

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1683

S.P. 615

In Senate, December 17, 2003

An Act Creating the Central Maine Regional Public Safety Communication Center

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President DAGGETT of Kennebec.
Cosponsored by Representative MOODY of Manchester and
Senators: HALL of Lincoln, TREAT of Kennebec, Representatives: BROWNE of Vassalboro,
Speaker COLWELL of Gardiner, COWGER of Hallowell, McKEE of Wayne, SUSLOVIC of
Portland, THOMPSON of China.

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

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 Augusta, Gardiner, Oakland, Waterville and Winslow.

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;

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

D. Cause records of its proceedings to be kept;

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

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

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

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

2 I. Make contracts with the United States or any
instrumentality or agency of the United States, this State
4 or any of its agencies or instrumentalities, municipalities,
public corporations or bodies existing in the public
corporations, private corporations, partnerships,
6 associations and individuals;

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

14 K. Employ assistants; agents; engineering, traffic,
16 architectural and construction experts; inspectors;
attorneys; and other employees it determines necessary or
18 desirable for its purposes;

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

24 M. Borrow money and make, issue and sell at public or
private sale negotiable notes, bonds and other evidences of
26 indebtedness or obligations of the center for the purposes
set forth in this Act and secure the payment of an
28 obligation or any part of an obligation by pledge of all or
any part of the operating revenues of the center;

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

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

42 **Sec. 2. Governmental function and status.** The purposes of this
Act are public and the center is regarded as performing a
44 governmental function in carrying out this Act. The center is a
local district for purposes of the Maine Revised Statutes, Title
46 5, Part 20; a political subdivision for purposes of Title 14,
chapter 741; and a public employer for purposes of Title 26,
48 chapter 9-A.

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

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

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

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

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

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

42 **2. Board of directors.** The board of directors of the
center consists of representatives from the following agencies
44 and municipalities that participated in the center's feasibility
and implementation studies, if those governmental units choose to
46 participate in the center: the Maine State Police, the Kennebec
County Sheriff's office, Augusta, Gardiner, Oakland, Waterville
48 and Winslow. The board of directors must also include 2 at-large
members selected by the governing council who represent
50 municipalities that are served by a dispatch system that preceded

2 the establishment of the center and that have also joined the
center.

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

16 B. The board of directors shall operate for a period not to
exceed 3 years from the date of the center's inception. At
18 the end of that period, the terms of the initial board
members terminate and a permanent board of directors must be
20 established. A participating entity may not have more than
2 representatives serving on the board of directors. The
22 permanent board members serve at the pleasure of their
appointing authorities. If they participate in the center,
24 the following entities may have representatives on the
permanent board of directors:

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

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

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

36 (4) Two municipalities appointed by the governing
38 council as at-large directors for 2-year terms.
At-large directors may be reelected and are not
40 restricted from serving more than one term;

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

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

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

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

16 (2) Submit its recommended annual budget and capital
18 budget to the governing council; and

(3) Establish bylaws and general operating procedures
20 for the center.

22 D. The executive director of the center serves at the
pleasure of the board of directors. The executive director
24 is the chief administrator of the center and is responsible
for the operational management of the center. The executive
26 director is responsible for the preparation of the annual
budget, policy development and implementation of both budget
28 and general policies adopted by the board.

30 E. The initial staff of the center must be selected from
within the pool of current dispatch employees employed by
32 any municipality or agency that joins the center. Permanent
employees of the center are eligible to elect to participate
34 in the Maine State Retirement System, a state-deferred
compensation plan or any other plan or program adopted by
36 the board of directors. The rights or obligations of any
municipality or agency that joins the center that arise out
38 of an existing collective bargaining agreement to which it
is a party may not be abrogated by operation of this Act.
40 The center shall bargain with any local union selected by
the employees that is entitled to recognition as the
42 collective bargaining agent.

44 **Sec. 4. Liability.** The liability of the center is governed by
the Maine Revised Statutes, Title 14, chapter 741.
46 Notwithstanding Title 14, chapter 741, a member of the governing
council of the center, a member of a board of directors of the
48 center or an employee of the center is not subject to any
personal liability for acting in the service of duty as a member
50 of the center

within the course and scope of membership or employment to carry out a power or duty under this Act. The center shall indemnify a member of the center's governing council, a member of a board of directors of the center or an employee of the center 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.

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 approved by the governing council, that distributes costs on an equitable basis that considers both fixed and variable costs and that reasonably reflects call-volume usage, population or valuation. Each participating agency and municipality that is a member of the center shall contribute a portion of the operational costs on a continuing basis. If they choose to participate in the center, the Maine State Police and Kennebec County shall contribute for the first 3 years at the amount established in the year of the center's inception. 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 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 center. Each participating entity must contribute to this fund in a manner similar to the cost-distribution method 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 121st Legislature. Within 210 days but not less than 150 days after adjournment of the Second Regular Session of the 121st 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

2 Kennebec County Commissioners shall call the first meeting of the
governing council, which constitutes the creation of the center.

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SUMMARY

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8 This bill creates the Central Maine Regional Public Safety
Communication Center.