

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

CHAPTER 765

H.P. 837 - L.D. 1181

AN ACT to Strengthen State-local Cooperation
through Regional Councils.

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

Sec. 1. 5 MRSA §3305, sub-§1, ¶D, as amended by PL 1973, c. 788, §25, is further amended to read:

D. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. The State Planning Office may assist in forming regional planning commissions and councils of governments and may assist with financing the cost of operation of such regional planning commissions established under Title 30, ~~chapter 239, subchapter 1-A~~ chapter 204-A, subchapter III, and of councils of governments empowered under Title 30, ~~section 1983, subsection 3~~ chapter 204-A, subchapter II. Participation shall be limited to half of the nonfederal share of a federally assisted project or 1/3 of a nonfederally assisted planning operation;

Sec. 2. 5 MRSA §3305, sub-§1, ¶E, as enacted by PL 1967, c. 533, §1, is amended to read:

E. Participate with other states or subdivisions thereof in interstate planning, and assist cities, towns, municipal corporations, counties and regional ~~planning commissions~~ councils to participate with other states or their subdivisions in planning;

Sec. 3. 14 MRSA §8102, sub-§3, as enacted by PL 1977, c. 2, §2, is amended to read:

3. Political subdivision. "Political subdivision" means any city, town, plantation, county, administrative entity or instrumentality created pursuant to Title 30, chapters 203, 204 and 239 204-A, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district and school district of any type.

Sec. 4. 30 MRSA c. 204, as amended, is repealed.

Sec. 5. 30 MRSA c. 204-A is enacted to read:

CHAPTER 204-A

REGIONAL COUNCILS

SUBCHAPTER I

§1991. Declaration of policy

The Legislature recognizes that a high level of cooperation and understanding between the State and its local governments is necessary to achieve common public goals and that coordination through regional councils is a way to achieve improved state and local cooperation. The Legislature further recognizes that regional councils are uniquely qualified to assist in the development of technical capacities of local governments; to develop regional policies, services and solutions to meet local needs; and to serve as a vital link between local governments and the State.

§1991-A. Forms of regional councils

The Legislature recognizes councils of governments and regional planning commissions as forms of regional councils.

§1991-B. Lead agency

1. State Planning Office. The State Planning Office shall serve as the coordinator between regional councils and the State. The State Planning Office shall administer state funds supporting regional council tasks and may provide technical assistance to regional councils as appropriate.

2. Rulemaking. The Director of the State Planning Office may adopt rules to create standardized contracts, administrative and audit requirements for state funds received by regional councils.

§1992. Tax status

Regional councils established in accordance with this Title are tax exempt institutions which shall be exempt only from income and sales taxes.

SUBCHAPTER II

COUNCILS OF GOVERNMENTS

§1994. Establishment

The municipal officers of any 2 or more municipalities, by appropriate action and as authorized by Title 5, section 12004, subsection 10, may enter into an agreement, between or among those municipalities, for the establishment of a regional council of governments.

§1994-A. Contents of agreement

The agreement shall provide for representation, provided that at least 1/2 of the representatives of each member shall be municipal officers. The agreement shall specify the organization, the method of withdrawal, the method of terminating the agreement and the grounds for suspension of member municipalities.

§1994-B. Powers and duties

1. Powers. The council may:

A. Study such area governmental problems common to 2 or more members of the council as it deems 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; and

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

2. Other powers. The council may, by appropriate action of the governing bodies of the member municipalities, exercise such other powers as are exercised or capable of exercise, separately or jointly, by the member governments and necessary or desirable for dealing with problems of local or regional concern.

3. Standing committee. The council may, by appropriate action of the governing bodies of the member municipalities, establish a standing committee for the purpose of preparing and maintaining a comprehensive regional plan.

4. Transfer. Where a regional planning commission has been established under subchapter III, the member municipalities, by appropriate action, may provide for the transfer of all assets, liabilities,

rights and obligations of the commission to the council and provide for the dissolution of the commission.

5. Authority. The council may, on behalf of one or more member municipalities and upon appropriate action of the governing bodies of one or more member municipalities, exercise any power, privilege or authority capable of exercise by a member municipality, except essential legislative powers, taxing authority or eminent domain power. This authority shall be in addition, and supplemental, to any other authority granted to municipalities by the general laws, and this chapter shall 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.

§1995. Bylaws

The council shall adopt bylaws designating the officers of the council and providing for the conduct of its business.

§1995-A. Staff

The council may employ such staff, and consult and retain such experts, as it deems necessary.

§1995-B. Finances; annual report

1. Expenses. The governing bodies of the member governments may appropriate funds to meet the expenses of the council. Services of personnel, use of equipment and office space and other necessary services may be accepted from members as part of their financial support.

2. Governmental funds. The council may accept funds, grants, gifts and services from the Federal Government or its agencies, from this State or its departments, agencies or instrumentalities or from any other governmental unit whether participating in the council or not, and from private and civic sources.

3. Report. The council shall make an annual report of its activities to the member governments.

4. Borrowing. To accomplish the purposes of this chapter and for paying any indebtedness and any

necessary expenses and liabilities incurred therefor, the council may borrow money and issue therefor its negotiable notes having such terms and provisions as the governing body of the council determines. The council may contract with one or more member municipalities for the receipt of funds to accomplish any of the purposes authorized by this subchapter and may incur indebtedness in anticipation of the receipt of these funds by issuing its negotiable notes payable in not more than one year. The notes may be renewed from time to time by the issue of other notes, provided that no notes may be issued or renewed in an amount which at the time of issuance or renewal exceeds the amount of funds remaining to be paid under contracts with one or more member municipalities.

SUBCHAPTER III

REGIONAL PLANNING COMMISSIONS

§1996. Establishment

Any 7 or more municipalities, all of which are within one regional planning and development district and within one subdistrict if any, may by vote of their municipal officers join together to form a regional planning commission. The purpose of a regional planning commission shall be to promote cooperative efforts toward regional development, prepare and maintain a comprehensive regional plan, coordinate with state and federal planning and development programs and to provide planning assistance and advisory services to municipalities. In preparation of a comprehensive plan, the public shall be given an adequate opportunity to be heard.

§1996-A. Incorporation; powers

Regional planning commissions shall be incorporated in accordance with Title 13, chapter 81, and shall possess all powers of a corporation organized without capital stock, except as limited by this subchapter.

§1996-B. Representation

The municipal members of the commission's governing body shall consist of representatives of each member municipality appointed by the municipal officers. Municipalities with less than 10,000 population as determined by the last Decennial Census shall have 2 representatives. Municipalities with populations greater than 10,000 as determined by the last

Decennial Census shall have 2 representatives and an additional representative for each 10,000 increment in population or major part thereof over 10,000. At least one representative for each municipality regardless of size shall be a municipal officer or a designee elected by a majority vote of the municipal officers, this designee to serve at the pleasure of the municipal officers. All other representatives shall serve for terms of 2 years and may be removed by the municipal officers for cause after notice and hearing. A permanent vacancy shall be filled for the unexpired term in the same manner as a regular appointment.

A regional planning commission shall, in its by-laws, make available voting membership to any county within its regional planning and development district or subdistrict. Each member county shall have 2 representatives, to be appointed by vote of the county commissioners. The commission may by bylaw provide for one alternate representative for each member.

§1997. Bylaws; records

The commission shall adopt bylaws, not inconsistent with this subchapter, designating the officers of the commission and providing for the conduct of its business.

The minutes of the proceedings of the commission shall be filed in the office of the commission and shall be public record. Copies shall be provided to the municipal officers and planning board of each member municipality.

§1997-A. Finances

The commission shall prepare an annual budget and shall determine on an equitable basis the contribution of each member toward the support of the commission.

The commission may accept funds, grants, gifts and services from the Federal Government or its agencies, from the State or its departments, agencies or instrumentalities, from any other governmental unit, whether a member or not, and from private and civic sources.

§1997-B. Staff services

To avoid duplication of staffs for various regional bodies assisted by the Federal Government, a

commission may provide basic administrative, research and planning services for any regional development and planning bodies presently or hereafter established in this State.

Sec. 6. 30 MRSA c. 239, subchapter I-A, as amended, is repealed.

Sec. 7. 30 MRSA §4523, as enacted by PL 1973, c. 534, §4, is amended to read:

§4523. Councils of government

For the purposes of this subchapter, regional planning commission shall also mean councils of government established pursuant to chapter ~~204~~ 204-A, subchapter II.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

EXECUTIVE DEPARTMENT

State Planning Office

All Other

\$125,000

Of these funds \$125,000 shall be distributed by the State Planning Office to regional councils in order to provide for regional council support of the implementation of state-imposed laws or programs. Funds, in an amount to be determined by the office, shall be provided to each regional council, provided that that council provides matching funds

in cash in the amount of 25% of the office distribution.

Effective July 16, 1986.

CHAPTER 766

H.P. 1310 - L.D. 1826

AN ACT to Increase the Maine Child Care Credit Under the State Income Tax.

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

Sec. 1. 36 MRSA §5127, sub-§2, as repealed and replaced by PL 1977, c. 424, §1, is amended to read:

2. Income tax credit for child care expenses. A resident individual shall be allowed a credit against the tax otherwise due under this Part in the amount of ~~15%~~ 16% of the federal tax credit allowable for child care expenses in tax year 1986; 20% of the federal tax credit allowable for child care expenses in tax year 1987; and 25% of the federal tax credit allowable for child care expenses thereafter. In no case will this credit reduce the Maine income tax to less than zero.

Sec. 2. 36 MRSA §5146, as enacted by PL 1977, c. 424, §2, is amended to read:

§5146. Child care credit

A nonresident individual shall be allowed a credit against the tax otherwise due under this Part in the amount of ~~15%~~ 16% of the federal tax credit allowable for child care expenses in tax year 1986; 20% of the federal tax credit allowable for child care expenses in tax year 1987; and 25% of the federal tax credit allowable for child care expenses thereafter, except that this credit shall be limited by the percentage that his Maine adjusted gross income bears to his federal adjusted gross income. In no case will this credit reduce the Maine income tax to less than zero.