

MAINE STATE LEGISLATURE

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L.D. 2196

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1542, L.D. 2196, Bill, "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. Communication center established; powers. The following provisions govern the establishment and powers of the Central Maine Regional Public Safety Communication Center.

1. Center established. The Central Maine Regional Public Safety Communication Center, referred to in this Act as the "center," is established to provide emergency communication services to participating state, county and municipal public safety agencies in the central Maine region. The following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff's office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

2. Powers. The center is a body both corporate and politic in the State and may:

A. Sue and be sued;

B. Have a seal and alter the seal at pleasure;

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2 C. Adopt bylaws and amend the bylaws covering its
procedures and rules and publish those bylaws and rules as
4 publication is necessary or advisable;

6 D. Cause records of its proceedings to be kept;

8 E. Permit additional agencies or instrumentalities of this
State, or any of its municipalities or bodies existing
10 therein, regional councils, quasi-municipal corporations,
special purpose districts and authorities to join or
12 withdraw from the center subject to any contractual
agreements, rules or procedures in its bylaws;

14 F. Acquire, hold and dispose of personal property for its
purposes;

16 G. Acquire, hold and dispose of in the name of the center
18 by purchase, lease or otherwise, real property and rights or
easements therein determined by the center necessary or
20 desirable for its purposes, and use that property;

22 H. Charge and collect fees for services made available and
use the proceeds of the fees for the purposes provided in
24 this Act;

26 I. Make contracts with the United States or any
instrumentality or agency of the United States, this State
28 or any of its agencies or instrumentalities, municipalities,
public corporations, or bodies existing therein, private
30 corporations, partnerships, associations and individuals;

32 J. Accept grants and the cooperation of the United States
or any agency of the United States in the construction,
34 maintenance, reconstruction, operation and financing of the
center and do any and all things necessary to avail itself
36 of that aid and cooperation and repay any grant or part of
any grant;

38 K. Employ assistants; agents; engineering, traffic,
40 architectural and construction experts; inspectors;
attorneys; and other employees as it determines necessary or
42 desirable for its purposes;

44 L. Exercise any of its powers in the public domain of the
United States, unless the exercise of those powers is not
46 permitted by the laws of the United States;

48 M. Borrow money, make, issue and sell at public or private
sale negotiable notes, bonds and other evidences of
50 indebtedness or obligations of the center for the purposes

2 set forth in this Act and secure the payment of an
obligation or any part of an obligation by pledge of all or
4 any part of the operating revenues of the center;

6 N. Enter into loan or security agreements with one or more
lending institutions, including, but not limited to, banks,
8 insurance companies and pension funds, or trustees for those
institutions for purposes for which bonds may be issued and
10 to exercise with respect to a loan or security agreement all
of the powers delineated in this Act for the issuances of
12 bonds; and

14 O. Take all other lawful action necessary and incidental to
these powers.

16 **Sec. 2. Governmental function and status.** The purposes of this
Act are public and the center is regarded as performing a
18 governmental function in carrying out this Act. The center is a
political subdivision for purposes of the Maine Revised Statutes,
20 Title 14, chapter 741, a public employer for purposes of Title
26, chapter 9-A and a local district for purposes of Title 5,
22 Part 20.

24 **Sec. 3. Governance.** The following provisions govern the
center.

26 **1. Governing council.** The center operates under a
28 governing council.

30 A. The governing council consists of one voting member from
each participating municipality and one from each
32 participating agency that uses the services of the center.

34 B. The governing council must meet at least twice annually
to establish and review center policies and to provide
36 guidance to the center's board of directors.

38 C. The governing council may override a decision of the
board of directors when at least 5 governing council members
40 sign a petition requesting a special meeting of the council
and approve a motion to override by a weighted 2/3 vote, as
42 described in paragraph D, of those council members present
at the special meeting.

44 D. Each participating entity may cast one vote and all
46 votes of the governing council are tabulated as described in
this paragraph. The municipalities vote in a weighted
48 manner that is calculated based upon the total population of
each municipality as a proportion of the total population of
50 all the municipalities that use the services of the center.

2 The governing council shall utilize the most recent
3 decennial census data for determining the population of a
4 participating municipality. If participating in the center,
5 the Maine State Police representative has the same weighted
6 vote as the most populous municipality that uses the
7 services of the center. If participating in the center,
8 Kennebec County has a weighted vote equal to 1/2 of the
9 weighted vote of the most populous municipality that uses
10 the services of the center. At the first annual meeting of
11 the governing council during each year of the center's
12 operation, the exact weight of each council member's vote
13 must be recorded in the minutes of the meeting and be
14 distributed to each member of the governing council.

15 **2. Board of directors.** The board of directors of the
16 center consists of representatives from the following agencies
17 and municipalities that participated in the center's feasibility
18 and implementation studies, if those governmental units choose to
19 participate in the center: the Maine State Police, Kennebec
20 County, Augusta, Gardiner, Oakland, Waterville, Winslow and 2
21 at-large members selected by the governing council who represent
22 municipalities served by a dispatch system that preceded the
23 establishment of the center that have also joined the center.

24 **A.** The board of directors shall, through procedures it
25 adopts, add 4 advisory board members who serve the board of
26 directors in an advisory capacity but have no power to bind
27 the center. Each of the 4 advisory members must be selected
28 to represent the interests of one of the following public
29 safety and service agencies: fire, police, ambulance and
30 emergency medical services and general governmental
31 services. The 4 advisory board members may not vote on
32 matters related to financial issues but may register
33 advisory votes on any other policy or procedural issues as
34 determined by a simple majority of the board of directors.

35 **B.** The board of directors shall operate for a period not to
36 exceed 3 years from the date of the center's inception. At
37 the end of that period, the terms of the initial board
38 members terminate and a permanent board of directors must be
39 established. A participating entity may not have more than
40 2 representatives serving on the board of directors. The
41 permanent board members serve at the pleasure of their
42 appointing authorities. If they participate in the center,
43 the following entities may have representatives on the
44 permanent board of directors:

- 45 (1) The Maine State Police, appointed by the Chief of
46 the State Police;

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2 (2) The Kennebec County Commissioners, appointed by
the chair of the Kennebec County Commissioners;

4 (3) Each of the 5 largest municipalities, by
6 population, appointed by their municipal governing
boards;

8 (4) Two municipalities appointed by the governing
10 council as at-large directors for 2-year terms.
At-large directors may be re-elected and are not
12 restricted from serving more than one term;

14 (5) Public service sectors: fire, police, emergency
16 medical services and nonemergency ancillary
governmental services represented by 4 advisory board
18 members selected pursuant to a procedure adopted by the
board. The 4 advisory members may not vote on matters
20 related to financial issues but may register advisory
votes on any other policy or procedural issues as
22 determined by a simple majority of the board of
directors; and

24 (6) A governmental entity that formally joins the
center after the inception of the center as a member by
26 closing an existing dispatch operation that serves a
population of more than 10,000 people.

28 C. The board of directors shall ensure that the center is
operated in accordance with the policies established by the
30 governing council. The board of directors shall:

32 (1) Appoint the executive director of the center and
provide regular oversight to ensure that the executive
34 director is operating the center consistently with the
board's directives;

36 (2) Submit its recommended annual budget and capital
38 budget to the governing council;

40 (3) Establish bylaws and general operating procedures
for the center; and

42 (4) Approve job descriptions for staff of the center.
44

46 D. The executive director serves at the pleasure of the
board of directors. The executive director is the chief
48 administrator of the center and is responsible for the
operational management of the center. The executive
director is responsible for the preparation of the annual

2 budget, policy development and implementation of both budget
and general policies adopted by the board.

4 E. The executive director shall select the initial staff of
the center from the pool of current dispatch employees
6 employed by municipalities and agencies that join the
center. Seniority is determined as of the date of hire at
8 the center. Seniority on the same date of hire is
determined alphabetically by last name. The initial rate of
10 pay for staff must be based upon the highest prevailing
scale among participating entities at the time of the
12 inception of the center. The number of years of cumulative
service in emergency dispatch activities determines the
14 placement of each staff member on the pay scale. Permanent
employees of the center are eligible to elect to participate
16 in the Maine State Retirement System, a state-deferred
compensation plan or any other plan or program adopted by
18 the board of directors.

20 **Sec. 4. Liability.** The liability of the center is governed by
the Maine Revised Statutes, Title 14, chapter 741.
22 Notwithstanding the Title 14, chapter 741, a member of the
governing council of the center, a member of a board of directors
24 of the center or an employee of the center is not subject to any
personal liability for acting in the service of duty as a member
26 of the center within the course and scope of membership or
employment to carry out a power or duty under this Act. The
28 center shall indemnify a member of the center governing council,
a member of a board of the center or an employee of the center
30 against expenses actually and necessarily incurred in connection
with the defense of an action or proceeding in which the member
32 or employee is made a party by reason of past or present
association with the center.

34
36 **Sec. 5. Operational funding; cost distribution method; in-kind
contributions.** The center operates on an equitable shared-funding
basis, based on a formula created by the board of directors and
38 approved by the governing council, that distributes costs on an
equitable basis that considers both fixed and variable costs and
40 that reasonably reflects call-volume usage, population or
valuation. Each participating agency and municipality that is a
42 member of the center shall contribute a portion of the
operational costs on a continuing basis. If they choose to
44 participate in the center, the Maine State Police and Kennebec
County shall contribute for the first 3 years at the amount
46 established in the year of the center's inception. In-kind
contributions, including those specific services for the system
48 undertaken by participating entities, must be calculated and
included in the cost-distribution formula. After the initial
50 3-year term of operation of the center, the board of directors

shall biannually approve a formula for distribution of the center's operational costs.

Sec. 6. Capital replacement fund. The board of directors shall establish and maintain a capital replacement fund to ensure the technological viability of the system. Each participating entity must contribute to this fund in a manner similar to the cost-distribution system established under section 5 and the formula created by the board of directors and approved by the governing council.

Sec. 7. Effective date; creation of center. This Act takes effect when 2 or more municipalities or agencies eligible to participate in the establishment of the center pursuant to this Act complete by vote or signature of their governing authority an interagency agreement and notify the chair of the Kennebec County Commissioners and the Secretary of State except that in no event may this Act take effect within 90 days after adjournment of the Second Regular Session of the 119th Legislature. Within 210 days but not less than 150 days after adjournment of the Second Regular Session of the 119th Legislature, municipalities or agencies wishing to participate in the establishment of the center must decide by vote or direction of the municipality or agency authority whether to participate in the creation of the center. Upon receiving appropriate notice, the chair of the Kennebec County Commissioners shall call the first meeting of the governing council, which constitutes the creation of the center.'

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

FISCAL NOTE

If the Bureau of State Police within the Department of Public Safety decides to participate in the Central Maine Regional Public Safety Communications Center, the bureau is likely to incur additional costs to redesign its regional communications center in Augusta. The amounts can not be determined at this time.'

SUMMARY

This amendment replaces the bill. The amendment establishes the Central Maine Regional Public Safety Communication Center to provide the governmental function of emergency communication services to participating state, county and municipal entities. The following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec

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2 County Sheriff's office and the municipalities of Gardiner,
Augusta, Waterville, Winslow and Oakland.

4 The amendment establishes the center as a body corporate and
6 politic with a governing council and a board of directors to
establish policy and to provide administrative oversight.

8 The amendment also adds a fiscal note to the bill.