

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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F. Either party may seek a review by the Superior Court of Kennebec County of a decision of the Public Employees Labor Relations Board by filing a complaint in accordance with Rule 80B of the Rules of Civil Procedure, provided the complaint shall be filed within 15 days of the effective date of the decision. Upon the filing of the complaint, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. Pending review and upon application of any party of interest, the court may grant such temporary relief or restraining order and may impose such terms and conditions as it deems just and proper; provided that the board's decision shall not be stayed except where it is clearly shown to the satisfaction of the court that substantial and irreparable injury shall be sustained or that there is a substantial risk of danger to the public health or safety. The executive director shall forthwith file in the court the record in the proceeding certified by the executive director or a member of the board. The record shall include all documents filed in the proceeding and the transcript, if any. After hearing, which shall be held not less than 7 days after notice thereof, the court may enforce, modify, enforce as so modified or set aside in whole or in part the decision of the board, except that the findings of the board on questions of fact shall be final unless shown to be clearly erroneous. Any appeal to the law court shall be the same as an appeal from an interlocutory order under section 6.

Effective October 3, 1973

CHAPTER 534

AN ACT Relating to Regional Planning.

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

Sec. 1. R. S., T. 13, § 901, amended. Section 901 of Title 13 of the Revised Statutes, as amended, is further amended by adding a new sentence at the end to read as follows:

An association of 2 or more municipalities, including a council of government and a regional planning commission, shall be incorporated by a majority of the municipal officers of each of its charter member municipalities.

Sec. 2. R. S., T. 30, § 1301, repealed and replaced. Section 1301 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1301. Membership in a regional planning commission

A county may become a member of a regional planning commission by resolution of the county commissioners, provided that such membership is authorized by the commission's bylaws and all or part of the county is located within the regional planning and development district or subdistrict served by the commission.

Sec. 3. R. S., T. 30, §§ 4501-4505, repealed. Sections 4501, 4502, 4503 and 4504 as amended, and section 4505 as enacted by section 3 of chapter 533 of the public laws of 1967, are repealed.

Sec. 4. R. S., T. 30, c. 239, sub-cc. I-A and I-B, additional. Chapter 239 of Title 30 of the Revised Statutes is amended by adding 2 new subchapters, I-A and I-B, to read as follows:

SUBCHAPTER I-A

REGIONAL PLANNING COMMISSIONS

§ 4511. Establishment

Any 7 or more municipalities, all of which are within one regional planning and development district and within one subdistrict if any, may by vote of their municipal officers join together to form a regional planning commission. The purpose of a regional planning commission shall be to promote cooperative efforts toward regional development, prepare and maintain a comprehensive regional plan, coordinate with state and federal planning and development programs and to provide planning assistance and advisory services to municipalities. In the preparation of a comprehensive plan, the public shall be given an adequate opportunity to be heard.

§ 4512. Incorporation; powers

Regional planning commissions shall be incorporated in accordance with Title 13, chapter 81, and shall possess all powers of a corporation organized without capital stock, except as limited by this subchapter.

§ 4513. Representation

The commission's governing body shall consist of representatives of each member municipality appointed by the municipal officers. Municipalities with less than 10,000 population as determined by the last Decennial Census shall have 2 representatives. Municipalities with populations greater than 10,000 as determined by the last Decennial Census shall have 2 representatives and an additional representative for each 10,000 increment in population or major part thereof over 10,000. At least one representative for each municipality shall be a municipal officer or the chief administrative official of the municipality or their designee, who shall serve at the pleasure of the municipal officers or until he ceases to hold municipal office. All other representatives shall serve for a term of 2 years and may be removed by the municipal officers for cause after notice and hearing. A permanent vacancy shall be filled for the unexpired term in the same manner as a regular appointment.

A regional planning commission may, in its bylaws, provide for voting membership of one or more counties within its regional planning and development district or subdistrict. A county shall have no more than 2 representatives. The commission may by bylaw provide for one alternate representative for each member municipality or county.

§ 4514. Bylaws; records

The commission shall adopt bylaws not inconsistent with this subchapter, designating the officers of the commission and providing for the conduct of its business.

The minutes of the proceedings of the commission shall be filed in the office of the commission and shall be public record. Copies shall be provided to the municipal officers and planning board of each member municipality.

§ 4515. Finances

The commission shall prepare an annual budget and shall determine on an equitable basis the contribution of each member municipality toward the support of the commission.

The commission may accept funds, grants, gifts and services from the government of the United States or its agencies, from the State or its departments, agencies or instrumentalities, from any other governmental unit, whether a member or not, and from private and civic sources.

§ 4516. Staff services

To avoid duplication of staffs for various regional bodies assisted by the Federal Government, a commission may provide basic administrative and research and planning services for any regional development and planning bodies presently or hereafter established in Maine.

SUBCHAPTER I-B

REGIONAL PLANNING AND DEVELOPMENT DISTRICTS

§ 4521. Regional planning and development districts

1. Districts. The Governor may designate regional planning and development districts and subdistricts for the purpose of coordinating policies, plans and programs among and within the various levels of government affecting the development of those districts or subdistricts.

2. Revisions. The Governor may, after consultation with the State Planning Office, regional planning commissions and the officers of the municipalities and counties involved, revise the district boundaries to reflect changing conditions or otherwise to fulfill the purposes of this chapter.

3. Agreements. The Governor may enter into agreements on behalf of the State with the governor of an adjoining state or with the consent of the United States Congress, with the premier of an adjoining province of Canada to establish interstate or international regional planning or development districts.

§ 4522. Planning and Program Review

1. Review authority. The Governor may designate a regional planning commission as the authorized agency to receive, review and comment on federal projects and plans affecting regional planning, coordination and development and those significant local and state projects that exceed \$200,000 in total cost and those state projects involving more than one municipality.

A. Where 2 or more contiguous regional planning commissions are affected, the following shall hold:

(1) When it is determined by the State Planning Office that a project clearly concerns the jurisdictional area of only one regional planning commission, that commission shall be the authorized review agency;

(2) When a project clearly concerns the jurisdictional area of 2 or more commissions as determined by the State Planning Office, joint receipt and review and comment shall be required.

B. When a project clearly concerns both incorporated and unincorporated areas within a district, there shall be joint receipt and review and comment by the affected regional planning commission or commissions and the Maine Land Use Regulation Commission.

C. All regional planning commission review pursuant to this subsection shall be completed within 30 days after receipt of the project information unless agreed by the requesting agency that this period be extended.

2. Planning review of federal program grant application. All applications for federal program grants affecting regional planning, coordination and development, including programs pursuant to Section 204 of the Federal Demonstration Cities and Metropolitan Development Act of 1966 and the Federal Intergovernmental Cooperation Act of 1968 and the objectives set forth in the Federal Office of Management and Budget Circular A-95, shall be submitted to the commission for review and comment and the provisions of subsection 5 shall apply.

3. Planning review of state agency long-term plans. Each state department, commission, board or agency will submit to the commission, for review and comment, all long-term comprehensive plans that will have significant regional effect within its jurisdiction. The planning commission review shall be completed within 30 days after receipt of such long-term comprehensive plan. Where 2 or more regional planning commissions coexist within a district, subsection 1 shall apply.

4. Planning review of local government and special district plans and programs. Each city, town, watershed district and soil conservation district, all or part of which lies within jurisdictional area of the commission, shall submit to the commission, for comment and recommendation thereon, its long-term comprehensive plans or any matter which in the judgment of the commission has a substantial effect on regional development, including but not limited to plans for land use. No action shall be taken to institute any such plan or part thereof for 30 days after all the relevant information has been submitted to the regional planning commission for review and comment. The commission shall notify each city or town or special district which may be affected by the plans submitted of the general nature of the plan, the date of submission and the identity of the submitting unit. The commission may conduct a hearing on the submitted plans if, in the opinion of the commission, such a hearing would be in the best interest of the region.

5. Review of applications for state-aid programs. Within each planning and development district or subdistrict in which a regional planning commission has been organized, the governing body of each governmental unit and special district shall submit to the regional planning commission for review any applications to state agencies for loans or grants-in-aid before such application is made. The regional planning commission shall determine

whether or not the proposed application is properly coordinated with other existing or proposed projects within the district, as well as any district plans or policies where such exist. In making such a determination, the commission shall within 30 days inform both the applicant agency and the granting authority of its opinion.

6. Referral of proposals for interlocal agreements or formation of special purpose districts. Before any 2 or more municipalities may join together through interlocal agreement or formation of a special purpose district under any provisions of the Revised Statutes or any special act for purposes of jointly developing or operating physical facilities and services for the performance of municipal or regional functions, such municipalities shall refer such proposal to the regional planning commission or commissions within whose areas of jurisdiction the municipalities may be located. The commission or commissions shall, within 30 days, render an advisory report of the regional significance of the proposal, unless agreed by the referring municipalities that this period be extended.

7. Notice to regional planning commission to establish or change land use zones. When a municipality proposes to establish or change a land use zone or any regulation affecting the use of a zone any portion of which is within 500 feet of the boundary of another municipality located within the jurisdiction of a regional planning commission, the municipality shall give written notice of its public hearing to be held in relation thereto. The commission shall study such proposal and shall report its findings and recommendations thereon to the municipality at or before the hearing. If such an advisory report of the commission is not submitted at or before the hearing, it shall constitute approval.

8. Local assistance.

A. The commission may make recommendations on the basis of its plans and studies to local planning boards or to the municipal officers of any member, and to any county, state or federal authorities.

B. A municipal planning board may use any part of the regional planning studies which pertain to the municipality in its own comprehensive plan.

C. The commission may assist any of its members in solving a local planning problem. All or part of the cost of local assistance may be paid by any of its members.

§ 4523. Councils of Government

For the purposes of this subchapter, regional planning commission shall also mean councils of government established pursuant to chapter 204.

Sec. 5. Transition provisions. Existing regional planning commissions shall incorporate within 2 years of the effective date of this Act, and shall provide representation and otherwise comply with the Revised Statutes, Title 30, chapter 239, subchapter 1-B, within one year of the effective date of this Act.