

MAINE STATE LEGISLATURE

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MAJORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1617, L.D. 2244, Bill, "An Act to Encourage Intergovernmental Cooperation"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 30-A MRSA §107, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§107. Services to municipalities

~~The county commissioners of each county may contract with municipalities within the county to provide services that either a county or a municipality may perform. Under such a contract, the county commissioners may also contract with other political subdivisions of the State, quasi-municipal corporations, any agency or instrumentality of the State or with private enterprises, to enable or assist in performing all or part of the services contracted for by a municipality. In addition to any service authorized by or required of counties in this Title, the county commissioners of each county may develop and contract to provide any service that a municipality may perform. The county commissioners may develop such a service prior to executing a contract with a municipality but, unless otherwise provided for in this Title, may deliver the service only upon a contract with one or more municipalities or others as described in subsection 4. The county commissioners may contract with municipalities, other political subdivisions of the State, regional planning councils, councils of government, quasi-municipal corporations, any agency or instrumentality of the State or private enterprises to enable the county to perform or to assist the county in the performance of all or part of the services contracted for by a municipality.~~

COMMITTEE AMENDMENT

2 **1. Municipal action required.** The legislative body of any
4 municipality entering into a contract under this section must
take appropriate action by ordinance, resolution or other action
pursuant to law before the contract takes effect.

6 **2. Contents of contract.** Any contract with a municipality
8 must specify the following:

10 A. Its duration;

12 B. Its purpose;

14 C. The manner and amount of financing for the contracted
services and maintaining a budget;

16 D. The scope and nature of the services to be performed by
18 the county;

20 E. The manner of administering the performance of the
contract and the methods and extent of municipal control of
22 that administration;

24 F. The manner of acquiring, holding and disposing of real
and personal property acquired or used in performing the
26 contract;

28 G. Any limitations on the county commissioners' power to
contract with other political subdivisions, quasi-municipal
30 corporations, agencies, instrumentalities or enterprises to
perform the services specified in the municipal-county
32 contract, including the duties and activities that may be
contracted for by the county;

34 H. The method of partial or complete termination of the
36 contract and the obligations and responsibilities of each
party on termination; and

38 I. Any other necessary and proper matters.

40 **3. Filing.** A copy of the contract shall must be filed with
42 the clerk of each municipality that is a party to the contract
and in the office of the county commissioners.

44 **4. Municipalities and others served.** The county may
46 provide services to municipalities and other public and private
entities in the county or another county. Unless otherwise
48 provided for in this Title, a county may not require

municipalities or other entities to subscribe to, contract for or participate in any service under this section.

5. Fees. The cost of developing and providing the service must be borne by those municipalities or other public or private entities using the service or by other means, but must not in any way be borne by the tax for which municipalities are assessed pursuant to section 706.'

Further amend the bill by striking out all of section 6 and inserting in its place the following:

'Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

LEGISLATURE

Task Force on Intergovernmental Cooperation

Personal Services	\$1,320
All Other	1,200

Provides funds for the per diem and expenses of legislative members of the Task Force on Intergovernmental Cooperation. These funds may not be made available for per diem or expenses for nonlegislative members of the task force.

**LEGISLATURE
TOTAL**

\$2,520'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

1998-99

APPROPRIATIONS/ALLOCATIONS

General Fund	\$2,520
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REVENUES

2 General Fund (\$105,383)

4 The phased-in increase in the county share from the General
6 Fund share of the Real Estate Transfer Tax will decrease General
8 Fund revenue by \$105,383 in fiscal year 1998-99, \$445,327 in
10 fiscal year 1999-2000 and \$859,358 in fiscal year 2000-01. The
12 reductions of General Fund revenue will increase until fiscal
year 2003-04 when the phased-in increase of the county share is
complete. The estimated annual reductions of General Fund
revenue at that time will be \$1,981,000.

14 The Legislature will incur additional costs totaling \$2,520
16 annually beginning in fiscal year 1998-99 for the per diem and
18 expenses of the legislative members of the Task Force on
Intergovernmental Cooperation. This bill includes a General Fund
appropriation of \$2,520 in fiscal year 1998-99 for these costs.

20 This bill also authorizes the State Planning Office to
22 provide grants to county governments for pilot projects, but does
24 not provide funding for these grants. In the event funding
26 becomes available, the additional costs associated with
administering the grant program can be absorbed by the State
Planning Office utilizing existing budgeted resources.

28 The Governor's proposed 1998-1999 supplemental budget, L.D.
30 1950 as amended by the Bureau of the Budget change packages,
32 includes \$500,000 in fiscal year 1998-99 for intergovernmental
34 grants. That level of funding is provided through a General Fund
appropriation of \$120,541 and an Other Special Revenue allocation
of \$379,459. L.D. 1950 as amended by the Bureau of Budget also
includes statutory changes to the distribution of the real estate
transfer tax that will conflict with the changes in this bill.'

36

38 **SUMMARY**

40 This amendment deletes the \$500,000 appropriation for grants
42 to counties for pilot projects, but retains the language
44 authorizing the State Planning Office to provide grants from
46 other funds available. It also removes authorization for
counties to contract with unorganized townships under this law.
The amendment replaces the fee section to clarify that county
taxes may not be used to fund development of or provision of
these services.

48

COMMITTEE AMENDMENT