

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 835

H. P. 710

House of Representatives, February 12, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Jackson of Yarmouth.

Cosponsors: Representative Huber of Falmouth, Representative Benoit of South Portland, Representative H. Higgins of Portland.

STATE OF MAINE

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

AN ACT to Clarify the Authority of Councils of Governments.

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

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

5. **Authority.** 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 shall be 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 such 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 enable smaller communities, joined together in a council of governments, to perform their municipal responsibilities in an economic fashion by pooling their resources and equipment. This purpose would be carried out through the council which would serve as a vehicle for coordinating and financing these functions for its members, without going through the cumbersome process of an interlocal agreement.