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Date: (Filing No. H-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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

COMMITTEE AMENDMENT “ ” 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

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.

