

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1230

H.P. 848

House of Representatives, March 10, 2005

An Act To Facilitate and Promote Regional Cooperation

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SHIELDS of Auburn.
Cosponsored by Senator CLUKEY of Aroostook and
Representatives: BERUBE of Lisbon, JOY of Crystal, O'BRIEN of Lewiston, SAMPSON of
Auburn, SAVIELLO of Wilton, Senators: DAVIS of Piscataquis, DIAMOND of Cumberland,
NUTTING of Androscoggin.

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

Sec. 1. 30-A MRSA §§2304 and 2305, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

§2304. Tax status

Regional councils established in accordance with this Title are tax-exempt institutions which that are exempt only from income and sales taxes. Real and personal property are exempt from real and personal property taxation if they are owned and occupied by regional councils solely for their own purposes or owned and used by regional councils for the purpose of providing services to 2 or more municipalities. Services may include, but are not limited to, public transit facilities, solid waste facilities and hazardous waste facilities.

§2305. Construction

This subchapter shall must be liberally construed toward the end of enabling councils to implement municipal programs and services on behalf of member municipalities, while avoiding the creation of special districts or other legal or administrative entities to accomplish these purposes. Programs and services may include, but are not limited to, programs and services for transit, solid waste, household hazardous waste, economic development, code enforcement, general financial and administrative activities and joint purchasing.

Sec. 2. 30-A MRSA §2313, sub-§§1 and 2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

1. Powers. The council may:

A. Study any area governmental problems needs and opportunities common to 2 or more members of the council that it considers appropriate, including, but not limited to, matters affecting health, safety, welfare, education, economic conditions and regional development;

B. Promote cooperative arrangements and coordinate action among its members, including, but not limited to, transit services, joint purchasing, solid waste management and household waste management; and

2 C. Make recommendations for review and action to its
members and other public agencies that perform functions
within the region; and

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6 D. Prepare and maintain a comprehensive regional plan.

8 2. **Authority.** The council, on behalf of one or more member
municipalities and upon appropriate action of the legislative
bodies of one or more member municipalities, may exercise any
10 power, privilege or authority capable of exercise by a member
municipality and necessary or desirable for dealing with problems
12 of local or regional concern, except essential legislative
powers, taxing authority or eminent domain power. This authority
14 is in addition to any other authority granted to municipalities
by the general laws and includes, but is not limited to, the
16 formation of transit, solid waste and other services operations.

18 **Sec. 3. 30-A MRSA §2315**, as enacted by PL 1987, c. 737, Pt.
A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and
20 c. 104, Pt. C, §§8 and 10, is further amended to read:

22 **§2315. Staff**

24 The council may employ any staff and consult and retain any
experts that it considers necessary. Staff employed for the
26 joint provision of services are deemed to be municipal officials.

28 **Sec. 4. 30-A MRSA §2316. sub-§5.** as enacted by PL 1991, c.
512, is amended to read:

30 5. **Guarantees.** Notwithstanding any law, charter, ordinance
32 or limitation to the contrary, any one or more member
municipalities of ~~the Greater Portland Council of Governments a~~
34 regional council may guarantee notes or other indebtedness or
obligations of the ~~Greater--Portland--Council--of--Governments~~
36 regional council.

38 **Sec. 5. 30-A MRSA §2321, sub-§2, ¶¶C and D,** as enacted by PL
1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989,
40 c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further
amended to read:

42 C. Coordinate with state and federal planning and
44 development programs; and

46 D. Provide planning assistance and advisory services to
municipalities; and

48 **Sec. 6. 30-A MRSA §2321, sub-§2, ¶E** is enacted to read:

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E. Provide programs and services to municipalities.

Sec. 7. 30-A MRSA §2322, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2322. Incorporation; powers

Regional planning commissions ~~shall~~ must be incorporated under Title 13, chapter 81, and possess all the powers of a corporation organized without capital stock, except as limited by this article. A regional planning commission may exercise those powers enumerated in section 2313 upon adoption of an authorizing resolution by the commission's governing body.

Sec. 8. 30-A MRSA §2324, last ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The minutes of the proceedings of the commission ~~shall~~ must be filed in the commission's office. These minutes are a public record. ~~Copies shall be provided to the municipal officers and planning board of each member municipality.~~ Copies of the minutes must be posted on a publicly accessible site on the Internet or provided to the municipal officers and the planning board of each member municipality upon request.

SUMMARY

This bill addresses regional cooperation issues. It makes real or personal property used for providing regional services to 2 or more municipalities exempt from property taxation. It allows municipalities to enter into cooperative arrangements for transit, solid waste, household hazardous waste, economic development and code enforcement activities and joint purchasing and clarifies that these endeavors are cooperative regional government activities. The bill also clarifies that staff providing joint services are municipal officials. It grants to regional planning commissions the powers of a regional council. In addition, it requires the minutes of commission meetings to be provided on request or posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.