

MAINE STATE LEGISLATURE

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M.S.
R.O.S.

L.D. 1930

DATE: 4-14-64

(Filing No. S- 510)

REGIONALIZATION AND COMMUNITY COOPERATION

Reported by: **MAJORITY**

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**STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 767, L.D. 1930, Bill, "An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies"

Amend the bill by striking out everything after the title and before the concept draft summary and inserting in its place the following:

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

Sec. 1. 5 MRSA §12004-I, sub-§75-C is enacted to read:

| | | | |
|-------------------|---------------------|----------------------|------------------|
| <u>75-C.</u> | <u>Intergovern-</u> | <u>Legislative</u> | <u>30-A MRSA</u> |
| <u>State</u> | <u>mental</u> | <u>Per Diem</u> | <u>§2181</u> |
| <u>Government</u> | <u>Advisory</u> | <u>and Expenses</u> | |
| | <u>Group</u> | <u>for Legis-</u> | |
| | | <u>lators and</u> | |
| | | <u>expenses only</u> | |
| | | <u>for certain</u> | |
| | | <u>members</u> | |

Sec. 2. 30-A MRSA §2, sub-§1-A, as enacted by PL 1991, c. 541, §2, is repealed.

Sec. 3. 30-A MRSA §2, sub-§1-B, as amended by PL 2001, c. 161, §1 and affected by §2, is repealed.

Sec. 4. 30-A MRSA §71, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

COMMITTEE AMENDMENT

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2 **Sec. 5. 30-A MRSA §401, sub-§3**, as enacted by PL 1987, c. 737,
Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2;
4 and c. 104, Pt. C, §§8 and 10, is repealed.

6 **Sec. 6. 30-A MRSA §701, sub-§3**, as amended by PL 1989, c. 6;
c. 9, §2; c. 23; and c. 104, Pt. C, §§8 and 10, is further
8 amended to read:

10 **3. Public hearing.** The county ~~commissioner~~ commissioners
shall hold a public hearing in the county on these estimates
12 before December 31st. They shall publish a notice of the hearing
at least 10 days before the hearing in a newspaper of general
14 circulation within the county. Written notice and a copy of the
estimates ~~shall~~ must be sent by mail or delivered in person to
16 the clerk of each municipality in the county ~~and to each member~~
~~of the county legislative delegation~~ at least 10 days before the
18 hearing. The municipal clerk shall notify the municipal officers
of the receipt of the estimates.

20 **Sec. 7. 30-A MRSA §701, sub-§4**, as amended by PL 1989, c. 6;
22 c. 9, §2; c. 23; and c. 104, Pt. C, §§8 and 10, is repealed.

24 **Sec. 8. 30-A MRSA §702**, as repealed and replaced by PL 2003,
c. 105, §2 and amended by c. 178, §1, is repealed and the
26 following enacted in its place:

28 **§702. Estimates recorded and sent to State Auditor**

30 The county clerk shall record the estimates made under
section 701. A copy of the estimates must be signed by the chair
32 of the county commissioners and attested to by the county
commissioners' clerk. On or before the first day of each
34 January, the clerk shall transmit that copy to the State Auditor,
who shall retain the copy for 3 years. These records are a
36 public record at the office of the county commissioners in the
county that submitted those records.

38 **Sec. 9. 30-A MRSA §1321**, as enacted by PL 1987, c. 737, Pt.
40 A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2 and
c. 104, Pt. C, §§8 and 10, is further amended by inserting a new
42 first paragraph to read:

44 A charter commission may be initiated by the county
commissioners or by petition by voters according to the methods
46 established in subsections 1 and 2.

48 **Sec. 10. 30-A MRSA §1321, sub-§5**, as enacted by PL 1987, c.
737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
50 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

R. of S.

2 **Sec. 11. 30-A MRSA §1352, sub-§1**, as enacted by PL 1987, c.
3 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
4 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

6 **1. Application.** ~~In--these--counties--that--adopt--county~~
7 ~~charters~~ If a county adopts a charter, the following general laws
8 and laws related to that county do not apply if the charter
9 provides for that function:

10 A. Sections 2, 52 and 53;

12 B. Chapter 1, subchapter ~~II~~ 2, sections 61 to 82;

14 C. Chapter 1, subchapter ~~III~~ 3, sections 151 to 162;

16 D. Section 201; and

18 D-1. Chapter 3, subchapter 1, sections 701 to 900-E; and

20 E. Title 33, sections 601 to 608.

22 **Sec. 12. 30-A MRSA c. 114** is enacted to read:

24 **CHAPTER 114**

26 **INTERGOVERNMENTAL COOPERATION**

28 **§2181. Intergovernmental Advisory Group**

30 The Intergovernmental Advisory Group, established by Title
32 5, section 12004-I, subsection 75-C and referred to in this
34 chapter as "the advisory group," shall work on ways to improve
36 communication, cooperation and efficiencies within all 3 branches
37 of government and provide state assistance to encourage
38 regionalization and cost-effective service delivery.

39 **1. Advisory group membership.** The advisory group consists
40 of the following 17 members:

42 A. One member of the Senate appointed by the President of
43 the Senate;

44 B. One member of the House of Representatives who is not a
46 member of the same political party as the Senator appointed
47 under paragraph A, appointed by the Speaker of the House;

48 C. Three members who must be state agency or department
49 heads or their designees, appointed by the Governor. The

10/25

COMMITTEE AMENDMENT "A" to S.P. 767, L.D. 1930

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Governor may appoint the fiscal administrator of the unorganized territory in lieu of an agency or department head;

D. Five members appointed by the Governor who represent regional governments, 3 of whom must be county officials recommended by a statewide association of county commissioners and 2 of whom must represent regional planning agencies, councils of government or other regional bodies;

E. Five members appointed by the Governor who represent local government, 3 of whom must be municipal officials recommended by a statewide municipal association and 2 of whom must represent school administrative units or other special-purpose districts that represent 2 or more municipalities; and

F. Two members appointed by the Governor who represent nongovernmental entities with experience in regionalization, consolidation and customer service, one from the not-for-profit sector and one from the for-profit sector.

In selecting members of the advisory group, the Governor shall make every effort to ensure that different regions of the State are represented.

2. Chairs. The 2 legislative members of the advisory group are the cochairs.

3. Terms of appointment. The terms of appointment are as follows.

A. Of the initial gubernatorial appointments, 5 must be for terms of 3 years, 5 must be for terms of 2 years and 5 must be for terms of one year.

B. Subsequent gubernatorial appointments must be for terms of 3 years, except that, if a member is unable to complete the term, the Governor shall appoint a person to serve out the remainder of the unexpired term.

C. The term for an elected official must be for the term of office of the person appointed.

D. A member may not serve for more than 6 years. A member may continue to serve until a replacement is designated.

4. Duties. The advisory group shall:

A. Study ways to reduce duplication and improve efficiency

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- 2 among all 3 branches of State Government as well as within
3 each branch;

- 4 B. Promote communication, cooperation and efficient
5 delivery of services, including collecting data on current
6 efforts to regionalize service delivery statewide;

- 8 C. Design and implement processes by which the State may
9 offer guidance, technical support and incentives to
10 encourage regionalization and efficiency of service delivery
11 by all 3 branches of government;

- 12 D. Work with local and regional entities to design and
13 implement pilot programs that result in cost savings or
14 improved services through regionalization or other
15 efficiency efforts;

- 18 E. Identify best management practices and make this
19 information available to the public;

- 20 F. Prepare legislation for submission to the Legislature to
21 implement any recommendations of the advisory group on or
22 before December 1st annually; and

- 24 G. Report to the joint standing committee of the
25 Legislature having jurisdiction over state and local
26 government matters annually in January on the activities and
27 effectiveness of the group and recommend changes to the
28 group's organizational structure.

- 30 5. Meetings. The advisory group must meet 4 times a year
31 and may not meet more than 8 times a year.

- 34 6. Attendance. If a member of the advisory group fails to
35 notify the chairs about an absence from a meeting more than one
36 time, the original appointing authority may appoint a replacement.

- 38 7. Staff assistance. The advisory group shall establish a
39 method for determining the funding for and provision of staff and
40 support services.

- 42 8. Funding. The advisory group is authorized to seek,
43 accept and expend funding to carry out the advisory group's
44 program activities, subject to approval by the joint standing
45 committee of the Legislature having jurisdiction over state and
46 local government matters. All funds accepted must be forwarded
47 to the Executive Director of the Legislative Council, who shall
48 administer any funds received by the advisory group.

COMMITTEE AMENDMENT

2 **9. Compensation.** Legislative members of the commission are
3 entitled to receive the legislative per diem as defined in Title
4 3, section 2 and reimbursement for expenses according to Title 5,
5 section 12004-I, subsection 75-C. Public members not otherwise
6 compensated by their employers or other entities that they
7 represent are entitled to receive reimbursement of necessary
8 expenses incurred for their attendance at authorized meetings of
9 the advisory group.

10 **10. Quorum; actions.** A quorum is a majority of the members
11 of the committee. An affirmative vote of the majority of the
12 members present at a meeting is required for any action.

13 **Sec. 13. 30-A MRSA §2201,** as enacted by PL 1987, c. 737, Pt.
14 A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and
15 c. 104, Pt. C, §§8 and 10, is further amended to read:

16 **§2201. Purpose**

17 It is the purpose of this chapter to permit ~~municipalities~~
18 ~~public agencies, as defined in section 2202, including, but not~~
19 ~~limited to, municipalities, counties, school administrative units~~
20 ~~and state agencies,~~ to make the most efficient use of their
21 powers by enabling them to cooperate with ~~other municipalities~~ on
22 a basis of mutual advantage and thereby to provide services and
23 facilities in a manner and pursuant to forms of governmental
24 organization that will accord best with geographic, economic,
25 population and other factors influencing the needs and
26 development of ~~local~~ communities.

27 **Sec. 14. 30-A MRSA §2202, sub-§1, ¶A,** as amended by PL 1993,
28 c. 279, §1, is further amended to read:

29 A. Any political subdivision of the State, as defined in
30 section 2252, or any adjoining state; or

31 **Sec. 15. 30-A MRSA §2202, sub-§1, ¶B,** as enacted by PL 1987,
32 c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6;
33 c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed.

34 **Sec. 16. 30-A MRSA §7209, sub-§4,** as enacted by PL 2003, c.
35 297, §6, is amended to read:

36 **4. Limitation.** If the voters of a municipality reject
37 deorganization in an ~~advisory referendum~~ a vote held pursuant to
38 this section, the municipality may not submit a deorganization
39 plan to the Legislature for a period of 3 years from the date of
40 that ~~advisory referendum~~ vote.

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COMMITTEE AMENDMENT "A" to S.P. 767, L.D. 1930

2 Sec. 17. Appropriations and allocations. The following appropriations and allocations are made.

4 LEGISLATURE

6 Legislature

8 Initiative: Provides funds for the per diem and expenses of the legislative members of the Intergovernmental Advisory Group.

| | | | |
|----|---------------------|----------------|----------------|
| 10 | General Fund | 2003-04 | 2004-05 |
| 12 | Personal Services | \$0 | \$880 |
| 14 | All Other | 0 | 2,350 |
| | | <hr/> | <hr/> |
| 16 | General Fund Total | \$0 | \$3,230 |

16 Legislature

18 Initiative: Allocates funds in the event that additional dedicated revenue is received to carry out the advisory group's program activities.

| | | | |
|----|------------------------------------|----------------|----------------|
| 22 | Other Special Revenue Funds | 2003-04 | 2004-05 |
| 24 | Personal Services | \$0 | \$500 |
| 26 | Other Special Revenue Funds Total | <hr/> \$0 | <hr/> \$500 |

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| | | | |
|----|------------------------------|----------------|----------------|
| 30 | DEPARTMENT TOTALS | 2003-04 | 2004-05 |
| 32 | GENERAL FUND | \$0 | \$3,230 |
| 34 | OTHER SPECIAL REVENUE FUNDS | 0 | 500 |
| | | <hr/> | <hr/> |
| 36 | DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$3,730' |

38 SUMMARY

40 This amendment creates the Intergovernmental Advisory Group to improve efficiencies and communication within all 3 branches of government and to provide state assistance to encourage regionalization and cost-effective service delivery. The amendment removes the requirement for county residents to vote to create a charter commission. It removes references to county commissioner meeting requirements, salaries for county officials and legislative delegation involvement in the county budget

COMMITTEE AMENDMENT

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2 estimate process. It allows county charters to include
provisions for the county budget committee process. It clarifies
4 that interlocal cooperative agreements may be established among
public agencies.

6

FISCAL NOTE REQUIRED
(See attached)

8

**121st Maine Legislature
Office of Fiscal and Program Review**

**LD 1930**

**An Act To Promote Intergovernmental Cooperation, Cost Savings and
Efficiencies**

LR 2846(02)

**Fiscal Note for Bill as Amended by Committee Amendment 'A'
Committee: Joint Select Committee on Regionalization and Community
Cooperation**

Fiscal Note Required: Yes

Fiscal Note

| | 2003-04 | 2004-05 | Projections 2005-06 | Projections 2006-07 |
|-----------------------------------|----------------|----------------|--------------------------------|--------------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$0 | \$3,230 | \$3,230 | \$3,230 |
| Appropriations/Allocations | | | | |
| General Fund | \$0 | \$3,230 | \$3,230 | \$3,230 |
| Other Special Revenue Funds | \$0 | \$500 | \$0 | \$0 |
| Revenue | | | | |
| Other Special Revenue Funds | \$0 | \$500 | \$0 | \$0 |

Fiscal Detail and Notes

Establishing an ongoing Intergovernmental Advisory Group will require a General Fund appropriation to the Legislature in the amount of \$3,230 annually beginning in fiscal year 2004-05. This appropriation provides funds for the per diem and expenses of legislative members of the advisory group. The Department of Audit can absorb the costs associated with filing estimates from the county commissioners. This legislation also authorizes the advisory group to seek outside sources of funding and may result in the collection of Other Special Revenue funds beginning in fiscal year 2004-05. A base allocation of \$500 in fiscal year 2004-05 is included to authorize expenditures from dedicated revenue in the event funds are received. This fiscal note assumes that staffing will not be required from the Legislature.