

# MAINE STATE LEGISLATURE

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Date: 3/30/12

L.D. 771  
(Filing No. H-865)

Minority

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 578, L.D. 771, Bill, "An Act To Establish the St. John Valley Regional Planning Commission"

Amend the bill by striking out everything after the title and inserting the following:

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** regional planning commissions are quasi-municipal government organizations established by law; and

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

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

**Whereas,** it is clear that the current regional planning commission for the St. John Valley area no longer responds effectively to those concerns; and

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

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

**Sec. 1. Planning commission charter.** Notwithstanding the Maine Revised Statutes, Title 30-A, chapter 119, this Act authorizes the establishment of a charter for the

**COMMITTEE AMENDMENT**

R. 125

1 St. John Valley Regional Planning Commission, referred to in this Act as "the planning  
2 commission." A regional planning commission other than as provided in this Act may  
3 not be established or act within the designated jurisdiction of the St. John Valley  
4 Regional Planning Commission unless in conformity with this Act.

5 **Sec. 2. Eligibility for funds and grants.** State or county funds may not be paid  
6 to the planning commission unless the planning commission organizes and governs itself  
7 exclusively under this Act. It is the intent of the State that the St. John Valley Regional  
8 Planning Commission must govern itself under this Act in order to be eligible for federal  
9 funds or grants for any purpose.

10 **Sec. 3. Failure to organize.** If the St. John Valley Regional Planning  
11 Commission fails to organize and govern itself by this Act, then, on determination of such  
12 failure by the county commissioners of Aroostook County and after notice and hearing,  
13 the planning commission ceases to have the authority or status as a regional planning  
14 commission under the Maine Revised Statutes, Title 30-A, chapter 119, and all funds and  
15 assets of the planning commission must be transferred to the Executive Department, State  
16 Planning Office or its successor agency. The State Planning Office or its successor shall  
17 thereafter act for all purposes and with all authority as the regional planning commission  
18 for that region. The county commissioners of Aroostook County may petition the  
19 Superior Court to enforce this Act.

20 **Sec. 4. Charter creation.** The procedure for establishing the charter for the St.  
21 John Valley Regional Planning Commission is as set out in this section.

22 **1. Legal bases for planning commission.** The legal bases for the planning  
23 commission are contained in the Maine Revised Statutes, Title 30-A, chapter 119 and  
24 other applicable laws.

25 **2. Name.** St. John Valley Regional Planning Commission, Inc. may conduct  
26 business under its corporate name.

27 **3. Executive board; membership.** The charter must be established by an executive  
28 board, selected in accordance with this section.

29 A. The executive board comprises members from cities, towns, plantations and  
30 unorganized townships in Commissioner District Number 3 in Aroostook County that  
31 choose to become members in accordance with the Maine Revised Statutes, Title  
32 30-A, chapter 119. Each municipality shall appoint one member to act as the  
33 representative for that municipality on the executive board. A municipality may also  
34 designate an alternate representative. The County Commissioner of Commissioner  
35 District Number 3 shall appoint one member to act as the representative for the  
36 plantations and unorganized townships within that county commissioner's district and  
37 may designate an alternate representative. A member of the executive board serves at  
38 the pleasure of the appointing authority for that member.

39 B. The County Commissioner of Commissioner District Number 3 in Aroostook  
40 County shall call and convene the first meeting of the executive board.

41 C. The members of the executive board shall elect a chair and vice-chair from among  
42 the membership of the executive board. Each member has one vote.

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**4. Purpose; guidance; plan.** The purpose of the executive board established in subsection 3 is to establish a charter for the St. John Valley Regional Planning Commission that considers the development of the St. John Valley, 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 executive board shall use the charter established in Private and Special Law 1989, chapter 89 for guidance. The planning commission established by the charter must promote the health, safety, education and general welfare of the northern Maine region and its inhabitants and have as its purposes:

- A. Promotion of cooperative efforts toward regional development;
- B. Preparation and maintenance of a comprehensive regional plan. The charter must allow for adequate opportunity by the public to be heard in the preparation of a comprehensive plan;
- C. Coordination with state and federal planning and development programs;
- D. Provision of planning assistance and advisory services to municipalities; and
- E. Provision of programs and services to municipalities.

**5. Date of establishment of charter; approval by municipal officers and county commissioners.** No later than July 1, 2013, the executive board shall develop the charter in accordance with section 4 and present the charter to the municipal officers of the members of the executive board and the County Commissioner of Commissioner District Number 3 in Aroostook County, who shall vote within 60 days of presentation of the charter on whether to approve the charter.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

**SUMMARY**

This amendment is the minority report of the committee. It establishes the authority for the establishment of a charter for the St. John Valley Regional Planning Commission, the prospective membership of the planning commission and the methodology for the creation and approval of the charter.

**FISCAL NOTE REQUIRED**

(See attached)



# 125th MAINE LEGISLATURE

LD 771

LR 757(03)

## An Act To Establish the St. John Valley Regional Planning Commission

Fiscal Note for Bill as Amended by Committee Amendment "B" (H-865)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes

### Fiscal Note

State Mandate - Unfunded

#### State Mandates

Required Activity	Unit Affected	Local Cost
Appoint unorganized township representatives to the St. John Valley Regional Planning Commission.	County	Insignificant limited scope

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

#### Fiscal Detail and Notes

The bill requires the State Planning Office to replace the functions to be performed by the St. John Valley Regional Planning Commission should the Commission be unable to organize and govern itself in accordance with its' charter. This places a contingent liability upon the State which the State Planning Office estimates would require an annual appropriation of \$125,772. Given the low probability that the State Planning Office will be required to replace the Commission, no appropriations are included in the bill at this time.