

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 540

H. P. 1332

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 Providing for Municipal Planning and the Creation, Organization,
and Powers of Municipal Planning Boards.**

Emergency preamble. Whereas, a state emergency, productive of widespread 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, municipal planning boards should be instituted to coordinate with and make complete state planning, 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. Planning board; creation and appointment. Each municipality may have a planning board. The planning board of any municipality shall consist of 5 or more members, namely, the chief executive officer of the municipality (whether designated mayor, manager, selectman or by other title), a member of the chief legislative body of the municipality selected by such legislative body (whether designated council, commission, board of aldermen, selectmen, or by other title), and hereinafter referred to as "The legislative body", and 3 or more members appointed by said chief executive officer. All members of the board shall serve as such without compensation, and none of said appointive members shall hold any other public office in the municipality. The term of each of the appointive members shall be 5 years, except that the respective terms of the members first appointed shall be such that at least 1 shall expire each year. Any vacancy in an appointive membership shall be filled for the unexpired term by the chief executive officer of the municipality, who shall have authority to remove any appointive member for cause stated in writing and after public hearing.

Sec. 2. Planning board; organization, rules, staff, and finances. The board shall elect its chairman from among the appointive members. The term of chairman shall be 1 year, with eligibility for re-election. The board shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The board may appoint such employees and staff as it may deem necessary for its work, and may employ city planners and other consultants for such services as it may require. The expenditures of the board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the legislative body.

Sec. 3. Master plan. It shall be the function and duty of the board to make and adopt a master plan for the physical development of the municipality. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the board's recommendations for the said physical development, and may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterway and waterfront developments, playgrounds, airports and other public ways, grounds, places and spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or

privately owned, for water, light, power, heat, sanitation, transportation, communication and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities or terminals; a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises and of population density; the general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout of the replanning of blighted districts and slum areas. The board may from time to time amend, extend or add to the plan or carry any part or subject matter into greater detail.

Sec. 4. General purposes of the plan. In the preparation of the master plan, the board shall make careful and comprehensive surveys and studies of the existing conditions and trends, and probable future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

Sec. 5. Adoption of master plan. The board may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the board. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the board to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the board, and a copy of the plan or part thereof shall be certified to council.

Sec. 6. Miscellaneous powers of the board. The board may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the executive or legislative officials of the municipality programs for public improvements and the financing thereof. All public of-

ficials shall, upon request, furnish to the board, within a reasonable time, such available information as it may require for its work. The board, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys and place and maintain necessary monuments and marks thereon. In general the board shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

Sec. 7. Legal status of plan. Whenever the board shall have adopted the master plan of the municipality or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure or no public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality until and unless the location and extent thereof shall have been submitted to and approved by the planning board; provided, that, in case of disapproval, the board shall communicate its reasons to the legislative body, and the legislative body, by a vote of not less than $2/3$ of its entire membership, shall have the power to overrule such disapproval and, upon such overruling, the legislative body or the appropriate board or officer shall have the power to proceed; provided, however, that if the public way, ground, place, space, building, structure or utility be one the authorization or financing of which does not, under the law or charter provisions governing the same, fall within the province of the legislative body or other body or official of the municipality, then the submission to the planning board shall be by the board or official having jurisdiction, and the planning board's disapproval may be overruled by said board by a vote of not less than $2/3$ of its entire membership or by said official. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for or sale or lease of any street or other public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the board to act within 30 days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the legislative body or other submitting official.

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