

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$86,028)
SECTION TOTAL - ALL FUNDS	\$0	(\$86,028)

**PART C**

**Sec. C-1. Effective date.** Part B of this Act takes effect August 31, 2004.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective May 7, 2004, unless otherwise indicated.

**CHAPTER 696**

**S.P. 767 - L.D. 1930**

**An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies**

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

**Sec. 1. 5 MRSA §12004-I, sub-§75-C** is enacted to read:

<u>75-C.</u>	<u>Intergovernmental</u>	<u>Legislative</u>	<u>30-A</u>
<u>State</u>	<u>Advisory</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Government</u>	<u>Group</u>	<u>and</u>	<u>§2181</u>
		<u>Expenses</u>	
		<u>for Legis-</u>	
		<u>lators and</u>	
		<u>expenses</u>	
		<u>only for</u>	
		<u>certain</u>	
		<u>members</u>	

**Sec. 2. 30-A MRSA §2, sub-§1-A**, as enacted by PL 1991, c. 541, §2, is repealed.

**Sec. 3. 30-A MRSA §2, sub-§1-B**, as amended by PL 2001, c. 161, §1 and affected by §2, is repealed.

**Sec. 4. 30-A MRSA §71**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 5. 30-A MRSA §401, sub-§3**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 6. 30-A MRSA §701, sub-§3**, as amended by PL 1989, c. 6; c. 9, §2; c. 23; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Public hearing.** The county ~~commissioner~~ commissioners shall hold a public hearing in the county on these estimates before December 31st. They shall publish a notice of the hearing at least 10 days before the hearing in a newspaper of general circulation within the county. Written notice and a copy of the estimates ~~shall~~ must be sent by mail or delivered in person to the clerk of each municipality in the county ~~and to each member of the county legislative delegation~~ at least 10 days before the hearing. The municipal clerk shall notify the municipal officers of the receipt of the estimates.

**Sec. 7. 30-A MRSA §701, sub-§4**, as amended by PL 1989, c. 6; c. 9, §2; c. 23; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 8. 30-A MRSA §702**, as repealed and replaced by PL 2003, c. 105, §2 and amended by c. 178, §1, is repealed and the following enacted in its place:

**§702. Estimates recorded and sent to State Auditor**

The county clerk shall record the estimates made under section 701. A copy of the estimates must be signed by the chair of the county commissioners and attested to by the county commissioners' clerk. On or before the first day of each January, the clerk shall transmit that copy to the State Auditor, who shall retain the copy for 3 years. These records are a public record at the office of the county commissioners in the county that submitted those records.

**Sec. 9. 30-A MRSA §1321**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended by inserting a new first paragraph to read:

A charter commission may be initiated by the county commissioners or by petition by voters according to the methods established in subsections 1 and 2.

**Sec. 10. 30-A MRSA §1321, sub-§5**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 11. 30-A MRSA §1352, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Application.** ~~In those counties that adopt county charters~~ If a county adopts a charter, the

following general laws and laws related to that county do not apply if the charter provides for that function:

- A. Sections 2, 52 and 53;
- B. Chapter 1, subchapter ~~H~~ 2, sections 61 to 82;
- C. Chapter 1, subchapter ~~H~~ 3, sections 151 to 162;
- D. Section 201; ~~and~~
- D-1. Chapter 3, subchapter 1, sections 701 to 900-E; and
- E. Title 33, sections 601 to 608.

**Sec. 12. 30-A MRSA c. 114** is enacted to read:

### CHAPTER 114

#### INTERGOVERNMENTAL COOPERATION

##### §2181. Intergovernmental Advisory Group

The Intergovernmental Advisory Group, established by Title 5, section 12004-I, subsection 75-C and referred to in this chapter as "the advisory group," shall work on ways to improve communication, cooperation and efficiencies within all 3 branches of government and provide state assistance to encourage regionalization and cost-effective service delivery.

**1. Advisory group membership.** The advisory group consists of the following 17 members:

- A. One member of the Senate appointed by the President of the Senate;
- B. One member of the House of Representatives who is not a member of the same political party as the Senator appointed under paragraph A, appointed by the Speaker of the House;
- C. Three members who must be state agency or department heads or their designees, appointed by the Governor. The Governor may appoint the fiscal administrator of the unorganized territory in lieu of an agency or department head;
- D. Five members appointed by the Governor who represent regional governments, 3 of whom must be county officials recommended by a statewide association of county commissioners and 2 of whom must represent regional planning agencies, councils of government or other regional bodies;
- E. Five members appointed by the Governor who represent local government, 3 of whom must be municipal officials recommended by a

statewide municipal association and 2 of whom must represent school administrative units or other special-purpose districts that represent 2 or more municipalities; and

F. Two members appointed by the Governor who represent nongovernmental entities with experience in regionalization, consolidation and customer service, one from the not-for-profit sector and one from the for-profit sector.

The Governor shall appoint at least 3 members from each of 3 regions defined as follows: Region 1: Aroostook, Hancock, Penobscot, Piscataquis and Washington counties; Region 2: Androscoggin, Franklin, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, Somerset and Waldo counties; and Region 3: Cumberland and York counties. The Governor shall make every effort to ensure a geographic diversity of membership from each region.

**2. Chairs.** The 2 legislative members of the advisory group are the cochairs.

**3. Terms of appointment.** The terms of appointment are as follows.

A. Of the initial gubernatorial appointments, 5 must be for terms of 3 years, 5 must be for terms of 2 years and 5 must be for terms of one year.

B. Subsequent gubernatorial appointments must be for terms of 3 years, except that, if a member is unable to complete the term, the Governor shall appoint a person to serve out the remainder of the unexpired term.

C. The term for an elected official must be for the term of office of the person appointed.

D. A member may not serve for more than 6 years. A member may continue to serve until a replacement is designated.

**4. Duties.** The advisory group shall:

A. Study ways to reduce duplication and improve efficiency among all 3 branches of State Government as well as within each branch;

B. Promote communication, cooperation and efficient delivery of services, including collecting data on current efforts to regionalize service delivery statewide;

C. Design and implement processes by which the State may offer guidance, technical support and incentives to encourage regionalization and efficiency of service delivery by all 3 branches of government;

D. Work with local and regional entities to design and implement pilot programs that result in cost savings or improved services through regionalization or other efficiency efforts;

E. Identify best management practices and make this information available to the public;

F. Prepare legislation for submission to the Legislature to implement any recommendations of the advisory group on or before December 1st annually; and

G. Report to the joint standing committee of the Legislature having jurisdiction over state and local government matters annually in January on the activities and effectiveness of the group and recommend changes to the group's organizational structure.

**5. Meetings.** The advisory group may meet up to 4 times a year.

**6. Attendance.** If a member of the advisory group fails to notify the chairs about an absence from a meeting more than one time, the original appointing authority may appoint a replacement.

**7. Staff assistance.** The Executive Department, State Planning Office shall provide all necessary staffing and support services for the advisory group.

**8. Funding.** The advisory group is authorized to seek, accept and expend funding to carry out the advisory group's program activities, subject to approval by the Director of the State Planning Office within the Executive Department. All funds accepted must be forwarded to the Director of the State Planning Office, who shall administer all funds received by the advisory group.

**9. Compensation.** Legislative members of the advisory group are entitled to receive the legislative per diem as defined in Title 3, section 2 and reimbursement for expenses according to Title 5, section 12004-I, subsection 75-C. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings of the advisory group from the Executive Department, State Planning Office, subject to the approval of the Director of the State Planning Office.

**10. Quorum; actions.** A quorum is a majority of the members of the advisory group. An affirmative vote of the majority of the members present at a meeting is required for any action.

**Sec. 13. 30-A MRSA §2201**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and

amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§2201. Purpose**

It is the purpose of this chapter to permit ~~municipalities~~ public agencies, as defined in section 2202, including, but not limited to, municipalities, counties, school administrative units and state agencies, to make the most efficient use of their powers by enabling them to cooperate ~~with other municipalities~~ on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of ~~local~~ communities.

**Sec. 14. 30-A MRSA §2202, sub-§1, ¶A**, as amended by PL 1993, c. 279, §1, is further amended to read:

A. Any political subdivision of the State, as defined in section 2252, or any adjoining state; or

**Sec. 15. 30-A MRSA §2202, sub-§1, ¶B**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 16. 30-A MRSA §7209, sub-§4**, as enacted by PL 2003, c. 297, §6, is amended to read:

**4. Limitation.** If the voters of a municipality reject deorganization in ~~an advisory referendum~~ a vote held pursuant to this section, the municipality may not submit a deorganization plan to the Legislature for a period of 3 years from the date of that ~~advisory referendum~~ vote.

**Sec. 17. Appropriations and allocations.** The following appropriations and allocations are made.

**EXECUTIVE DEPARTMENT**

**State Planning Office**

Initiative: Allocates funds in the event that additional dedicated revenue is received to carry out the advisory group's program activities.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$500
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Other Special Revenue Funds Total	\$0	\$500

See title page for effective date.