

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

sources are directed to the management of persons with a high risk of reoffending;

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

Effective May 31, 2005.

## CHAPTER 266

H.P. 1155 - L.D. 1637

### An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services

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

**Sec. 1. 30-A MRSA §5681, sub-§3,** as amended by IB 2003, c. 2, §2, is further amended to read:

**3. Revenue-sharing funds.** To strengthen the state-municipal fiscal relationship pursuant to the findings and objectives of subsection 1, there is established the Local Government Fund. To provide additional support for municipalities experiencing a higher-than-average property tax burden, there is established the Disproportionate Tax Burden Fund. To assist those municipalities that collaborate with other municipalities, counties or state agencies to obtain savings in the cost of delivering local and regional governmental services there is established the Fund for the Efficient Delivery of Local and Regional Services, which is administered pursuant to chapter 231.

**Sec. 2. 30-A MRSA c. 231** is enacted to read:

## CHAPTER 231

### FUND FOR THE EFFICIENT DELIVERY OF LOCAL AND REGIONAL SERVICES

#### §6201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Commissioner.** "Commissioner" means the Commissioner of Administrative and Financial Services.

**2. Cooperative services grant.** "Cooperative services grant" means a grant award from the fund pursuant to section 6208 to cover eligible costs of a qualifying project.

**3. Department.** "Department" means the Department of Administrative and Financial Services.

**4. Eligible applicant.** "Eligible applicant" means a municipality, county or regional government subdivision.

**5. Eligible costs.** "Eligible costs" means the actual and direct expenses incurred in implementing a cooperative services grant or a planning grant awarded under section 6208, including expenses incurred in connection with the following activities for cooperative services grants and planning grants.

**A. Eligible costs for a planning grant include the expense of:**

(1) Studies to examine alternative methods of achieving collaboration, including those adopted by other municipalities;

(2) Cost-benefit studies; and

(3) Facilitation of community meetings and public outreach and education.

**B. Eligible costs for a cooperative services grant includes the expense of:**

(1) Execution and implementation of an interlocal agreement under chapter 115, a tax base sharing arrangement or another regional government mechanism for achieving collaboration;

(2) Joint strategic planning or comprehensive or capital investment planning;

(3) Public outreach and education;

(4) Collaboration or consolidation of offices or services;

(5) Professional services, such as those provided by attorneys, consultants, facilitators and architects; and

(6) Administrative services and costs, such as photocopying, printing, telephone service and travel costs.

Administrative and other costs of ongoing operations that would otherwise be budgeted by a municipality, county or regional government subdivision are not eligible costs.

**6. Fund.** "Fund" means the Fund for the Efficient Delivery of Local and Regional Services established by section 5681, subsection 3.

**7. Planning grant.** "Planning grant" means a grant award from the fund pursuant to section 6208 to

cover eligible costs of developing a qualifying project for a cooperative services grant.

**8. Qualifying project.** "Qualifying project" means a project designed to achieve significant and sustainable savings in the cost of delivering local and regional governmental services that reduces the demand for property tax revenues through collaborative approaches to service delivery, enhanced regional delivery systems, consolidated administrative services, broad-based purchasing alliances and interlocal agreements.

**9. Regional government subdivision.** "Regional government subdivision" means:

A. A regional planning commission or regional council of governments established under chapter 119; or

B. A legal entity created by interlocal agreement pursuant to chapter 115.

**§6202. Fund source; nonlapsing; dedicated, special revenue account**

The fund consists of revenues transferred from the Local Government Fund pursuant to section 5681, subsection 5-B and any funds received as contributions from private and public sources. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year. The fund is a dedicated, special revenue account.

**§6203. Fund administration**

The department shall administer the fund. The fund must be held separate and apart from all other money, funds and accounts.

**§6204. Uses of fund**

Except as otherwise provided by this section and section 5681, subsection 3, the fund is available solely for grants for qualifying projects. The department may use the fund to cover its costs of administration, including contracting for services to administer the grants.

Grant funds may not be used for reimbursement of costs or expenses incurred prior to an award from the fund.

**§6205. Eligibility; intergovernmental cooperation**

In accordance with the request for proposals issued by the department under section 6209, an eligible applicant may apply for a planning grant or a cooperative services grant from the fund. In order to be eligible for a planning grant or a cooperative services

grant, an eligible applicant must demonstrate in its application that the project for which it seeks a grant will be undertaken in cooperation with one or more municipalities, counties or regional government subdivisions.

An eligible applicant may contract with nongovernmental organizations and individuals for the purpose of carrying out projects supported by the fund.

In applying for a cooperative services grant, an eligible applicant must specify the type of qualifying project for which assistance is sought and how the project will reduce demand for property tax revenues.

**§6206. Local match**

The department may not require an eligible applicant to provide matching funds to be eligible for a cooperative services grant and may not give preference or priority to an eligible applicant whose proposal provides matching funds.

The department may require an eligible applicant to provide matching funds for a planning grant in an amount not to exceed 50% of the total grant award requested, as determined by the department in accordance with a request for proposals issued under section 6209, and may give preference or priority to an eligible applicant whose proposal provides matching funds.

**§6207. Funding criteria**

**1. Planning grants.** In evaluating and ranking an application for a planning grant, the review panel established under section 6208 shall consider whether the technical assistance and facilitation for which assistance is sought is reasonably likely to result in development and subsequent submission of a proposal for a qualifying project; the projected estimate of the aggregate reduction in the demand for property tax revenue; and other related factors in accordance with a request for proposals issued by the department under section 6209.

**2. Cooperative services grants.** In evaluating and ranking each application for a cooperative services grant, the review panel established under section 6208 shall consider the aggregate reduction in the demand for property tax revenue in the geographical region covered by the municipalities, counties and regional government subdivisions cooperating in the qualifying project, the chance of success of the project and the ability to replicate the efficiency achieved by the project in other regions; and other related factors in accordance with a request for proposals issued by the department under section 6209.

**§6208. Review panel; review and decision on grant applications**

**1. Composition of review panel.** A review panel is established consisting of the following members:

A. The Director of the State Planning Office within the Executive Department or the director's designee;

B. The commissioner or the commissioner's designee;

C. A representative of the Department of Economic and Community Development, appointed by the Governor;

D. One representative of a county or regional government subdivision recommended by a statewide organization representing counties or regional service providers, appointed by the Governor;

E. Two representatives of municipal government, recommended by the Maine Municipal Association, who currently serve or formerly served as municipal officers or chief administrative officials of municipalities, with one representing a rural community with a population of less than 4,000 and one representing a suburban community with a population of 4,000 or more, appointed by the Governor; and

F. One representative of a service center community recommended by the Maine Service Centers Coalition or its successor organization, appointed by the Governor.

**2. Review panel duties.** The review panel established in subsection 1 shall:

A. Determine whether each eligible applicant for a cooperative services grant or planning grant meets the eligibility criteria under section 6205 and provide written notice to that applicant of its eligibility determination; and

B. In accordance with the request for proposals issued under section 6209, review and rank proposals from applicants eligible for cooperative services grants and planning grants under section 6205 against the funding criteria defined in section 6207 and award cooperative services grants or planning grants to proposals that best meet the funding criteria in section 6207 subject to availability of funding.

Prior to issuing the request for proposals as provided in section 6209, the department shall consult with the

review panel, which may suggest criteria for consideration by the department.

**§6209. Request for proposals**

No later than November 1st of each year, the department shall issue a request for proposals in accordance with the Bureau of General Services Rules, Chapter 110 that includes the schedules for submission and action on applications for grants under this chapter; procedures for scoring and ranking those applications; and procedures and information requirements related to application submissions. The department shall provide reasonable notice to all eligible applicants about the availability of the fund and the solicitation of grant proposals.

**§6210. Report**

By October 1st of each year, the department shall provide an annual report to the Intergovernmental Advisory Group established by Title 5, section 12004-I, subsection 75-C and to the joint standing committee of the Legislature having jurisdiction over state and local government matters. The annual report must:

**1. Itemize disbursements.** Itemize disbursements from and indicate the current balance of the fund;

**2. Describe barriers or incentives.** Describe any barriers to or incentives for regionalization identified by the department through its administration of the fund;

**3. Identify lessons.** Identify lessons from which other eligible applicants may learn and best practices that other eligible applicants may follow; and

**4. Describe efforts.** Describe the effect of the grants awarded, including the success of regional efforts and the amount of documented and anticipated property tax savings.

See title page for effective date.

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## CHAPTER 267

S.P. 467 - L.D. 1340

### An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing

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