

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 539

H. P. 1331

House of Representatives, February 12, 1935.

Referred to Committee on Legal Affairs, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Chase of Baring.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to State Planning and Development.

Emergency preamble. Whereas, a state emergency, productive of wide-spread unemployment and disorganization of industry affecting the public welfare and undermining the standards of living, is hereby declared to exist; and

Whereas, under the National Industrial Recovery Act, Title II, section 3, whereby the United States government is authorized to coordinate with states in the construction and financing of public works programs, and

Whereas, the National Resources Board has designated the Maine state planning board to take over the duties of the public works administration state advisory board, and

Whereas, in the judgment of the legislature an emergency is hereby declared to exist under section 16, of article XXXI of the constitution of Maine, and therefore requires the following legislation as immediately necessary for the preservation of the public peace, health, and safety; therefore:

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

Sec. 1. Maine state planning board; creation; organization; appointment. The Maine state planning board, hereinafter called the board, is

hereby created and established, consisting of 15 members, namely, the heads of the 7 following departments of the state government: department of health and welfare, department of agriculture, department of inland fisheries and game, forestry department, public utilities commission, state highway commission, department of labor and industry, and 8 citizens of the state holding no other state office. The citizen members shall be appointed by the governor and council. The terms of office of the citizen members shall be for 4 years, and until their successors are appointed and qualified, except that the first appointments of citizen members shall be 2 for 1 year, 2 for 2 years, 2 for 3 years, and 2 for 4 years. Appointments to vacancies occurring shall be made by the governor and council for the unexpired term. The governor and council shall designate 1 of the citizen members as chairman of the board. Any of the said department-head members may at any time designate a representative from the personnel of his department to serve in his place at any meeting or in relation to any activity of the board, such designation to be in writing and to specify the scope and extent of the representation delegated to such representative. Such representative, when and while thus designated, shall have the voting rights of the said department-head member at meetings of the board, or other powers of said department-head as a member of the board. Any such designation shall be revocable.

The members of the board shall serve without pay, but shall be allowed actual necessary expenses in the performance of their duties. Six members shall constitute a quorum, and no action shall be taken or refused unless by the concurring action of a majority of the members present.

The board shall keep permanent and complete records of its proceedings, meetings, hearings, orders and decisions, and shall be supplied with an office in the state capitol or other state office building. The board shall appoint a state planning engineer upon terms fixed from time to time by the board subject to the approval of the governor and council. The state planning engineer under the direction and control of the board shall have charge of the office and records, and may with the approval of the board employ such technical, professional, clerical and other assistants and consultants as may be required, and recommend to the budget committee a scale of wage therefor.

Sec. 2. Duties of the board. It shall be the duty of the board (a) to prepare and perfect general plans, or specific plans when required, for the development and other land uses, and such public works and work relief projects as are related to an orderly and comprehensive plan of the state, with the assistance and cooperation of the respective state departments,

and to advise and coordinate with the various departments and agencies of the state and with the federal government in the development of plans for highways, airways and air terminals, parkways, parks and recreational areas, forest reservations, water supply reservations and developments, and other land uses that are related to an orderly and comprehensive development of the state, and to submit such plans and reports to the governor and council and the state legislature with conclusions and recommendations;

(b) to make investigations and researches, prepare maps and planning studies and publish information on zoning, soil conditions, land classification and uses, recommending, among other things, areas suitable for farming, reforestation, recreation, watershed protection, summer residence and industrial development, population distribution and decentralization, state schools, parks and play grounds, ports, harbors, waterways, airways and air terminals, highways, sanitation, building and housing conditions, real property inventories, and other subjects affecting the health and welfare of the people of the state;

(c) to draft and submit to the governor and council and to the legislature regulations affecting the use and development of such state property as are deemed necessary for improving land along, and adjacent to, highways and parkways, conserving the natural resources, and protecting the scenic and historic places of the state;

(d) to collect and publish information relating to the development of recreational advantages of the state for the purpose of attracting tourists and residents to its manifold natural advantages as the nations play ground and to the conservation of its natural resources, designed to promote the general welfare, and to make such recommendations thereon to the governor and council and to the legislature as may seem advisable;

(e) to cooperate with municipal, county, or regional planning boards or committees;

(f) to prepare and keep current, biennially, a 6 year public works program of major state improvements in cooperation with state and/or federal agencies for promoting planning and timing of public works in the state, and to submit a report to the governor and council and the legislature every 2 years;

(g) to hold public hearings.

Sec. 3. Cooperation of state departments. (a) All public officials shall upon request furnish to the board within a reasonable time such available information as may be required by the board in the performance of its duties.

(b) Every state department, agency, or official, before requesting the legislative or executive approval of a proposed plan or public improvement costing more than \$2000 and being related to, or affected by, this act, shall have submitted the proposed location and extent thereof to the board and shall have received the board's report and advice thereon, provided, however, that this requirement shall be deemed to be waived if the board fail to furnish in writing its advice and report upon the proposal within 45 days after its submission thereof to it.

Sec. 5. Validity. If any section, subsection, sentence, clause or phrase of this act is held unconstitutional such decision shall not affect the validity of the remaining portions of this act. (The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.)

Emergency clause. In view of the emergency recited in the preamble this act shall take effect when approved.