

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Select Committee
on
Regionalization and Community Cooperation*

May 2004

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES..... House & Senate disagree; bill died
- DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
- EMERGENCY Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
- INDEF PP Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- PUBLIC XXX..... Chapter # of enacted Public Law
- RESOLVE XXX..... Chapter # of finally passed Resolve
- UNSIGNED..... Bill held by Governor
- VETO SUSTAINED Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
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Joint Select Committee on Regionalization and Community Cooperation

5. Reduce transfers to the Fund for the Efficient Delivery of Education Services in fiscal year 2005-06 from 1.0% of general purpose aid for local schools to \$2,000,000.
6. Eliminate the transfers to the Fund for the Efficient Delivery of Education Services specified for fiscal years 2006-07, 2007-08, 2008-09 and 2009-10.
7. Change the date by which the Commissioner of Education must report to the Legislature from January 2007 to January 2005.

LD 1930

An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies

PUBLIC 696

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-510
	ONTP MIN	S-517 DAMON
		S-575 CATHCART

LD 1930 was a concept draft pursuant to Joint Rule 208. It proposed to do the following:

1. Require that each of the state, county and municipal governments pay for those services that it requires be provided. This would not include Federal Government mandates and mandates related to education.
2. Establish the Intergovernmental Advisory Group to study ways to reduce duplication and improve efficiency among all 3 levels of government in the State as well as within each level of government; promote communication, cooperation and efficient delivery of services; provide state resources for guidance, technical support and incentives to regionalize; and work with local and regional entities to design and implement pilot projects that result in cost savings and improved services through regionalization or other efficiency efforts.

The advisory group was proposed to have the following representation:

- A. Five members from State Government, 3 of whom must be commissioners and 2 of whom must be Legislators not of the same political party;
 - B. Five members who must be officials representing regional governments, 3 of whom must be county officials and 2 of whom must represent regional planning agencies, councils of government or other regional bodies; and
 - C. Five members who must be officers representing municipal governments, 3 of whom must be municipal officials and 2 of whom must represent school districts or other special-purpose districts that represent 2 or more municipalities.
3. Encourage the adoption of a county charter by streamlining the procedure for initiating a charter commission and removing all statutory limits on charter powers. The proposed changes to accomplish this included the following:

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- A. Change the language in the Maine Revised Statutes, Title 30-A, chapter 11, subchapter 3 to remove limits on charter powers and to provide that a county that adopts a charter may have home rule. This provision would not change the constitutional requirements regarding the election of county sheriffs and judges and registers of probate. It also would not exempt counties from state mandates; and
 - B. Remove the requirement that county residents vote to initiate a charter commission and allow a charter commission to be initiated either by the county commissioners or a citizens' petition. Citizens would still be required to vote on the final adoption of the charter.
4. Increase the real estate transfer tax from \$2.20 per \$1,000 of property value per party to \$3.00 per \$1,000 of property value per party. All additional funds raised through the real estate transfer tax as a result of this increase would be deposited into a dedicated fund to provide grants to promote regional efforts. This fund would be administered by the Intergovernmental Advisory Group, as proposed to be established in this bill. Groups of municipalities, councils of government and regional planning commissions may apply for grants. A county may also apply for a grant if it adopts a charter and if it submits a plan for regional cooperation.
 5. Create tax districts for multiple towns to join together for the purpose of assessing and collecting taxes as a single entity. Under the proposed bill, a county might also serve as a tax district for this purpose. Residents of the towns or the county would vote to decide on whether to create a taxing district. The Intergovernmental Advisory Group would provide grants to assist in the development of a proposed taxing district.
 6. Transfer a portion of the Highway Fund that funds State Police patrol to towns that do not have local police. Under the proposed bill, those towns would then contract with the county for sheriff patrol services. The portion of the Highway Fund to be transferred for this purpose would be based on the following funding formula for each county sheriff's patrol budget: Fifty percent of the budget would be required to be collected from the residents that receive the benefit and 50% would be collected through the Highway Fund.
 7. Encourage counties to work together on regional projects, such as communications centers and regional jails, by amending or clarifying statute to give all political subdivisions of the State broad authority to work together.
 8. Tie the award of transportation funds to municipalities to the development of coherent regional land use policies.
 9. Remove statutory references to:
 - A. Salaries of county officials;
 - B. Directives on how often county boards and commissions hold hearings; and
 - C. Involvement of the legislative delegation in the county budget process.
 10. Initiate 4 pilot projects to:
 - A. Create municipal unions to allow multiple towns to consolidate their administrative functions into a single unit while allowing each town to retain its identity and form of governance. This option would be voluntary;
 - B. Work with state agencies to permit towns to file joint reports and audits when they are working together administratively;

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- C. Promote the use of councils of governments and promote the involvement of councils of governments and regional planning commissions with counties; and
- D. Assist the "Beginning with Habitat" program to make more effective use of wildlife information across town boundaries through a regional habitat planning pilot project.

Committee Amendment "A" (S-510) proposed to create the Intergovernmental Advisory Group to improve efficiencies and communication within all 3 branches of government and to provide state assistance to encourage regionalization and cost-effective service delivery. The amendment proposed to remove the requirement for county residents to vote to create a charter commission. It proposed to remove references to county commissioner meeting requirements, salaries for county officials and legislative delegation involvement in the county budget estimate process. This bill also proposed to allow county charters to include provisions for the county budget committee process. Finally, it proposed to clarify that interlocal cooperative agreements may be established among public agencies.

House Amendment "A" to Committee Amendment "A" (H-925) proposed to remove the provision of Committee Amendment "A" that allows a charter commission to be initiated by the county commissioners or by petition by voters. (not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-517) proposed to clarify that the Governor's appointments for the Intergovernmental Advisory Group must include 3 members from each of 3 regions and ensure a geographic diversity of membership from each region.

Senate Amendment "B" to Committee Amendment "A" (S-575) proposed to clarify the staffing responsibility for the Intergovernmental Advisory Group by assigning that function to the Executive Department, State Planning Office and limit the number of meetings of the advisory group to 4 per year.

Senate Amendment "C" to Committee Amendment "A" (S-582) proposed to remove the provisions of Committee Amendment "A" that would allow a charter commission to be initiated by the county commissioners or by petition by voters. Under this proposed amendment, the question of whether to establish a county charter commission would still be submitted to the voters. (not adopted)

Enacted Law Summary

Public Law 2003, chapter 696 creates the Intergovernmental Advisory Group to improve efficiencies and communication within all 3 branches of government and to provide state assistance to encourage regionalization and cost-effective service delivery. The law removes the requirement for county residents to vote to create a charter commission. It also removes references to county commissioner meeting requirements, salaries for county officials and legislative delegation involvement in the county budget estimate process. It allows county charters to include provisions for the county budget committee process. It also clarifies that interlocal cooperative agreements may be established among public agencies.