

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

of the clearinghouse. The report may include recommendations on legislation required for full implementation of the statewide clearinghouse.

**Sec. 7. PL 1997, c. 557, Pt. C, §11** is amended to read:

**C-11. Report.** The commission shall present its findings and any recommended legislation to the Second Regular Session of the 118th Legislature by ~~January 1~~ February 3, 1998.

**Sec. 8. Retroactivity.** That section of this Act that amends Public Law 1997, chapter 557, Part C, section 11 is retroactive to January 1, 1998.

See title page for effective date.

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## CHAPTER 785

### H.P. 1617 - L.D. 2244

#### An Act to Encourage Intergovernmental Cooperation

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

**Sec. 1. 30-A MRSA §107**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

#### **§107. Services to municipalities**

~~The county commissioners of each county may contract with municipalities within the county to provide services that either a county or a municipality may perform. Under such a contract, the county commissioners may also contract with other political subdivisions of the State, quasi-municipal corporations, any agency or instrumentality of the State or with private enterprises, to enable or assist in performing all or part of the services contracted for by a municipality. In addition to any service authorized by or required of counties in this Title, the county commissioners of each county may develop and contract to provide any service that a municipality may perform. The county commissioners may develop such a service prior to executing a contract with a municipality but, unless otherwise provided for in this Title, may deliver the service only upon a contract with one or more municipalities or others as described in subsection 4. The county commissioners may contract with municipalities, other political subdivisions of the State, regional planning councils, councils of government, quasi-municipal corporations, any agency or instrumentality of the State or private enterprises to enable the county to perform or to assist the county in the performance of all or part of the services contracted for by a municipality.~~

**1. Municipal action required.** The legislative body of any municipality entering into a contract under this section must take appropriate action by ordinance, resolution or other action pursuant to law before the contract takes effect.

**2. Contents of contract.** Any contract with a municipality must specify the following:

- A. Its duration;
- B. Its purpose;
- C. The manner and amount of financing for the contracted services and maintaining a budget;
- D. The scope and nature of the services to be performed by the county;
- E. The manner of administering the performance of the contract and the methods and extent of municipal control of that administration;
- F. The manner of acquiring, holding and disposing of real and personal property acquired or used in performing the contract;
- G. Any limitations on the county commissioners' power to contract with other political subdivisions, quasi-municipal corporations, agencies, instrumentalities or enterprises to perform the services specified in the municipal-county contract, including the duties and activities that may be contracted for by the county;
- H. The method of partial or complete termination of the contract and the obligations and responsibilities of each party on termination; and
- I. Any other necessary and proper matters.

**3. Filing.** A copy of the contract ~~shall~~ must be filed with the clerk of each municipality that is a party to the contract and in the office of the county commissioners.

**4. Municipalities and others served.** The county may provide services to municipalities and other public and private entities in the county or another county. Unless otherwise provided for in this Title, a county may not require municipalities or other entities to subscribe to, contract for or participate in any service under this section.

**5. Fees.** The cost of developing and providing the service must be borne by those municipalities or other public or private entities using the service or by other means, but must not in any way be borne by the tax for which municipalities are assessed pursuant to section 706.

**Sec. 2. Task Force on Intergovernmental Cooperation, legislative membership.** When the Legislature receives notice from the Director of the State Planning Office that the Task Force on Intergovernmental Cooperation has been established through the execution of a memorandum of agreement subscribed to by the Governor, by the Maine County Commissioners' Association and by the Maine Municipal Association, 4 members from the Legislature must be appointed to serve on the task force, as follows:

1. Two members of the Senate, one of whom is from the minority party, appointed by the President of the Senate; and

2. Two members of the House of Representatives, one of whom is from the minority party, appointed by the Speaker of the House.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

**LEGISLATURE**

**Task Force on Intergovernmental Cooperation**

Personal Services	\$1,320
All Other	1,200

Provides funds for the per diem and expenses of legislative members of the Task Force on Intergovernmental Cooperation. These funds may not be made available for per diem or expenses for nonlegislative members of the task force.

<b>LEGISLATURE TOTAL</b>	\$2,520
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See title page for effective date.

**CHAPTER 786**

**H.P. 1594 - L.D. 2223**

**An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act**

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

**Sec. 1. 29-A MRSA §1751, sub-§2-A** is enacted to read:

**2-A. Enhanced inspection.** Beginning January 1, 1999, a motor vehicle that is required to be registered in Cumberland County and that is subject to inspection pursuant to subsection 1 must have an annual enhanced inspection. The following equipment is subject to inspection:

A. Equipment subject to inspection pursuant to subsection 2;

B. The fuel tank cap on 1974 and subsequent models of gasoline-powered vehicles; and

C. The on-board diagnostic system on 1996 and subsequent models.

A motor vehicle that is not required to be registered in Cumberland County may have an enhanced inspection under this subsection.

**Sec. 2. 29-A MRSA §1751, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Inspection fee.** ~~The inspection fee is \$6 for each inspection and is payable whether the vehicle passes inspection or not.~~ as follows:

A. Before January 1, 1999, the fee is \$6;

B. Beginning January 1, 1999, the fee for an inspection under subsection 2 is \$6.50;

C. From January 1, 1999 to December 31, 1999, the fee for an enhanced inspection under subsection 2-A is \$9.50; and

D. Beginning January 1, 2000, the fee for an enhanced inspection under subsection 2-A is \$9.50 for each inspection performed on pre-1996 models and \$12.50 for each inspection performed on 1996 and subsequent models.