

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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

J.S. McCarthy Company
Augusta, Maine
2000

E. The person who gives notice of the special district meeting shall make ~~his~~ a return on the warrant, stating the manner of notice in each municipality and the time when it was given.

3. The following provisions apply to the budget special district meeting:

A. Each person whose name appears on the district voting list may attend and vote at a special district ~~budget~~ meeting.

B. The president of the directors shall open the special district meeting by call for the election of a moderator, receiving and counting votes for a moderator and swearing in the moderator.

C. As soon as ~~he has been~~ elected and sworn, the moderator shall preside at the special district meeting and ~~he shall have~~ has all the powers granted to the moderator of a town meeting under the Maine Revised Statutes.

D. The secretary of the directors of the district shall record accurately all the votes of the special district meeting.

E. A majority vote of the legal voters present and voting ~~shall~~ must be determinative of any vote or motion placed before said special district meeting.

Sec. A-13. P&SL 1967, c. 58, §10-B is enacted to read:

Sec. 10-B. District voting list. The board of directors of the district shall appoint a resident of that district to make and keep a voting list of all residents in the district eligible to vote. This person is known as the registration clerk. The registration clerk shall compile a voting list from the voting lists of all towns within the district. At least 2 days before any meeting at which the inhabitants of the district are called upon to vote, the registration clerk shall bring this voting list up to date by comparing the list with those voting lists found in the towns of the district by making such additions and deletions as the registration clerk finds necessary. Additions or deletions may not be made in the 2-day period before that meeting.

Sec. A-14. P&SL 1967, c. 58, §13, as amended by P&SL 1979, c. 81, is repealed.

Sec. A-15. Effective date. This Part takes effect when approved.

PART B

Sec. B-1. P&SL 1967, c. 58, §3-B is enacted to read:

Sec. 3-B. Requirements for bond issues.

All bond issues are subject to the requirements of this section. The district may not separate portions of a single project into components to evade any monetary limitation imposed by law. Prior to the directors voting to authorize a project proposed to be bonded, the directors shall hold a public informational session on the project in the district. With regard to all bond issues approved by the board of directors on or after January 1, 2002, the requirements of section 4 apply to all bonding for less than \$2,000,000, and all bonding in an amount of \$2,000,000 or more is subject to a referendum by the residents of the district in the same manner as a general election within 120 days from receipt of the petition.

Sec. B-2. Effective date. This Part takes effect January 1, 2002.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 14, 2000, unless otherwise indicated.

CHAPTER 85

H.P. 1542 - L.D. 2196

An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center

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

Sec. 1. Communication center established; powers. The following provisions govern the establishment and powers of the Central Maine Regional Public Safety Communication Center.

1. Center established. The Central Maine Regional Public Safety Communication Center, referred to in this Act as the "center," is established to provide emergency communication services to participating state, county and municipal public safety agencies in the central Maine region. The following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff's office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

2. Powers. The center is a body both corporate and politic in the State and may:

- A. Sue and be sued;
- B. Have a seal and alter the seal at pleasure;

C. Adopt bylaws and amend the bylaws covering its procedures and rules and publish those bylaws and rules as publication is necessary or advisable;

D. Cause records of its proceedings to be kept;

E. Permit additional agencies or instrumentalities of this State, or any of its municipalities or bodies existing therein, regional councils, quasi-municipal corporations, special purpose districts and authorities to join or withdraw from the center subject to any contractual agreements, rules or procedures in its bylaws;

F. Acquire, hold and dispose of personal property for its purposes;

G. Acquire, hold and dispose of in the name of the center by purchase, lease or otherwise, real property and rights or easements therein determined by the center necessary or desirable for its purposes, and use that property;

H. Charge and collect fees for services made available and use the proceeds of the fees for the purposes provided in this Act;

I. Make contracts with the United States or any instrumentality or agency of the United States, this State or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein, private corporations, partnerships, associations and individuals;

J. Accept grants and the cooperation of the United States or any agency of the United States in the construction, maintenance, reconstruction, operation and financing of the center and do any and all things necessary to avail itself of that aid and cooperation and repay any grant or part of any grant;

K. Employ assistants; agents; engineering, traffic, architectural and construction experts; inspectors; attorneys; and other employees as it determines necessary or desirable for its purposes;

L. Exercise any of its powers in the public domain of the United States, unless the exercise of those powers is not permitted by the laws of the United States;

M. Borrow money, make, issue and sell at public or private sale negotiable notes, bonds and other evidences of indebtedness or obligations of the center for the purposes set forth in this Act and secure the payment of an obligation or any part of an obligation by pledge of all or any part of the operating revenues of the center;

N. Enter into loan or security agreements with one or more lending institutions, including, but not limited to, banks, insurance companies and pension funds, or trustees for those institutions for purposes for which bonds may be issued and to exercise with respect to a loan or security agreement all of the powers delineated in this Act for the issuances of bonds; and

O. Take all other lawful action necessary and incidental to these powers.

Sec. 2. Governmental function and status.

The purposes of this Act are public and the center is regarded as performing a governmental function in carrying out this Act. The center is a political subdivision for purposes of the Maine Revised Statutes, Title 14, chapter 741, a public employer for purposes of Title 26, chapter 9-A and a local district for purposes of Title 5, Part 20.

Sec. 3. Governance. The following provisions govern the center.

1. Governing council. The center operates under a governing council.

A. The governing council consists of one voting member from each participating municipality and one from each participating agency that uses the services of the center.

B. The governing council must meet at least twice annually to establish and review center policies and to provide guidance to the center's board of directors.

C. The governing council may override a decision of the board of directors when at least 5 governing council members sign a petition requesting a special meeting of the council and approve a motion to override by a weighted 2/3 vote, as described in paragraph D, of those council members present at the special meeting.

D. Each participating entity may cast one vote and all votes of the governing council are tabulated as described in this paragraph. The municipalities vote in a weighted manner that is calculated based upon the total population of each municipality as a proportion of the total population of all the municipalities that use the services of the center. The governing council shall utilize the most recent decennial census data for determining the population of a participating municipality. If participating in the center, the Maine State Police representative has the same weighted vote as the most populous municipality that uses the services of the center. If participating in the center, Kennebec County has a weighted vote equal to 1/2 of the weighted vote

of the most populous municipality that uses the services of the center. At the first annual meeting of the governing council during each year of the center's operation, the exact weight of each council member's vote must be recorded in the minutes of the meeting and be distributed to each member of the governing council.

2. Board of directors. The board of directors of the center consists of representatives from the following agencies and municipalities that participated in the center's feasibility and implementation studies, if those governmental units choose to participate in the center: the Maine State Police, Kennebec County, Augusta, Gardiner, Oakland, Waterville, Winslow and 2 at-large members selected by the governing council who represent municipalities served by a dispatch system that preceded the establishment of the center that have also joined the center.

A. The board of directors shall, through procedures it adopts, add 4 advisory board members who serve the board of directors in an advisory capacity but have no power to bind the center. Each of the 4 advisory members must be selected to represent the interests of one of the following public safety and service agencies: fire, police, ambulance and emergency medical services and general governmental services. The 4 advisory board members may not vote on matters related to financial issues but may register advisory votes on any other policy or procedural issues as determined by a simple majority of the board of directors.

B. The board of directors shall operate for a period not to exceed 3 years from the date of the center's inception. At the end of that period, the terms of the initial board members terminate and a permanent board of directors must be established. A participating entity may not have more than 2 representatives serving on the board of directors. The permanent board members serve at the pleasure of their appointing authorities. If they participate in the center, the following entities may have representatives on the permanent board of directors:

- (1) The Maine State Police, appointed by the Chief of the State Police;
- (2) The Kennebec County Commissioners, appointed by the chair of the Kennebec County Commissioners;
- (3) Each of the 5 largest municipalities, by population, appointed by their municipal governing boards;
- (4) Two municipalities appointed by the governing council as at-large directors for

2-year terms. At-large directors may be re-elected and are not restricted from serving more than one term;

(5) Public service sectors: fire, police, emergency medical services and nonemergency ancillary governmental services represented by 4 advisory board members selected pursuant to a procedure adopted by the board. The 4 advisory members may not vote on matters related to financial issues but may register advisory votes on any other policy or procedural issues as determined by a simple majority of the board of directors; and

(6) A governmental entity that formally joins the center after the inception of the center as a member by closing an existing dispatch operation that serves a population of more than 10,000 people.

C. The board of directors shall ensure that the center is operated in accordance with the policies established by the governing council. The board of directors shall:

- (1) Appoint the executive director of the center and provide regular oversight to ensure that the executive director is operating the center consistently with the board's directives;
- (2) Submit its recommended annual budget and capital budget to the governing council; and
- (3) Establish bylaws and general operating procedures for the center.

D. The executive director serves at the pleasure of the board of directors. The executive director is the chief administrator of the center and is responsible for the operational management of the center. The executive director is responsible for the preparation of the annual budget, policy development and implementation of both budget and general policies adopted by the board.

E. The initial staff of the center must be selected from within the pool of current dispatch employees employed by any municipality or agency that joins the center. Permanent employees of the center are eligible to elect to participate in the Maine State Retirement System, a state-deferred compensation plan or any other plan or program adopted by the board of directors. The rights or obligations of any municipality or agency that joins the center that arise out of an existing collective bargaining agreement to which it is a party may not be abrogated by operation of this

Act. The center shall bargain with any local union selected by the employees that is entitled to recognition as the collective bargaining agent.

Sec. 4. Liability. The liability of the center is governed by the Maine Revised Statutes, Title 14, chapter 741. Notwithstanding Title 14, chapter 741, a member of the governing council of the center, a member of a board of directors of the center or an employee of the center is not subject to any personal liability for acting in the service of duty as a member of the center within the course and scope of membership or employment to carry out a power or duty under this Act. The center shall indemnify a member of the center governing council, a member of a board of the center or an employee of the center against expenses actually and necessarily incurred in connection with the defense of an action or proceeding in which the member or employee is made a party by reason of past or present association with the center.

Sec. 5. Operational funding; cost distribution method; in-kind contributions. The center operates on an equitable shared-funding basis, based on a formula created by the board of directors and approved by the governing council, that distributes costs on an equitable basis that considers both fixed and variable costs and that reasonably reflects call-volume usage, population or valuation. Each participating agency and municipality that is a member of the center shall contribute a portion of the operational costs on a continuing basis. If they choose to participate in the center, the Maine State Police and Kennebec County shall contribute for the first 3 years at the amount established in the year of the center's inception. In-kind contributions, including those specific services for the system undertaken by participating entities, must be calculated and included in the cost-distribution formula. After the initial 3-year term of operation of the center, the board of directors shall biannually approve a formula for distribution of the center's operational costs.

Sec. 6. Capital replacement fund. The board of directors shall establish and maintain a capital replacement fund to ensure the technological viability of the system. Each participating entity must contribute to this fund in a manner similar to the cost-distribution system established under section 5 and the formula created by the board of directors and approved by the governing council.

Sec. 7. Effective date; creation of center. This Act takes effect when 2 or more municipalities or agencies eligible to participate in the establishment of the center pursuant to this Act complete by vote or signature of their governing authority an interagency agreement and notify the chair of the Kennebec County Commissioners and the Secretary of State except that in no event may this Act take effect within

90 days after adjournment of the Second Regular Session of the 119th Legislature. Within 210 days but not less than 150 days after adjournment of the Second Regular Session of the 119th Legislature, municipalities or agencies wishing to participate in the establishment of the center must decide by vote or direction of the municipality or agency authority whether to participate in the creation of the center. Upon receiving appropriate notice, the chair of the Kennebec County Commissioners shall call the first meeting of the governing council, which constitutes the creation of the center.

See title page for effective date, unless otherwise indicated.

CHAPTER 86

H.P. 1945 - L.D. 2689

An Act to Allow the St. Agatha Sanitary District to be Dissolved and Combined with the Town of St. Agatha

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the St. Agatha Sanitary District is a sanitary district created under the Maine Revised Statutes, Title 38, chapter 11 and a Certificate of Organization filed with the Department of Environmental Protection, dated May 26, 1967; and

Whereas, the district wishes to dissolve its charter and transfer its operations to the Town of St. Agatha; and

Whereas, it is imperative that action be taken as early as possible to allow for continuity of services provided by the St. Agatha Sanitary District; and

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

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

Sec. 1. Town of St. Agatha's acquisition of property of St. Agatha Sanitary District. The Town of St. Agatha acquires, under the terms contained in this Act, all of the plants, properties, assets, franchises, rights and privileges owned by the St. Agatha Sanitary District, including, without limitation, lands, buildings, sewers, filtration plants