

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 532

H. P. 472

House of Representatives, January 29, 1981

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Gowen of Standish.

Cosponsor: Representative A. Brown of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify the Authority of Councils of Government.

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

Sec. 1. 30 MRSA H 1983, sub-§ 5 is enacted to read:

5. Exercise of power. The council may, on behalf of one or more member municipalities and upon appropriate action of the governing bodies of one or more member municipalities, exercise any power, privilege or authority capable of exercise by a member municipality, except essential legislative powers, taxing authority or eminent domain power. This authority is in addition, and supplemental to, any other authority granted to municipalities by the general laws and this chapter shall be liberally construed toward the end of enabling councils to implement municipal programs and services on behalf of member municipalities while avoiding the creation of special districts or other legal or administrative entities to accomplish these purposes.

Sec. 2. 30 MRSA § 1986, sub-§ 4 is enacted to read:

4. Borrowing. To accomplish the purposes of this chapter and for paying any indebtedness and any necessary expenses and liabilities incurred therefor, the council may borrow money and issue therefor its negotiable notes having such terms and provisions as the governing body of the council determines. The council may contract with one or more member municipalities for the receipt of funds to

accomplish any of the purposes authorized by this chapter and may incur indebtedness in anticipation of the receipt of those funds by issuing its negotiable notes payable in not more than one year, which notes may be renewed from time to time by the issue of other notes, provided that no notes may be issued or renewed in an amount which at the time of issuance or renewal exceeds the amount of funds remaining to be paid under contracts with one or more member municipalities.

STATEMENT OF FACT

The purpose of this bill is to permit local councils of governments to act on behalf of its members to carry out activities that would normally require an interlocal cooperation agreement without its first having to seek the approval of the Attorney General. It would also enable the councils to borrow money for equipment that might be needed by several of its members, on the basis of agreements concluded among these members.