



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 815

S.P. 260

In Senate, March 2, 2017

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**An Act To Allow a Council of Governments To Provide Municipal  
Services to Small Towns under the Maine Tort Claims Act**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator WHITTEMORE of Somerset.  
Cosponsored by Representative FOLEY of Wells and  
Senators: COLLINS of York, DOW of Lincoln, KATZ of Kennebec, LANGLEY of Hancock,  
MAKER of Washington, Representatives: PICCHIOTTI of Fairfield, STETKIS of Canaan,  
STROM of Pittsfield.

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

2 **Sec. 1. 14 MRSA §8102, sub-§3**, as amended by PL 2011, c. 520, §1, is further  
3 amended to read:

4 **3. Political subdivision.** "Political subdivision" means any city, town, plantation,  
5 county, administrative entity or instrumentality created pursuant to Title 30-A, chapters  
6 115 and 119, incorporated fire-fighting unit that is organized under Title 13-B and is  
7 officially recognized by any authority created by statute, quasi-municipal corporation and  
8 special purpose district, including, but not limited to, any water district, sanitary district,  
9 hospital district, school district of any type, an airport authority established pursuant to  
10 Title 6, chapter 10, any volunteer fire association as defined in Title 30-A, section 3151, a  
11 transit district as defined in Title 30-A, section 3501, subsection 1, a regional  
12 transportation corporation as defined in Title 30-A, section 3501, subsection 2, a transit  
13 district or regional transportation corporation formed under the laws of another state that  
14 would qualify as a transit district or regional transportation corporation under Title 30-A,  
15 chapter 163 if formed under the laws of this State and any emergency medical service.  
16 "Political subdivision" includes a council of governments established under Title 30-A,  
17 chapter 119, subchapter 1, article 2 that provides municipal services to a municipality  
18 pursuant to a contract between the council of governments and the municipality.

19 **Sec. 2. 30-A MRSA §2313, sub-§1, ¶C**, as amended by PL 2007, c. 215, §2, is  
20 further amended to read:

21 C. Make recommendations for review and action to its members and other public  
22 agencies that perform functions within the region; ~~and~~

23 **Sec. 3. 30-A MRSA §2313, sub-§1, ¶D**, as enacted by PL 2007, c. 215, §2, is  
24 amended to read:

25 D. Prepare and maintain a comprehensive regional plan; and

26 **Sec. 4. 30-A MRSA §2313, sub-§1, ¶E** is enacted to read:

27 E. Provide municipal services to a municipality pursuant to a contract between the  
28 council of governments and the municipality.

29 **SUMMARY**

30 This bill expressly authorizes a council of governments to provide municipal services  
31 to a municipality pursuant to a contract between the council of governments and the  
32 municipality. The bill amends the Maine Tort Claims Act to include in the definition of  
33 "political subdivision" a council of governments when it is providing municipal services  
34 pursuant to a contract between the council of governments and the municipality.