

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST SPECIAL SESSION**

**of the**

**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**August 21, 1989 to August 22, 1989**

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## CHAPTER 89

## H.P. 1310 - L.D. 1814

**An Act to Establish a Charter for the Northern Regional Planning Commission and the Northern Maine Regional Planning Commission**

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

**Whereas,** regional planning commissions are quasi-municipal governmental 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 Northern Regional Planning Commission and the Northern Maine Regional Planning Commission no longer respond 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. Commission charters.** Notwithstanding the provisions of the Maine Revised Statutes, Title 30-A, chapter 119, or any act of the Northern Regional Planning Commission or the Northern Maine Regional Planning Commission, the provisions of this Act shall be a charter for each of those commissions. No regional planning commission, other than as provided herein, may be established or act within the designated area of the present Northern Regional Planning Commission or the Northern Maine Regional Planning Commission, unless in conformity with this Act.

**Sec. 2. Eligibility for funds and grants.** No state or county funds may be paid to the Northern Regional Planning Commission or the Northern Maine Regional Planning Commission unless the commissions reorganize and govern themselves exclusively under this charter. It is the intent of the State that only if the Northern Regional Planning Commission and the Northern Maine Regional Planning Commission govern themselves under this charter shall they be eligible for federal funds or grants for any purpose.

**Sec. 3. Failure to reorganize.** If either the Northern Regional Planning Commission or the Northern Maine Regional Planning Commission fails to reor-

ganize and govern itself by this charter, then, on determination of such failure by the county commissioners, after notice and hearing, the commission shall cease to have the authority or status as a regional planning commission under the Maine Revised Statutes, Title 30-A, chapter 119, and all funds and assets of the commission shall be transferred to the State Planning Office. The State Planning Office shall thereafter act for all purposes and with all authority as the regional planning commission for that region. The county commissioners may petition the Superior Court to enforce this Act.

**Sec. 4. Charter.** The following shall be the charter for the Northern Regional Planning Commission and the Northern Maine Regional Planning Commission.

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

**2. Name.** Northern regional Planning Commission, Inc. may conduct business under its corporate name or as the Northern Maine Regional Planning Commission, Inc.

**3. Purposes.** The purposes of the planning commissions, 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.

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

A. Cities, towns, plantations and unorganized townships within the Northern Maine Planning and Development District that have chosen to become members in accordance with the laws made and provided therefor and that have complied with subsection 5 shall be a member of the commission. 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 representative on the commission and an additional representative for each 10,000 increment in population or a major part thereof over 10,000. City, town and plantation representatives shall be appointed by and serve at the pleasure of community officials. At least one representative

for each municipality shall be an elected official. Representatives shall have full voting privileges and shall be eligible to hold any office in the commission, except those for which remuneration is provided. Communities that are not members of the commission may be associate members and may appoint delegates to the commission. Delegates shall have no vote in the official proceedings and shall not be eligible to hold office in the commission, but may participate to any extent in the commission's activities and discussions in behalf of regional planning and developments.

B. The county commissioners shall appoint 2 representatives and one alternate representative (unorganized township representatives) to serve on the commission. The unorganized township representatives shall serve at the pleasure of the county commissioners.

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

D. The community representatives and the county representatives shall together be called member representatives.

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

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

G. The officers of the commission shall include a chair, vice-chair, secretary and treasurer. The chair and vice-chair shall be elected officials.

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

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 current state valuation of communities and the latest United States Decennial Cen-

sus count, the amount to be paid by each community within its service area. The amounts shall be submitted to the full commission, by the executive board, for review and approval at the November meeting of the commission.

B. The commission's executive board of directors and administrative staff shall recommend what they consider a reasonable contribution to the commission from the county. The amount shall be submitted to the full commission by the executive board for review and approval at the November meeting of the commission.

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

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

A. Districts shall be as follows.

(1) Commission district 1. Nine seats representing the following Aroostook County communities located within county commissioner district 1, plus the communities of Danforth, Mount Chase and Stacyville:

(a) Amity, Ashland, Bancroft, Blaine, Bridgewater, Cary Plantation, Crystal, Dyer Brook, E Plantation, Easton, Fort Fairfield, Garfield Plantation, Glenwood Plantation, Hammond, Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Macwahoc Plantation, Mars Hill, Masardis, Merrill, Monticello, Moro Plantation, Nashville Plantation, New Limerick, Oakfield, Orient, Oxbow Plantation, Reed Plantation, Sherman, Smyrna, Westfield, Weston, Danforth, Mount Chase and Stacyville;

(2) Commission district 2. Nine seats representing the following Aroostook County communities located within county commissioner district 2, plus the community of Patten:

(a) Allagash, Caribou, Castle Hill, Chapman, Eagle Lake, Mapleton, Perham, Portage Lake, Presque Isle, St. Francis, St. John Plantation, Wade, Washburn, Westmanland, Winterville Plantation and Patten; and

(3) Commission district 3. Nine seats representing the following Aroostook County

communities located within county commissioner district 3, plus all of the unorganized townships:

(a) Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, Saint Agatha, Stockholm, Van Buren, Wallagrass Plantation, Woodland, Unorganized Townships.

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

B. The representatives from each district shall, during part 2 of the annual meeting, elect by written ballot from among themselves, 9 representatives to the executive board of whom 3 shall serve a one-year term, 3 shall serve a 2-year term and 3 shall serve a 3-year term or as appropriate to maintain the balance of staggered terms.

C. After the election and installation of the executive board, the full commission shall elect by written ballot its chair, vice-chair, secretary and treasurer from among the members of the executive board. The chair and vice-chair shall be limited to serve not more than 2 consecutive one-year terms in office.

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

E. The terms of office of all executive board members shall 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 adoption of this charter, executive board members shall not serve more than 2 consecutive full 3-year terms.

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

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

The board shall be subject to the orders of the commission and none of its acts may conflict with action taken by the commission.

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

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

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

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

H. Regular meetings of the executive board shall be held 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.

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

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

**7. Commission finances.** The commission finances shall be governed as follows.

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

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

**8. Commission meetings.** Commission meetings shall be governed as follows.

A. The commission shall schedule at least 2 meetings yearly. All efforts shall be made to hold these meetings on the 2nd Monday of the months of May and November at a time and place, to be determined by the executive board, which shall best serve the convenience of the greatest number of representatives and alternates.

B. The regular meeting on the 2nd Monday in November shall be known as the annual meeting and shall be divided into 2 parts as follows: Part 1 shall be for the purpose of receiving reports of the executive board, committees, staff and for unfin-

ished business; part 2 shall be for the purpose of electing executive board members and officers and for new business.

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

D. Seven days' notice of all meetings of the commission and executive board shall be mailed to representatives and alternates, except in an emergency when, with the approval of a majority of the executive board, the chair may call a meeting on shorter notice.

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

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

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

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

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

(a) The executive board shall interview and recommend candidates to the full commission.

(b) The full commission shall review and approve the selection.

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

(a) The executive board shall recommend disciplinary action to the full commission.

(b) The full commission shall review and approve disciplinary action.

(3) Other staff shall be hired as follows.

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

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

(4) Disciplinary action against other staff shall be governed as follows.

(a) The executive director shall prescribe disciplinary action.

(b) The executive board shall review disciplinary action on appeal.

(5) A personnel manual shall be prepared as follows.

(a) The executive director shall prepare and supervise a draft of a personnel manual and amendments to that manual and shall make recommendations to the executive board.

(b) The executive board shall review and approve the personnel manual and proposed amendments.

B. The budget, contracts and loans shall be governed as follows.

(1) The annual budget shall be prepared as follows.

(a) The executive director shall prepare and supervise a draft budget and recommend a proposed budget to the executive board.

(b) The executive board shall review and recommend a proposed annual budget to the full commission.

(c) The full commission shall review and approve the annual budget.

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

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

(b) The executive board shall review and approve contracts.

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

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

(b) The executive board shall review and approve loans under \$50,000.

(c) The full commission shall review and approve loans over \$50,000.

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

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

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

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

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

(b) The executive board shall select the auditor.

(6) The salary schedule for the executive director shall be approved as follows.

(a) The executive board shall review and recommend the executive director's salary.

(b) The full commission shall review and approve the executive director's salary.

(7) The salary schedule for other staff shall be approved as follows.

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

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

C. The program management shall be governed as follows.

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

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

(b) The executive board shall review and approve the annual work program.

(2) The annual work program shall be implemented as follows.

(a) The executive director shall implement the adopted annual work program.

(b) The executive board shall supervise implementation of the adopted annual work program.

(3) An official plan and position statement shall be prepared as follows.

(a) The executive director shall prepare and supervise a draft of the official plan and position statement.

(b) The executive board shall review and approve the official plan and position statement.

(4) Additional administrative policies are set forth as follows.

(a) The executive director shall prepare and supervise a draft of the administrative policies.

(b) The executive board shall review and approve the administrative policies.

(5) The formulation of committees shall be as follows.

(a) The executive director shall recommend the formation of, supervise and prepare resolutions for executive board action.

(b) The executive board shall review and approve these resolutions.

(6) The implementation of committees shall be as follows.

(a) The executive director shall supervise staff support of committees.

(b) The executive board shall appoint members to committees.

(7) The preparation of the service policy shall be as follows.

(a) The executive director shall prepare and supervise the drafting of a service policy and amendments and make recommendations to the executive board.

(b) The executive board shall review and approve the service policy and amendments.

(8) News releases shall be released as follows.



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

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

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

A. The commission 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 commissioners 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 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 of the proposed members or 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 committees. The representatives may adopt resolutions forming special committees in the same manner in which standing committees are formed in paragraph A, or the chair of the commission, with the consent of the majority of the executive board, may create a special committee and appoint its members.

Terms of members of special committees shall continue through an annual meeting if the committee has yet to present its final report, except that representatives or alternates on a special commit-

tee whose terms on the commission expire at that annual meeting may be replaced by new representatives and alternates in the same manner in which the original appointments were made.

E. The commission may give a standing committee or special committee, by a majority vote of the commission, power to act for the commission on a specific question.

If a standing committee is to have authority to act for the commission on matters of a certain class without specific instructions from the commission, or if all business of a certain class is to be automatically referred to a standing committee, such authority may be granted only by a 2/3 vote of the commission, following previous notice of the motion.

All powers authorized in this paragraph shall expire at the end of the first part of the annual meeting but may be renewed at the 2nd part of the annual meeting in the same manner as originally voted.

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

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

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

**11. Parliamentary authority.** The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the commission in all cases when applicable and when not inconsistent with this charter and any special rule or order the commission may adopt.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective August 22, 1989.

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## CHAPTER 90

S.P. 673 - L.D. 1794

**An Act to Authorize General Fund Bond Issues  
in the Amounts of \$14,500,000 and \$35,000,000  
for Construction and Renovation of  
Correctional Facilities**