

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1777

S.P. 598

In Senate, April 10, 1997

**An Act to Permit the Creation of Cooperative Municipal Fire Districts.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.  
Cosponsored by Representative GAGNON of Waterville and  
Representatives: KANE of Saco, MADORE of Augusta.

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

2           **Sec. 1. 30-A MRSA c. 164** is enacted to read:

4   **CHAPTER 164**

6   **COOPERATIVE FIRE DISTRICTS**

8           **§3531. Definitions**

10                   As used in this chapter, unless the context otherwise  
12 indicates, the following terms have the following meanings.

14           1. **District.** "District" or "fire district" means a  
16 district created by vote of a group of municipalities for the  
purpose of providing fire protection within the municipalities.

18           **§3532. Formation; powers**

20           1. **Formation.** By vote of its legislative body, any  
22 municipality, in cooperation with one or more other  
municipalities, may form a district for the purposes provided in  
24 this chapter.

26           2. **General powers; area of service.** The district formed  
28 under subsection 1 is a body politic and corporate, and may sue,  
be sued, plead and be impleaded, adopt a name, adopt and alter a  
30 common seal and do all things necessary to furnish fire  
protection within that district.

32           3. **Incidental rights.** All incidental powers, rights and  
34 privileges necessary to accomplish the main objective set forth  
in this chapter are granted to a district created under this  
chapter.

36           **§3533. Management**

38           The affairs of a district formed under section 3532 are  
40 managed by a board of directors chosen from the inhabitants of  
the municipalities comprising the district.

42           1. **Number of directors.** Each member municipality is  
44 entitled to one director for each 5,000 inhabitants of the  
municipality or fraction of that number, as determined by the  
46 latest Federal Decennial Census.

48           2. **Appointment; terms; quorum.** The municipal officers of  
50 each member municipality shall appoint the directors of the fire  
district. Initially, the directors' terms of office must be  
determined by lot at their first organizational meeting as

2 follows: One-third of those appointed shall serve for 3 years,  
3 1/3 for 2 years and the remaining number for one year. All  
4 subsequent appointments are for a term of 3 years. Directors  
5 shall serve until their successors have been appointed, with  
6 vacancies being filled for the unexpired portion of the  
7 respective terms.

8 A majority of the directors constitutes a quorum for the  
9 transaction of business. Action taken by 2/3 of the directors  
10 present at any meeting at which a quorum is in attendance is  
11 considered to be the action of the full board of directors.

12 **§3534. Officers; meetings; employees**

13  
14 1. Officers; bylaws. The directors shall elect from among  
15 themselves a president, treasurer, clerk and any other officers  
16 that they desire and shall adopt bylaws and regulations for the  
17 conduct of the district's affairs.

18  
19 2. Meetings. The directors shall meet at least 4 times a  
20 year, or more often if required by the bylaws, and upon the call  
21 of the president. The president shall call any other meetings  
22 that are requested in writing directed to the president and  
23 signed by at least 1/3 of the directors.

24  
25 3. District manager; employees. The directors shall  
26 appoint and fix the salary of a fire chief who may not be a  
27 director. The fire chief is the chief executive officer of the  
28 district. The fire chief shall appoint any other employees that  
29 are required for district purposes and fix the salaries of those  
30 employees. The directors may, by resolution, indicate which  
31 appointments by the fire chief and salaries established by the  
32 fire chief require confirmation by the board of directors.

33  
34 4. Municipal status. For all employment-related purposes,  
35 a district must be considered a municipality, and the employees  
36 of the district must be treated as employees of a municipality  
37 for all employment-related purposes, including labor relations  
38 and retirement purposes.

39 **§3535. Interest in contracts**

40  
41 A director, officer or employee of the district may not be  
42 interested directly or indirectly in any contract entered into by  
43 or in behalf of a district for work or material, or the purchase  
44 of material, or in any property acquired or to be acquired by the  
45 district. A contract made in violation of this section is void.

46  
47 **§3536. Certificate of organization**

2       After its organization, the district shall file a  
3 certificate with the Secretary of State setting forth the  
4 following information:

6       1. Name. Name of the district;

8       2. Purposes. Purposes of the district;

10       3. Municipalities included. Municipalities included within  
11 the district;

12       4. Location. Location of the principal office;

14       5. Names of directors. Number and names of the directors  
15 and their addresses; and

16       6. Names of officers. Names and addresses of the officers.

18       The certificate must be signed by the president and  
19 treasurer and a majority of the directors, and the president or  
20 treasurer shall swear that the signatures set forth in the  
21 certificate are true. As changes occur, the district shall file  
22 an amended certificate with the Secretary of State setting forth  
23 those changes.

26       **§3537. Powers of directors**

28       The directors of a district may exercise all powers  
29 necessary to carry out the purposes of this chapter.

30       **§3538. Estimate of expenditures; contributions; budget**

32       1. Estimate of expenditures and revenues. By November 1st  
33 of each year, the board of directors shall prepare and submit to  
34 the municipal officers of the municipalities comprising the  
35 district an itemized estimate of expenditures and revenues for  
36 the following calendar year, which must be the fiscal year. This  
37 estimate must include the following:

40       A. An itemized estimate of anticipated revenues during the  
41 ensuing fiscal year from each source;

42       B. An itemized estimate of expenditures for each  
43 classification for the ensuing fiscal year, including  
44 payments of principal and interest on bonds or notes issued  
45 or to be issued by the district;

48       C. After the first year of operation, an itemized statement  
49 of all actual receipts from all sources, up to and including  
50 September 30th of the current fiscal year, with estimated

2           receipts from those sources shown for the balance of the  
3           year;

4           D. After the first year of operation, an itemized statement  
5           of all actual expenditures, up to and including September  
6           30th of the current fiscal year, with estimated expenditures  
7           shown for the balance of the year; and

8           E. An estimate of revenue surplus or deficit of the  
9           district for the fiscal year for which estimates are being  
10           prepared.

11           2. Determination of municipal contributions. Each year,  
12           before submitting the estimates required by subsection 1 to the  
13           municipal officers, the board of directors of the district, by a  
14           2/3 vote of its entire membership, shall establish a formula for  
15           contributions to be made by each municipality in order to defray  
16           any projected deficit. This formula and estimated amount of the  
17           contribution required from each municipality must be based on  
18           population and shown in the estimates filed with the municipal  
19           officers of each municipality.

20           3. Budget; payment of allocations. By March 1st of each  
21           year, the board of directors shall adopt a final budget for that  
22           year which must be itemized in the same manner as the estimate of  
23           expenditures and revenues under subsection 1. This budget must  
24           be submitted immediately to the municipal officers of the  
25           municipalities comprising the district, and the amounts allocated  
26           to each municipality to defray any projected revenue deficit in  
27           the budget must be included in the warrant to the assessors of  
28           each municipality as provided in section 3539.

29           §3539. Warrant for taxes

30           1. Warrant. Before April 1st of each year, the directors  
31           shall issue their warrant in the same form as the warrant of the  
32           Treasurer of State for taxes, with proper changes, to the  
33           assessors of the municipalities comprising the district. The  
34           warrant must require the municipalities to assess the sum  
35           allocated to each municipality for payment of the costs of the  
36           district upon the taxable estates within those municipalities and  
37           to commit their assessment to the constable or collector of the  
38           municipalities. The constable or collector has all the authority  
39           and powers to collect these taxes as is vested by law to collect  
40           state, county and municipal taxes. Within 30 days after the date  
41           fixed by the municipality on which its taxes are due, the  
42           treasurer of the municipality shall pay the amount of the tax  
43           assessed under this section to the treasurer of the district.  
44

2        2. Failure to pay. If the treasurer of a municipality  
3        fails to pay the sum assessed under this section, or fails to pay  
4        any part of the sum by the date set in the year in which the tax  
5        is levied, the treasurer of the district may issue a warrant for  
6        the amount of the tax, or so much of the tax as remains unpaid,  
7        to the sheriff of the appropriate county, requiring the sheriff  
8        to levy by distress and sale on real and personal property of any  
9        of the inhabitants of the municipality. The sheriff or a deputy  
10       shall execute the warrant.

#### 12        **§3540. Withdrawal**

14        A municipality may withdraw from the district at the end of  
15        a fiscal year, after it has given the board of directors at least  
16        one year's written notice of its intention to do so. The  
17        municipality must pay its proportionate share of the current  
18        indebtedness of the district before withdrawal and must agree by  
19        appropriate written document to pay its proportionate share of  
20        any long-term indebtedness of the district as that indebtedness  
21        becomes due and payable. During the period of notice, the  
22        withdrawing municipality does not become liable for any capital  
23        expenditures or borrowings that may be made by the district. The  
24        proportionate share of the withdrawing municipality in any  
25        current and long-term indebtedness of the district must be in  
26        accordance with the formula then in effect for payment of the  
27        current and long-term indebtedness.

#### 28        **§3541. Dissolution**

30        At such time as a district has discharged all of its  
31        obligations and paid or provided for the payment of all of its  
32        bonded indebtedness, the board of directors, by 2/3 vote of its  
33        membership, may dissolve the district and dispose of all of its  
34        property, real and personal, in the manner authorized and  
35        directed by the board of directors. The treasurer may execute  
36        any deeds, bills of sale or documents required for that purpose.  
37        All money, if any, remaining in the hands of the treasurer of the  
38        district must be paid to the municipalities comprising the  
39        district as of the date of dissolution in accordance with the  
40        formula then in effect for the payment of any operating deficit.

#### 44    **SUMMARY**

46        This bill provides for the establishment of cooperative  
municipal fire districts.