

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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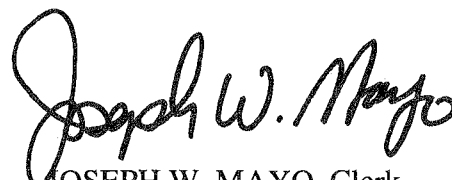
House of Representatives, March 3, 1998

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**An Act to Encourage Intergovernmental Cooperation.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Bangor. (GOVERNOR'S BILL)

Cosponsored by Senator GOLDTHWAIT of Hancock and

Representatives: SANBORN of Alton, SPEAR of Nobleboro, TRIPP of Topsham, Senators:  
FERGUSON of Oxford, NUTTING of Androscoggin.

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

2  
4       **Sec. 1. 30-A MRSA §107**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6       **§107. Services to municipalities**

8       ~~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.~~

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12  
14  
16       1. **Municipal action required.** The legislative body of any 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.

18  
20  
22       2. **Contents of contract.** Any contract with a municipality must specify the following:

24           A. Its duration;

26           B. Its purpose;

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

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

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

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

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

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

6 I. Any other necessary and proper matters.

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

12 4. Authorization. In addition to any service authorized by  
or required of counties in this Title, the county commissioners  
14 of each county may develop and contract to provide any service  
that a municipality may perform. The county commissioners may  
16 develop such a service prior to executing a contract with a  
municipality but, unless otherwise provided for in this Title,  
18 may deliver the service only upon a contract with one or more  
municipalities or others as described in subsection 5. The  
20 county commissioners may contract with municipalities, other  
political subdivisions of the State, regional planning councils,  
22 councils of government, quasi-municipal corporations, any agency  
or instrumentality of the State or private enterprises to enable  
24 the county to perform or to assist the county in the performance  
of all or part of the services contracted for by a municipality.

26 5. Municipalities and others served. The county may  
provide services to municipalities, unorganized townships and  
28 other public and private entities in the county or another  
county. Unless otherwise provided for in this Title, a county  
30 may not require municipalities, unorganized townships or others  
to subscribe to, contract for or participate in any service under  
32 this section.

34 6. Fees. A municipality, unorganized township or other  
public or private entity using the service offered by the county  
36 under this section must be assessed for the cost of that  
service. When more than one municipality, unorganized township  
38 or other entity shares a service, the costs must be divided  
equitably among them by taking into account the nature,  
40 frequency, relative volumes or amounts of materials and other  
relevant features of the service required. The costs must  
42 include the costs of developing the service.

44 **Sec. 2. 36 MRSA §4641-B, 5th ¶,** as amended by PL 1997, c. 504,  
§9, is repealed and the following enacted in its place:

46  
48 On or before the 10th day of each month, each register of  
deeds shall pay over to the State Tax Assessor a percentage of  
the tax collected during the previous month based on the  
50 following schedule:

2        1. Payments in 1999. Beginning February 1999, 87.5% of the  
4        tax collected. The remaining 12.5% is retained by the county by  
6        the register of deeds and recorded by the county treasurer as  
      reimbursement for services rendered by the county in collecting  
      the tax;

8        2. Payments in 2000. Beginning February 2000, 84% of the  
10       tax collected. The remaining 16% is retained by the county by  
12       the register of deeds and recorded by the county treasurer as  
      reimbursement for services rendered by the county in collecting  
      the tax;

14       3. Payments in 2001. Beginning February 2001, 81% of the  
16       tax collected. The remaining 19% is retained by the county by  
18       the register of deeds and recorded by the county treasurer as  
      reimbursement for services rendered by the county in collecting  
      the tax;

20       4. Payments in 2002. Beginning February 2002, 78% of the  
22       tax collected. The remaining 22% is retained by the county by  
24       the register of deeds and recorded by the county treasurer as  
      reimbursement for services rendered by the county in collecting  
      the tax; and

26       5. Payments in 2003. Beginning February 2003, 75% of the  
28       tax collected. The remaining 25% is retained by the county by  
30       the register of deeds and recorded by the county treasurer as  
      reimbursement for services rendered by the county in collecting  
      the tax.

32       **Sec. 3. 36 MRSA §4641-B, last ¶,** as amended by PL 1997, c. 24,  
34       Pt. C, §7, is repealed and the following enacted in its place:

36       The State Tax Assessor shall pay all net receipts to the  
38       Treasurer of State, who shall pay monthly to the Maine State  
40       Housing Authority an amount equal to 22.5% of the total tax  
42       collected by the registers of deeds, which amount must be  
      deposited in the Housing Opportunities for Maine Fund, created in  
      Title 30-A, section 4853. The Treasurer of State shall credit  
      the remainder of the net receipts to the General Fund.

44       **Sec. 4. Task Force on Intergovernmental Cooperation, legislative**  
46       **membership.** When the Legislature receives notice from the  
48       Director of the State Planning Office that the Task Force on  
      Intergovernmental Cooperation has been established through the  
      execution of a memorandum of agreement subscribed to by the  
      Governor, by the Maine County Commissioners' Association and by  
      the Maine Municipal Association, 4 members from the Legislature

must be appointed to serve on the task force, as follows:

1. Two members of the Senate, one of whom is from the minority party, appointed by the President of the Senate; and

2. Two members of the House of Representatives, one of whom is from the minority party, appointed by the Speaker of the House.

**Sec. 5. County government pilot projects.** The State Planning Office is authorized to provide financial grants to county governments for pilot projects that provide services to 3 or more municipal governments in a way that will reduce the cost of such services to taxpayers, increase the effectiveness of such services or provide a service not currently available to those municipalities.

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

1998-99

**LEGISLATURE**

**Legislative membership on  
the Task Force on  
Intergovernmental Cooperation**

Personal Services	\$2,000
All Other	1,000

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

**LEGISLATURE  
TOTAL**

\$3,000

**EXECUTIVE DEPARTMENT**

**State Planning Office**

All Other	\$500,000
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Provides funds for pilot projects conducted by county governments to provide joint services to municipal governments.

2	<b>EXECUTIVE DEPARTMENT</b>	
	<b>TOTAL</b>	<u>\$500,000</u>
4		
6	<b>TOTAL APPROPRIATION</b>	<u>\$503,000</u>

8

### SUMMARY

10

12 This bill clarifies the authority of counties to develop and  
 14 contract to provide to municipalities and other entities any  
 16 service that a municipality may perform, as long as such  
 contractual services are entered into voluntarily and all costs  
 associated with a contractual service are borne equitably only by  
 those municipalities and other entities using the service.

18

20 The bill requires the appointment of 4 members of the  
 22 Legislature to the Task Force on Intergovernmental Cooperation  
 upon the Legislature's receiving notice that the task force has  
 been established by memorandum of agreement among the Governor,  
 the Maine County Commissioners' Association and the Maine  
 Municipal Association.

24

26 The bill increases the share of real estate transfer taxes  
 28 retained by counties from 10% to 25%, phased in over a period  
 from 1999 to 2003. This increase will not affect the share of  
 real estate transfer taxes transferred to the Maine State Housing  
 Authority.

30

32 The bill provides for the funding of \$500,000 in fiscal year  
 1998-99 for pilot projects conducted by county governments to  
 provide municipal services to municipal governments.