

MAINE STATE LEGISLATURE

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L.D. 1623

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1201, L.D. 1623, 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. 25 MRSA c. 192 is enacted to read:

CHAPTER 192

CENTRAL MAINE REGIONAL PUBLIC SAFETY

COMMUNICATION CENTER

§1511. Center established

There is established within the Department of Public Safety, Bureau of State Police, the Central Maine Regional Public Safety Communication Center, referred to in this chapter as the "center." The purpose of the center is to provide emergency communication services to participating state, county and municipal public safety agencies in the central Maine region. The following entities may participate in the establishment of the center: the Maine State Police, Kennebec County and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland. An entity that receives emergency communications services from the center, whether or not the entity was involved in establishing the center, is referred to in this chapter as a "participating entity."

COMMITTEE AMENDMENT

2 **§1512. Center governance**

4 The center is governed in accordance with this section.

6 **1. Governing council.** The center operates under a governing council.

8
10 A. The governing council consists of one voting member from each participating entity.

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

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16 C. The governing council may override a decision of the board of directors when at least 1/3 of the governing council members sign a petition requesting a special meeting of the governing council and the governing council approves a motion to override by a weighted 2/3 vote, weighted as described in paragraph D, of those governing council members present at the special meeting.

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24 D. Each participating entity may cast one vote and all votes of the governing council are tabulated as described in this paragraph. Each municipality has a weighted vote based upon the total population of the municipality as a proportion of the total population of all the participating municipalities. The governing council shall utilize the most recent decennial census data for determining the population of a participating municipality. The Maine State Police has a vote weighted the same as the most populous participating municipality. Kennebec County, if participating in the center, has a weighted vote equal to 1/2 of the weighted vote of the most populous participating municipality. At the first annual meeting of the governing council during each year of the center's operation, the exact weight of each governing council member's vote must be recorded in the minutes of the meeting and be distributed to each member of the governing council.

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42 **2. Board of directors.** The board of directors oversees the operation of the center. A participating entity may not have more than 2 representatives serving on the board of directors.

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46 A. The initial board of directors of the center consists of representatives of the following entities if the entities choose to participate in the center: the Maine State Police, Kennebec County, Augusta, Gardiner, Oakland, Waterville and Winslow. If other municipalities choose to participate in

2 the center and these municipalities were served by a
3 dispatch system prior to the establishment of the center,
4 the initial board of directors must be expanded to include 2
5 at-large members appointed by the governing council to
6 represent these municipalities. The initial board of
7 directors shall, through procedures it adopts, add 4
8 advisory board members who serve the initial board of
9 directors in an advisory capacity but do not have power to
10 bind the center. Each of the 4 advisory board members must
11 be selected to represent the interests of one of the
12 following public safety and service agencies: fire, police,
13 ambulance and emergency medical services and general
14 governmental services. The 4 advisory board members may not
15 vote on matters related to financial issues but may register
16 advisory votes on any other policy or procedural issues as
17 determined by a simple majority of the board of directors.
18 The initial board of directors shall operate for a period
19 set by the board not to exceed 3 years from the date of the
20 center's establishment. At the end of that period, the
21 terms of the initial board of directors terminate and a
22 permanent board of directors must be appointed.

23 B. Members of the permanent board serve at the pleasure of
24 their appointing authorities. Representatives of the
25 following, if they choose to participate in the center, may
26 serve on the permanent board of directors and are selected
27 as follows:

28 (1) The Maine State Police, appointed by the Chief of
29 the State Police;

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

32 (3) Each of the 5 largest municipalities, by
33 population, appointed by their municipal governing
34 bodies;

35 (4) Two other municipalities not included under
36 subparagraph (3), appointed by the governing council.
37 Members appointed under this subparagraph are at-large
38 directors and serve 2-year terms. At-large directors
39 may be reappointed and may serve more than one term;

40 (5) Fire, police and emergency medical services and
41 nonemergency ancillary governmental service agencies,
42 selected pursuant to procedures adopted by the board of
43 directors. Four members of the board of directors may
44 be selected pursuant to this subparagraph, all of which
45 serve as advisory board members. These 4 advisory
46 board members shall be appointed by the governing council.
47 Members appointed under this subparagraph are at-large
48 advisory board members and shall serve for a period
49 set by the board not to exceed 3 years from the date of the
50 center's establishment. At the end of that period, the
51 terms of the initial board of directors terminate and a
52 permanent board of directors must be appointed.

2 members may not vote on matters related to financial
3 issues but may register advisory votes on other policy
4 or procedural issues as determined by a simple majority
5 of the board of directors; and

6 (6) A governmental entity that formally joins the
7 center after the establishment of the center by closing
8 an existing dispatch operation that serves a population
9 of more than 10,000 people, appointed by that
10 governmental entity.

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

14
15 (1) Nominate the director of the center. The name of
16 the nominee must be submitted to the Commissioner of
17 Public Safety who may appoint that person to serve as
18 director. If the Commissioner of Public Safety does
19 not approve of the nominee, the board of directors
20 shall submit another nomination;

21
22 (2) Provide regular oversight to ensure that the
23 director is operating the center consistently with the
24 board of director's directives;

25
26 (3) Submit its recommended annual budget and capital
27 budget to the governing council; and

28
29 (4) Establish bylaws and general operating procedures
30 for the center.

31
32 D. The Commissioner of Public Safety shall appoint the
33 director, who must be nominated by the board of directors.
34 The commissioner and the board of directors shall jointly
35 establish the qualifications of the director. The
36 commissioner, with the approval of the board of directors,
37 may dismiss the director for cause. The director is the
38 chief administrator of the center and is responsible for the
39 operational management of the center. The director is
40 responsible for the preparation of the annual budget, policy
41 development and implementation of both budget and general
42 policies adopted by the board of directors.

43
44 E. The initial staff of the center must be selected from
45 the pool of current dispatch employees employed by any
46 municipality or agency that joins the center. Employees of
47 the center are state employees, including for, but not
48 limited to, the purposes of Title 26.

2 **§1513. Liability**

4 Notwithstanding Title 14, chapter 741, a member of the
6 governing council of the center or a member of the board of
8 directors of the center is not subject to any personal liability
10 for acting in the service of duty as a member of the center
12 within the course and scope of membership or employment to carry
14 out a power or duty under this chapter. The center shall
indemnify a member of the governing council or a member of the
board of directors against expenses actually and necessarily
incurred in connection with the defense of an action or
proceeding in which the member or employee is made a party by
reason of past or present association with the center.

16 **§1514. Operational funding; cost-distribution; in-kind**
18 **contributions**

20 The center operates on an equitable shared-funding basis.
22 The board of directors shall establish a funding formula,
24 approved by the governing council, that distributes costs on an
26 equitable basis, factors in both fixed and variable costs and
28 reasonably reflects call-volume usage, population or valuation.
30 Each participating entity shall contribute a portion of the
32 operational costs on a continuing basis. The Maine State Police
34 and Kennebec County, if it chooses to participate in the center,
shall contribute for the first 3 years at the amount established
in the year of the center's establishment. In-kind
contributions, including those specific services for the center
undertaken by participating entities, must be calculated and
included in the cost-distribution formula. After the initial
3-year term of operation of the center, the board of directors
shall biannually approve a cost-distribution formula for the
center's operational costs.

36 **§1515. Capital replacement fund**

38 The board of directors shall establish and maintain a
40 capital replacement fund to ensure the technological viability of
42 the center. Each participating entity shall contribute to this
fund in a manner similar to the cost-distribution formulas
established under section 1514.

44 **Sec. 2. P&SL 1999, c. 85 is repealed.**

46 **Sec. 3. Contingent effective date; creation of center.** That section
48 of this Act that enacts the Maine Revised Statutes, Title 25,
50 chapter 192 takes effect when 2 or more entities eligible to
participate in the establishment of the Central Maine Regional
Public Safety Communication Center under this Act, one

2 of which must be the Maine State Police, indicate their intention
to participate in the center by vote or signature of their
governing authority within 210 days but not less than 150 days
4 after adjournment of the First Regular Session of the 120th
Legislature, except that in no event may this chapter take effect
6 within 90 days after adjournment of the First Regular Session of
the 120th Legislature. Upon receiving appropriate notice, the
8 Commissioner of Public Safety shall call the first meeting of the
governing council, which constitutes the creation of the center.'

10
12 Further amend the bill by inserting at the end before the
summary the following:

14 **FISCAL NOTE**

16 The Department of Public Safety may incur some minor
additional costs to have the Commissioner of Public Safety
18 appoint the executive director of the Central Maine Regional
Public Safety Communication Center. These costs can be absorbed
20 within the department's existing budgeted resources.'

22 **SUMMARY**

24 This amendment repeals Private and Special Law 1999, Chapter
26 85 that enables the establishment of the Central Maine Regional
Public Safety Communication Center and replaces that enabling
28 language in a new chapter of the Maine Revised Statutes, Title
25, permitting the establishment of the center within the
30 Department of Public Safety. Creation of the center is
contingent upon participation by the Maine State Police. This
32 amendment makes the director of the center subject to appointment
and dismissal by the Commissioner of Public Safety. The
34 amendment provides that the enabling chapter is effective only if
the Maine State Police and at least one eligible local government
36 agrees to participate. It also adds a fiscal note to the bill.