

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2003

S.P. 797

December 18, 2007

### **An Act To Create the Southern York County Regional Development Authority**

(EMERGENCY)

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

Received by the Secretary of the Senate on December 18, 2007. Referred to the Committee on Business, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BOWMAN of York.

Cosponsored by Representative GOULD of South Berwick and Representatives: CHASE of Wells, HILL of York, WEAVER of York, WHEELER of Kittery.

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** a regional development authority is vitally necessary at the earliest  
4 possible time to serve the needs of the southern York County area; and

5       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
6 the meaning of the Constitution of Maine and require the following legislation as  
7 immediately necessary for the preservation of the public peace, health and safety; now,  
8 therefore,

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

10       **Sec. 1. Southern York County Regional Development Authority**  
11 **established; incorporation; purposes.** The cities and towns of Berwick, Eliot,  
12 Kittery, South Berwick, North Berwick and Wells, or any combination of such cities and  
13 towns, constitute a body politic and quasi-municipal corporation to be known as the  
14 Southern York County Regional Development Authority, referred to in this Act as "the  
15 authority," for the benefit and welfare of the inhabitants thereof and to:

16       1. Strengthen the financial condition of local governments within the geographic  
17 territory of the authority while combining resources and sharing costs for meeting  
18 regional economic development needs and challenges;

19       2. Promote and develop infrastructure and programs for employment and economic  
20 development opportunities and other conditions to positively affect regional  
21 development;

22       3. Provide an organization to enable economic development among local  
23 governments and agencies and to promote cooperative economic development and  
24 coordinated action among members;

25       4. Serve as a forum to identify, discuss, study and focus on regional economic  
26 development challenges and opportunities;

27       5. Provide a mechanism for the preparation, maintenance and distribution of  
28 economic development strategies of the region;

29       6. Serve as a means for the collection and exchange of economic development  
30 information;

31       7. Actively promote and facilitate economic development throughout the region;

32       8. Speak on behalf of the membership of the authority;

33       9. Coordinate with state and federal development programs;

34       10. Make recommendations for review and action to its members and other public  
35 agencies that perform economic development and related functions within the region;

1 11. Coordinate and collaborate with other public and quasi-governmental and private  
2 organizations in any manner that is intended to promote economic development; and

3 12. Take all actions necessary and appropriate to facilitate and develop affordable  
4 workforce housing within the region served by the authority.

5 **Sec. 2. General powers.** In addition to the general powers possessed by such an  
6 entity, and the powers granted by other provisions of this Act, the authority may:

7 1. Borrow money and issue negotiable notes having such terms and provisions as the  
8 general assembly of the authority determines necessary to accomplish the purposes set  
9 forth in this Act and for paying any indebtedness and any necessary expenses and  
10 liabilities incurred therefore;

11 2. Contract for the receipt of funds to accomplish any of the purposes set forth in this  
12 Act and to incur indebtedness in anticipation of the receipt of such funds by issuing  
13 negotiable notes payable in not more than 40 years. Those notes may be renewed from  
14 time to time by the issue of other notes. However, notes may not be issued or renewed in  
15 an amount that, at the time of issuance or renewal, exceeds the amount of funds  
16 remaining to be paid under any such contracts, unless otherwise allowed by law;

17 3. Accept funds, grants, gifts and services from the Federal Government or federal  
18 agencies; from the State or its departments, agencies or instrumentalities; from any other  
19 governmental units whether or not a member of the authority; and from private and civic  
20 sources; and

21 4. Exercise powers that are exercised separately or jointly by member governments  
22 or are authorized by law to deal with economic development needs or opportunities of  
23 local or regional concern, including the power to:

24 A. Sue and be sued, complain and defend in its corporate name;

25 B. Purchase; take; receive; lease; take by gift, devise or bequest; acquire; own; hold;  
26 improve; use; and otherwise deal in and with real or personal property or any interest  
27 therein, wherever situated;

28 C. Sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of  
29 all or any part of its property and assets;

30 D. Purchase, take, receive, subscribe for, acquire, own, hold, vote on, use, employ,  
31 sell, mortgage, loan, pledge or otherwise dispose of and use and deal in and with  
32 shares or other interest in or obligations of other domestic or foreign corporations,  
33 whether profit or nonprofit; associations; partnerships; joint ventures; or individuals,  
34 or direct or indirect obligations of the United States or of any other government, state,  
35 territory, governmental authority or municipality, or of any instrumentality thereof;

36 E. Actively and legally participate, either directly or indirectly, in any and all joint  
37 ventures, whether for-profit or nonprofit;

38 F. Facilitate and participate in any tax increment financing district or program  
39 established pursuant to existing State law for the purpose of promoting economic  
40 development in the region;

- 1 G. Make contracts and incur liabilities; borrow money; issue notes, bonds and other  
2 obligations; and secure any of its obligations by mortgage or pledge of all or any of  
3 its property, franchises and income;
- 4 H. Issue assessments as provided for in section 11 of this Act;
- 5 I. Lend money for its corporate purposes, invest and reinvest its funds and take and  
6 hold real and personal property as security for the payment of funds so loaned or  
7 invested;
- 8 J. Spend money for its corporate purposes;
- 9 K. Conduct its affairs, carry on its operations, hold property and have offices and  
10 exercise the powers granted by the laws of the State;
- 11 L. Organize and operate subsidiaries for the purpose of developing and operating any  
12 of its development projects;
- 13 M. Elect or appoint officers, employees and agents of the authority and define their  
14 duties and fix their compensation;
- 15 N. Cease its corporate activities and surrender its corporate franchise; and
- 16 O. Have and exercise all powers necessary or convenient to effect any or all of the  
17 purposes for which the authority is organized.

18 **Sec. 3. Operational phases of the authority.** Upon this Act becoming  
19 operationally effective pursuant to its provisions, the business of the authority must be  
20 separated into the following phases.

21 1. Operational planning phase. Once this Act becomes operationally effective  
22 pursuant to section 15, the authority shall, for a period of time to be determined by the  
23 general assembly constituted under section 4, engage in an initial operational planning  
24 phase. During the operational planning phase, the authority shall, by whatever means  
25 determined appropriate by the general assembly, and with the assistance of such 3rd  
26 parties, consultants and other entities, both public and private, as the general assembly  
27 determines necessary and appropriate for the purposes for which the authority has been  
28 created, establish an operational development plan. The operational development plan  
29 must include, but is not limited to, one or more economic development and related  
30 projects within the region of the authority.

31 Each city or town whose voters initially vote, pursuant to section 15 of this Act, to  
32 become a participating member community of the authority is deemed to be voting to be  
33 legally responsible for paying an equal share determined by dividing the total operating  
34 costs of the authority during the operational planning phase established by the general  
35 assembly from time to time by the number of member communities initially voting,  
36 pursuant to section 15 of this Act, to become a member of the authority, which costs must  
37 be prorated accordingly and billed to each member community on a schedule that is  
38 determined from time to time by the general assembly.

39 2. Developmental implementation phase. Upon the adoption and approval of an  
40 initial operational development plan by the governing body of the authority, the authority

1 shall establish an implementation plan that includes a proposal for any necessary  
2 financing or fund-raising in order to implement the development plan of the authority.

3 The developmental implementation phase may consist of more than one development  
4 project with multiple locations within the region of the authority. Each such separate  
5 project's development plan must also contain its own plan of financing.

6 Any developmental implementation plan must provide for a minimum number of  
7 communities with a minimum amount of state valuation of those communities, which  
8 must vote to financially support the cost of any such development project pursuant to the  
9 provisions of this Act. Any such vote by the voters of a member community or other  
10 community named in section 1 of this Act constitutes the legal and valid commitment of  
11 that community to pay its share of the costs of the implementation of the development  
12 plan that is the subject matter of the vote taken by each such community, with the costs of  
13 any such development project being apportioned to those cities and towns having voted to  
14 participate in such project in the same ratio that each participating city's or town's state  
15 valuation is to the total state valuation of all cities and towns participating in that  
16 particular development project of the authority.

17 It is possible that not all of the cities and towns whose voters vote to become  
18 members of the authority and to participate in the initial operational planning phase may  
19 be participating cities and towns with respect to one or more of the development projects  
20 of the authority that may be part of the developmental implementation phase of its  
21 operations. Any city or town that votes to participate in a development project of the  
22 authority that did not initially vote to become a member of the authority becomes a full  
23 voting member of the authority.

24 **Sec. 4. Governing body; general assembly; executive board.** The governing  
25 body of the authority is a general assembly constituted in accordance with this section.

26 1. Operational planning phase. During the operational planning phase described in  
27 section 3, each city or town that votes to accept the provisions of this Act to become a  
28 member of the authority is entitled to 3 representatives to the general assembly of the  
29 authority, one of whom must be an elected town official, one of whom must be a staff  
30 member of the city or town and one of whom must be a member of the public residing in  
31 the city or town. Each city or town shall determine the method for electing or appointing  
32 each of its voting representatives to the general assembly.

33 2. Developmental implementation phase. Representation on the general assembly  
34 for each city or town that votes to participate and financially support a development  
35 project of the authority is determined as follows.

36 A. Once a sufficient number of cities and towns with the specified minimum amount  
37 of combined state valuation have voted to financially support the cost of the first  
38 development project of the authority described in a developmental implementation  
39 plan, the operational planning phase of the authority ceases and the composition of  
40 the voting representatives to the general assembly of the authority must be modified  
41 from its composition in the operational planning phase so that each city and town  
42 voting to participate and support a developmental project of the authority is

1 represented by at least one voting representative to the general assembly of the  
2 authority.

3 B. The secretary of the general assembly shall determine additional voting  
4 representation in the general assembly in the following manner. Additional  
5 representation on the general assembly must be based on the pro rata state valuation  
6 of each city and town. When any member city or town has a state valuation that is at  
7 least 5% of the total aggregate state valuation of all member cities and towns, it is  
8 entitled to one additional representative to the general assembly for each full  
9 additional 5% that the amount of its state valuation is in comparison to the total  
10 aggregate state valuation of all the member cities and towns. The number of voting  
11 representatives to the general assembly to which each member city or town is entitled  
12 must be determined by the general assembly every 6 years after the initial or most  
13 recent determination using the most recent state valuation then available. The  
14 municipal officers of each member city or town shall select and appoint its  
15 representative to the general assembly in a manner determined by each city or town.  
16 Any city or town that votes to participate in a development project of the authority  
17 and did not vote to become a member during the authority's operational planning  
18 phase is entitled to representation on the general assembly based upon this same  
19 formula.

20 3. Bylaws; executive board; officers. The general assembly shall adopt bylaws for  
21 the governance and operation of the authority. It shall meet at least quarterly and shall  
22 provide for an executive board from its membership. The minimum and maximum  
23 number of members of the executive board and the executive board's authority must be  
24 determined pursuant to the bylaws for the governance and operation of the authority  
25 adopted by the general assembly. A city or town may not have more than one voting  
26 representative serving on the executive board at any time. Any city or town in which the  
27 authority is developing or is operating a development project and that is a participating  
28 member of the authority has the right to have a voting representative on the executive  
29 board. The general assembly or the executive board may establish and appoint any  
30 committees that it considers appropriate and necessary to the accomplishment of the  
31 authority's purposes. The members of those committees may be members of the general  
32 assembly and executive board and may also include other persons or other organizations  
33 that share an interest with the authority in promoting its purposes and mission.

34 Each year the general assembly shall elect a president, a vice president, a treasurer and a  
35 secretary and any other officers it considers appropriate.

36 **Sec. 5. How financed.** To procure funds to carry out the purpose of this Act, the  
37 authority may, through a majority vote of its general assembly, borrow money and issue  
38 general obligation bonds and notes in anticipation of bond issue to an indebtedness not to  
39 exceed 1% of the total state valuation of all the cities and towns that vote to become  
40 participating members of the authority during its initial operational planning phase or that  
41 subsequently vote to financially support a development project of the authority.

42 Each bond or note must bear interest at rates as the general assembly may determine,  
43 payable annually or semiannually and subject to other provisions as determined by the  
44 general assembly. These bonds and notes may be issued to mature serially or to run for

1 such periods as the general assembly determines but in no event may the maturity of any  
2 term bond exceed 40 years.

3 All bonds may, at the discretion of the general assembly, be made callable, and the  
4 amount of premium to be paid on call and the period for which these callable bonds may  
5 not be redeemable must be left to the discretion of the general assembly. This discretion  
6 may be manifested by a vote of the majority of the general assembly.

7 All bonds and notes issued by the authority must be signed by the treasurer and  
8 countersigned by the president of the authority. If coupon bonds are issued, each coupon  
9 must be attested by the facsimile signatures of the president and treasurer printed on the  
10 coupons. These bonds and notes are legal obligations of the authority, which is a quasi-  
11 municipal corporation within the meaning of the Maine Revised Statutes, Title 30-A,  
12 section 5701, and all the provisions of that section apply to the authority. These bonds  
13 and notes are legal investments in which all public officers and public bodies of the State  
14 and its political subdivisions; all municipalities and municipal subdivisions; all insurance  
15 companies and associations and other persons carrying on an insurance business; all  
16 banks, bankers, banking associations, trust companies, savings banks and savings  
17 associations, including savings and loan associations, building and loan associations,  
18 investment companies and other persons carrying on a banking business; all  
19 administrators, guardians, executors, trustees and other fiduciaries; and all other persons  
20 who are, on or after the effective date of this Act, authorized to invest in bonds or other  
21 obligations of the State may properly and legally invest funds, including capital, in their  
22 control or belonging to them. The securities are also, by this Act, made securities that  
23 may properly and legally be deposited with and received by all public officers and bodies  
24 of the State or any agency or political subdivision of the State and all municipalities and  
25 public corporations for any purpose for which the deposit of securities of bonds or other  
26 obligations of the State may be authorized by law.

27 **Sec. 6. Sinking fund; refunding bonds.** In case any bonds or notes at any time  
28 issued are made to run for a period of years, as distinguished from serial maturity, the  
29 general assembly may establish a sinking fund for such bonds or notes for the purpose of  
30 redeeming the bonds or notes when they become due. If a sinking fund is established, the  
31 amount to be paid annually into this sinking fund may not be less than the debt service on  
32 the bonds and notes to become due in that year. In addition to this annual sinking fund  
33 payment, the general assembly may, from time to time, add to any sinking fund any funds  
34 of the authority not required for other purposes. Funds in any sinking fund may be  
35 deposited in any national bank, savings bank or trust company organized under the laws  
36 of any state or may be invested in whole or in part in any bonds of the United States or  
37 any agency of the United States, of the State or of any political subdivision of the State or  
38 in any investment in which a municipality is permitted to invest as the general assembly  
39 may determine. Interest received on any funds so invested must be added to the sinking  
40 fund. If the amount accumulated in any sinking fund, together with interest received or to  
41 be received on that amount, is sufficient to pay at maturity or, at the option of the general  
42 assembly, to redeem the bonds or notes for the benefit of which the sinking fund was  
43 established, all further payments to that sinking fund must cease.



1 Whenever any bonds or notes issued by the authority become due or can be  
2 purchased or called for redemption by the authority on favorable terms, the general  
3 assembly, if sufficient funds have accumulated in the sinking fund provided for the bonds  
4 or notes, may pay, purchase or redeem those bonds or notes from the sinking fund and  
5 cancel them. Bonds or notes so paid, purchased or redeemed and canceled may not be  
6 reissued.

7 In case the amount in any sinking fund is not sufficient to pay the total amount, when  
8 due, of the bonds and notes for which the sinking fund was provided or in case it becomes  
9 desirable in the opinion of the general assembly to call for the redemption of any  
10 outstanding bonds or notes and to issue new bonds or notes in their stead, authority is  
11 granted to repay so many of the original bonds or notes as cannot be paid or redeemed  
12 from the sinking fund provided for the bonds or notes, if any. New bonds or notes may  
13 not mature more than 40 years from the original date of issue of the original bonds or  
14 notes so refunded.

15 **Sec. 7. Referendum on bond issues.** When the general assembly has authorized  
16 the issue of any bonds or notes, an attested copy of the vote of the general assembly must  
17 be filed with the municipal officers of each of the cities and towns that are members of  
18 the authority and published in a newspaper or newspapers having a general circulation in  
19 the geographic territory of the authority not later than 10 days following the day on which  
20 the vote was adopted by the general assembly, together with a statement indicating that  
21 the vote will become effective, unless before the expiration of 15 days from the date on  
22 which a copy of the vote was first published the president or the secretary of the general  
23 assembly has received a petition, signed by at least 10% in the aggregate of the residents  
24 of the cities and towns that are members of the authority eligible to vote on the date the  
25 vote was adopted, requesting that the question of whether the bonds or notes be issued by  
26 the authority be submitted to the voters of those member cities and towns. The statement  
27 must also state the name and address of the president and secretary of the general  
28 assembly. A vote of the general assembly authorizing an issue of bonds or notes under  
29 this Act does not become effective before the expiration of 15 days from the date upon  
30 which the vote and statement are published. If within that period a petition, signed by at  
31 least 10% of the residents of the cities and towns that are members of the authority  
32 eligible to vote on the date that the issuance of bonds or notes by the general assembly  
33 was adopted as shown by the authority's voting list under section 8, is filed with the  
34 president or the secretary of the general assembly, asking that the question of whether the  
35 bonds or notes are to be issued be submitted to the voters, the vote of the general  
36 assembly is suspended from becoming effective and the general assembly shall  
37 immediately reconsider the vote. If that vote is not rescinded by the general assembly, the  
38 question of whether such bonds or notes may be issued must be submitted by the general  
39 assembly to the voters of the cities and towns that are members of the authority at a  
40 special meeting of those qualified voters to be held at a place within the geographic  
41 territory of the authority within 60 days of the receipt of the petition. The special meeting  
42 must be called and held as provided in section 12 of this Act, except that the notice must  
43 set forth the vote of the general assembly authorizing those bonds, together with the  
44 proposed form of the ballot to be used at that special meeting. At the special meeting, a  
45 vote on the question of whether the bonds may be issued must be voted on by ballot, the  
46 form of which must be substantially as follows:

1                   **"OFFICIAL BALLOT SOUTHERN YORK COUNTY REGIONAL**  
2                   **DEVELOPMENT AUTHORITY**

3                   Do you favor issuing bonds or notes of the Southern York County  
4                   Regional Development Authority in the amount of \$.....,  
5                   bearing interest not to exceed ..... percent for the purpose of  
6                   procuring funds for the following purposes: (Insert brief description of  
7                   purpose for which bonds or notes are to be issued)?

8                   If in favor of the bond issue, so indicate on this ballot.

9                   If opposed to the bond issue, so indicate on this ballot."

10                  If a majority of the qualified voters voting at the meeting approve the issue of the  
11                  bonds, the vote of the general assembly authorizing the bonds becomes effective; if not  
12                  approved, the vote of the general assembly authorizing the bonds is void. The voters  
13                  qualified to vote at the special meeting must be determined by use of the authority voting  
14                  list under section 8.

15                  **Sec. 8. Authority voting list.** The general assembly shall appoint a resident of a  
16                  member city or town to make and keep a voting list of all residents of the member cities  
17                  and towns eligible to vote. This person is the registration clerk. The registration clerk  
18                  shall compile the voting list from the voting lists of all of the member cities and towns.  
19                  At least 2 days before any meeting at which the voters of the member cities and towns are  
20                  called upon to vote, the registration clerk shall bring this voting list up to date by  
21                  comparing the registration clerk's list with those voting lists found in the cities and towns  
22                  that are members of the authority and by making such additions and deletions as the  
23                  registration clerk finds necessary. Additions or deletions may not be made in the 2-day  
24                  period prior to that meeting.

25                  **Sec. 9. Authority to issue temporary notes.** In any fiscal year, in anticipation  
26                  of assessments for that year, the general assembly may, by a vote of a majority of its  
27                  members, authorize the borrowing of money by the issuance and sale of temporary notes  
28                  of the authority. If the authority's budget has not been approved in that year, the amount  
29                  of borrowing may not exceed 50% of the approved budget of the preceding year.  
30                  Temporary notes of the authority may be issued for a period of not more than one year  
31                  and may be renewed from time to time by the issue of other temporary notes, as long as  
32                  the period from the date of issue of the original note to date of maturity or last renewal of  
33                  the note is not more than one year. Notes that are not paid at the end of a fiscal year may  
34                  be included in the following year's budget as an expenditure, and an amount sufficient to  
35                  pay the notes may be assessed and collected as provided in section 11 of this Act.  
36                  Notwithstanding any provision in section 11 to the contrary, this amount may not be  
37                  reduced.

38                  **Sec. 10. Agreements for financial assistance authorized.** The authority is  
39                  authorized, by vote of a majority of the general assembly, to enter into an agreement with  
40                  the State or the Federal Government or any agency of either government or with any  
41                  corporation or board authorized by the Federal Government or the State to loan money to  
42                  or to otherwise assist in the financing of projects that the authority is authorized to  
43                  finance by the issue of bonds or notes as may be necessary or desirable to accomplish

1 those purposes. The right to enter into an agreement is subject to the right of referendum  
2 reserved to the voters in section 7 of this Act if the authority incurs liability under any  
3 such agreement, and the provisions of sections 7 and 12 apply so far as they apply to a  
4 special meeting called and held for the purpose of a referendum.

5 **Sec. 11. Annual reports and budget; assessments.** The fiscal year of the  
6 authority is July 1st to June 30th. At the close of the fiscal year and not later than  
7 December 31st of each year, the general assembly shall annually make a report of its  
8 doings, showing the financial condition of the authority and other matters pertaining to  
9 the authority, and shall show the inhabitants of the cities and towns of the authority how  
10 the members of the general assembly are fulfilling the duties and obligations of their  
11 respective trusts. The report also must include the amount of income earned during the  
12 fiscal year and the sum required each year to meet the bonds or notes falling due and  
13 what further sum is necessary to meet the interest on these bonds or notes or other  
14 obligations of the authority and all other expenses necessary for the operation of the  
15 authority, including temporary loans. Copies of the report must be filed with the  
16 municipal officers of each city or town that is a member of the authority and may be  
17 distributed to the voters of those cities and towns by the respective cities and towns in the  
18 same manner as is provided for town reports. The cost of printing these reports must be  
19 included in the operating budget of the authority.

20 If the sum to be raised with respect to a given fiscal year exceeds the total specified in  
21 subsections 1 and 2, the general assembly shall hold an authority budget meeting before  
22 the first day of September of that year. At this meeting the budget must be explained and  
23 the voters of the member cities and towns must be given an opportunity to be heard. If a  
24 budget is presented in any given year, it is deemed approved unless disapproved by the  
25 voters of the authority by a majority vote at the authority budget meeting. The voters of  
26 the authority have the right to disapprove all or any part of the budget presented by the  
27 general assembly except that part that provides for the payment of interest on or the  
28 principal of notes or bonds or other obligations of the authority.

29 To the extent that the general assembly may decide that the authority cannot operate  
30 within its projected revenues for the current fiscal year, the general assembly shall  
31 determine what sum of money should be raised by assessment for:

- 32 1. Payment of principal payable in that year on outstanding bonds or notes or other  
33 obligations of the authority;
- 34 2. Payment of interest on the indebtedness incurred or assumed by the authority; and
- 35 3. Other specified expenses of the authority.

36 The amount over the estimated income of the authority that is required to meet the  
37 expenses in the approved budget and the sums included in any budget for the payment of  
38 interest on or the principal of notes or bonds or other obligations of the authority are the  
39 obligation of the member cities and towns and must be apportioned to the participating  
40 cities and towns in the same ratio that each participating city's or town's latest state  
41 valuation is to the total state valuation of all participating cities and towns, if provided.  
42 However, the obligation may be determined as a joint obligation by an authorizing vote

1 of the legislative body of any member city or town. The general assembly shall issue its  
2 assessment warrants in substantially the same form as the warrants of the Treasurer of  
3 State to the assessors of each participating city or town. The warrants must require the  
4 assessors to assess upon the taxable polls and estates in each city or town the amount as  
5 approved at the authority budget meeting and to commit the assessment to the constable  
6 or collector of that city or town who is vested by law to collect state, county and  
7 municipal taxes. In the year in which the tax is so levied, the treasurer of each city or  
8 town shall pay the amount of the assessment to the treasurer of the authority in a number  
9 of installments as established and determined by the general assembly of the authority  
10 from time to time. If the treasurer of any participating city or town fails to pay any  
11 installment or part of an installment by the date set for the payment in the year in which  
12 the assessment is levied, the treasurer of the authority shall issue a warrant for the amount  
13 of the unpaid balance to the county sheriff. The warrant must require the county sheriff to  
14 levy by distress and sale on the real and personal property of any resident of the member  
15 city or town where the default takes place, and the sheriff or any of the sheriff's deputies  
16 shall execute the warrant. The same authority as is vested in county officials for the  
17 collection of county taxes under the Maine Revised Statutes is vested in the general  
18 assembly of the authority for the collection of assessments within participating cities and  
19 towns.

20 Since it is possible that the authority, at any given point in time, may be developing  
21 and operating more than one development project and that the cost of the development  
22 and operation of each such project may be allocated to different combinations of cities  
23 and towns that are participating members of the authority, if such circumstances do occur,  
24 the authority shall develop and propose to its budget meetings a multi-part budget for  
25 both debt service and operations for its general operations and for each existing  
26 development project.

27 **Sec. 12. Authority budget meeting.** The general assembly shall notify members  
28 of budget meeting as described in this section:

29 1. Warrant required. Each authority meeting must be called by a warrant. The  
30 warrant must be prepared by the secretary and signed by the president of the general  
31 assembly.

32 2. Form and procedure for warrant. The procedure and form of the warrant calling  
33 for the authority meeting is as follows.

34 A. It must specify the time and place of the meeting.

35 B. It must set forth the proposed authority budget in a manner to be decided by the  
36 general assembly. No other business may be acted upon.

37 C. It must be directed to any resident of the member cities and towns by name,  
38 ordering that resident to notify the voters within that resident's city or town to  
39 assemble at the time and place appointed.

40 D. An attested copy of the warrant must be posted by the resident described in  
41 paragraph C in some conspicuous public place in the resident's city or town at least 7  
42 days before the meeting, and the resident who has so posted the warrant shall

1           forthwith make and send a return on a copy of said warrant to the secretary of the  
2           general assembly.

3           E. The secretary of the general assembly shall collect warrants returned pursuant to  
4           paragraph D and record the manner of notice in each city and town and the time when  
5           it was given.

6           3. Meeting provisions. The following provisions apply to the budget meeting.

7           A. Each person whose name appears on the voting list in a member city or town may  
8           attend and vote at an authority budget meeting.

9           B. The president of the general assembly shall open the meeting by calling for the  
10          election of a moderator, receiving votes for a moderator and swearing in the  
11          moderator.

12          C. As soon as the moderator has been elected and sworn, the moderator shall preside  
13          at the meeting and has all the powers granted to the moderator of a town meeting  
14          under the Maine Revised Statutes.

15          D. The secretary of the general assembly shall record all the votes of the authority  
16          meeting.

17          E. A majority vote of the legal voters present and voting is determinative of any vote  
18          or motion placed before the authority meeting.

19          F. In the event that the operational and debt service budget of the authority has  
20          multiple parts that relate to the general operations of the authority and the  
21          development and operation of more than one development project of the authority,  
22          only those registered voters who are residents of a town or city that has initially voted  
23          to be a participating town or city in a particular development project of the authority  
24          may vote on the portion of the authority's budget relating to any such development  
25          project.

26          **Sec. 13. Dissolution.** The authority may be dissolved only if all member cities and  
27          towns vote to dissolve it at legally constituted meetings in those cities and towns. If the  
28          authority has any outstanding indebtedness, it may not be dissolved.

29                 In the event of dissolution of the authority, all property, real, personal or mixed, must  
30          be marshaled and converted into cash in a manner to be determined by a majority vote of  
31          the general assembly, and distribution must then be made among the respective cities and  
32          towns in proportion to their state valuations as set forth in this Act.

33          **Sec. 14. Other cities and towns may join; procedure for withdrawing**  
34          **from the authority.** Any city or town located within York County that is not a city or  
35          town listed in section 1 of this Act may vote to become a member of the authority on a  
36          date later than the date specified in section 15 of this Act for the initial vote for authority  
37          membership among the communities listed in section 1 of this Act if that vote to become  
38          a member of the authority by the voters of such other cities and towns located in York  
39          County is approved by at least a majority of the sitting representatives of the communities  
40          that are currently participating communities in the authority with representation on the  
41          general assembly. Such a vote by the currently participating communities must also

1 specify the terms and conditions that must be satisfied by a subsequently joining city or  
2 town, including, but not limited to, the share of any existing indebtedness of the authority,  
3 as well as any future operational budgets and indebtedness of the authority, that a  
4 subsequently joining city or town is legally obligated to pay.

5 A city or town that is already a participating member of the authority and is also a  
6 participating community in any one or more development projects of the authority may  
7 vote to withdraw its membership and its financial support, except that any such  
8 community continues to be legally obligated on any then-existing indebtedness of the  
9 authority until such time as the indebtedness is paid in full. Any such withdrawal  
10 becomes legally effective only on a date that marks the end of the fiscal year in which a  
11 withdrawal vote is taken by a community, after which that community is no longer  
12 legally liable or responsible for its share of the operational budget of the authority or any  
13 future indebtedness incurred by the authority after the effective date of the withdrawal.  
14 The city or town that withdraws pursuant to this paragraph also ceases to be eligible to  
15 receive distributions under any applicable interlocal revenue-sharing agreement.

16 **Sec. 15. Subsequent votes of cities and towns to participate in**  
17 **development projects of authority.** Any development plan of the authority must  
18 also contain provisions that specify the manner in which cities and towns that are already  
19 participating members of the authority, pursuant to votes taken as described in section 16  
20 of this Act, and other cities and towns named in section 1 of this Act that did not vote to  
21 initially become members of the authority or other cities and towns permitted to join the  
22 authority as participating members pursuant to section 14 of this Act may vote to  
23 participate in that specific development project of the authority. Such development plan  
24 must also specify a formula for determining the minimum commitment necessary through  
25 such votes in order for a development project to become operationally effective and must  
26 also include the terms of a proposed interlocal revenue-sharing agreement among the  
27 cities and towns that vote to participate in that particular development project of the  
28 authority.

29 **Sec. 16. Emergency clause; referendum; effective date.** In view of the  
30 emergency cited in the preamble, this Act takes effect when approved only for the  
31 purpose of permitting its submission to the legal voters of the cities and towns described  
32 in section 1 of this Act at regular or special town meetings and city elections called and  
33 held for that purpose before December 31, 2008. Such city elections and town meetings  
34 must be called, advertised and conducted according to the law relating to municipal  
35 elections and meetings. The registrars of voters are not required to prepare, nor the clerks  
36 to post, new lists of voters. For the purpose of registration of voters, the registrars of  
37 voters must be in session on the secular day next preceding these regular or special  
38 meetings. The votes taken at town meetings must be by written ballot.

39 The municipal clerks shall reduce the subject matter of this Act to the following  
40 question:

41 "Do you favor approving the Act creating the Southern York County  
42 Regional Development Authority passed by the 123rd Legislature, and  
43 (insert name of city or town) becoming a participating member of that

1 authority for the purpose of participating in the initial operational  
2 planning phase of the authority?"

3 The voters must indicate by a cross or check mark placed against the word "Yes" or  
4 "No" their opinion of the same.

5 This Act becomes operationally effective immediately upon acceptance by at least 3  
6 of the 6 cities and towns listed in section 1 of this Act. The result of the vote must be  
7 declared by the municipal officers of the cities or towns, and due certification of the  
8 voting results must be filed by the city or town clerks with the Secretary of State.

9 **SUMMARY**

10 This bill creates a regional development authority in southern York County. Initially,  
11 6 named communities in southern York County are eligible to be part of the authority and  
12 have the opportunity to vote on whether to become participating members of that  
13 authority. The submission of this proposed legislation resulted from the regional effort of  
14 several communities located in southern York County and has been developed as a result  
15 of a regional development grant awarded to the Town of South Berwick by the Executive  
16 Department, State Planning Office.

17 The Southern York County Regional Development Authority would have broad legal  
18 authority to engage in activities to promote, facilitate and conduct economic development  
19 through the creation of jobs, educational programs and workforce housing and other  
20 related activities, which would all take place through a coordinated, cooperative regional  
21 effort among the communities that vote to become members of the regional development  
22 authority.