

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1735

H.P. 1218

House of Representatives, March 26, 2007

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 SAVIELLO of Wilton.
Cosponsored by Senator ROTUNDO of Androscoggin and
Representatives: CLEARY of Houlton, GIFFORD of Lincoln, KOFFMAN of Bar Harbor,
SCHATZ of Blue Hill.

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

2 **Sec. 1. 30-A MRSA §2304**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
3 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
4 amended to read:

5 **§2304. Tax status**

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

13 **Sec. 2. 30-A MRSA §2305**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
14 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
15 amended to read:

16 **§2305. Construction**

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

24 **Sec. 3. 30-A MRSA §2313, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and
25 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
26 further amended to read:

27 **1. Powers.** The council may:

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

32 B. Promote cooperative arrangements and coordinate action among its members,
33 including, but not limited to, arrangements and actions with respect to transit
34 services, joint purchasing, solid waste management and household waste
35 management; and

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

38 D. Prepare and maintain a comprehensive regional plan.

1 **Sec. 4. 30-A MRSA §2313, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
2 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
3 further amended to read:

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

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

14 **5. Guarantees.** Notwithstanding any law, charter, ordinance or limitation to the
15 contrary, any one or more member municipalities of ~~the Greater Portland Council of~~
16 ~~Governments~~ a regional council may guarantee notes or other indebtedness or obligations
17 of the ~~Greater Portland Council of Governments~~ a regional council.

18 **Sec. 6. 30-A MRSA §2321, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
19 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
20 further amended to read:

21 **2. Purposes.** The purposes of a regional planning commission are to:

22 A. Promote cooperative efforts toward regional development;

23 B. Prepare and maintain a comprehensive regional plan;

24 (1) The public ~~shall~~ must be given an adequate opportunity to be heard in the
25 preparation of a comprehensive plan;

26 C. Coordinate with state and federal planning and development programs; ~~and~~

27 D. Provide planning assistance and advisory services to municipalities; ~~and~~

28 E. Provide programs and services to municipalities.

29 **Sec. 7. 30-A MRSA §2324, last ¶**, as enacted by PL 1987, c. 737, Pt. A, §2 and
30 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
31 further amended to read:

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

SUMMARY

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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 activities such as transit, solid waste, household hazardous waste, economic development and code enforcement and joint purchasing and clarifies that these endeavors are cooperative regional government activities. In addition, it requires the minutes of commission meetings to be provided on request and 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.