive board shall supervise
12 implementation of the adopted annual work program
and approve loans from the commission's revolving
14 loan fund.
- 16 (c) The executive director may recommend the
grouping of communities into several subdistricts.
- 18 (d) The executive board shall review and approve
20 the subdistricts.
- 22 (3) An official plan and position statement shall be
prepared as follows.
- 24 (a) The executive director shall prepare and
26 supervise a draft of the official plan and
position statement.
- 28 (b) The executive board shall review and approve
30 the official plan and position statement.
- 32 (4) Additional administrative policies are set forth
as follows.
- 34 (a) The executive director shall prepare and
36 supervise a draft of the administrative policies.
- 38 (b) The executive board shall review and approve
the administrative policies.
- 40 (5) The preparation of the service policy shall be as
42 follows.
- 44 (a) The executive director shall prepare and
supervise the drafting of a service policy and
46 amendments and make recommendations to the
executive board.
- 48 (b) The executive board shall review and approve
50 the service policy and amendments.

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(6) News releases shall be released as follows.

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

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

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

A. The ~~commission representatives~~ General Assembly 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 ~~representatives~~ General Assembly members 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 representatives~~ General Assembly 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 or occupations of the proposed members and 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

2 committees. The representatives may adopt resolutions
3 forming special committees in the same manner in which
4 standing committees are formed in paragraph A, or the chair
5 of the ~~commission~~ General Assembly, with the consent of the
6 majority of the executive board, may create a special
7 committee and appoint its members.

8 Terms of members of special committees shall continue
9 through an annual meeting if the committee has yet to
10 present its final report, except that representatives or
11 alternates on a special committee whose terms on the
12 ~~commission~~ General Assembly expire at that annual meeting
13 may be replaced by new representatives and alternates in the
14 same manner in which the original appointments were made.

16 F. Standing committees shall present reports at each annual
17 meeting summarizing the work done by the committee during
18 the year.

20 On their own initiative, standing committees may make
21 reports recommending action to the ~~commission~~ General
22 Assembly. When a subject or resolution has been referred to
23 a standing committee for study or recommendation, the
24 committee may make progress reports or a final report, when
25 ready or when requested by the ~~commission~~ General Assembly
26 or its chair, with 20 days' notice.

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

30
31 **11. Parliamentary authority.** The rules contained in the
32 current edition of Robert's Rules of Order Newly Revised shall
33 govern the ~~commission~~ General Assembly and executive board in all
34 cases when applicable and when not inconsistent with this charter
35 and any special rule or order the ~~commission~~ General Assembly may
36 adopt.

38 **12. General corporation limitations.** The following
39 limitations apply to the commission as a corporation.

40
41 A. This corporation is organized without capital stock and
42 must be operated exclusively for those public purposes
43 stated in this charter and in its certificate of
44 organization and all the assets and income of this
45 corporation must be used exclusively for public purposes.
46 No part of the assets and income may inure to the benefits
47 of any member of this corporation or any individual,
48 provided however, that nothing in this section contained may
be construed to prevent the payment by this corporation of

2 salaries and expenses to employees of this corporation and
of expenses to directors and officers of this corporation.

4 B. This corporation has all corporate powers and is subject
to all corporate limitations as set forth in the Maine
6 Revised Statutes, Title 13, as amended.

8 C. Any part of the net earnings of this corporation may not
inure to the benefit of, or be distributable to, its
10 members, directors, officers or other private persons,
except that this corporation is authorized and empowered to
12 pay reasonable compensation for services rendered and to
make payments and distribution in furtherance of its
14 purposes.

16 D. This corporation may not participate in any partisan
politics or participate in any public campaign on behalf of
18 any candidate for public office.

20 E. Notwithstanding any other provision of this charter,
this corporation may not carry on any activities not
22 permitted to be carried on by a corporation exempt from
federal income tax under the Internal Revenue Code of 1954,
24 Section 501(c)(3), as amended, or by a corporation,
contributions to which are deductible under the Internal
26 Revenue Code of 1954, Section 170(c)(2), as amended.

28 F. Upon termination of this corporation, after all debts,
liabilities and obligations of this corporation have been
30 paid and discharged or adequate provisions have been made
for their payment and discharge, all remaining property and
32 assets of this corporation must be distributed
proportionately among the member communities in the same
34 manner as requests for contributions from them were last
computed before termination.

36 G. This corporation shall abide by all rules and
38 regulations set forth in Section 687 of the Small Business
Investment Act of 1958, 15 United States Code, Section 661,
40 et seq., as amended.

42 13. Amendments. This charter may be altered, amended or
repealed or a new charter adopted by the General Assembly.
44 Charter revisions or amendments must be in writing and must be
discussed at a meeting of the General Assembly, such meeting to
46 be called with 2 weeks' prior written notice.

48 The General Assembly shall discuss and vote to send, or not to
send, all or part of the proposed charter revisions or amendments
50 to the General Assembly members in the form of a written ballot.

2 A 2/3 vote of the General Assembly members present at this
meeting is required to submit the proposed charter revisions or
4 amendments for written ballot.

6 Within 30 days of the date mailed, each General Assembly member
shall vote by written ballot to accept or reject the proposed
8 revision or amendment, repeal of the present charter or adoption
of a proposed charter. A majority of the General Assembly
10 members is necessary for adoption of any action affecting the
charter.

12 The revision or amendment of a charter provision, the repeal of
an existing charter, or the adoption of a proposed charter takes
14 effect 40 days from the date that written ballots were mailed to
General Assembly members.

16

18

SUMMARY

20

22 This bill substantially amends the charter of the Northern
24 Maine Development Commission, Inc. by establishing the General
26 Assembly as the governing body of the commission. The bill also
provides that future revisions or amendments to the charter or a
repeal of the charter may be accomplished by majority vote of the
General Assembly if 2/3 of the General Assembly have voted to
submit proposed charter changes to a written ballot.