

## APPENDIX S

# BACKGROUND INFORMATION ON INTERLOCAL AGREEMENTS

**BACKGROUND INFORMATION ON INTERLOCAL AGREEMENTS**

Under current law, municipalities and other units of government are able to act jointly to address regional issues pursuant to locally adopted interlocal agreements. To date, this tool has been little used to address coastal management issues.

**Statutory Authority:**

- 30-A M.R.S.A. § 2201, *et seq.* Interlocal Cooperation
- The statute enables public agencies to “cooperate 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 communities.”

**Entities That Can Enter into an Interlocal Agreement:**

- Any political subdivision of the State or any adjoining state. Political subdivision is any municipality, plantation, county, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district, municipal transmission and distribution utility and school administrative unit.
- Any agency of state government or the federal government

**Authorities That Can Be Jointly Exercised:**

- Any powers, privileges or authority exercised or capable of exercise by a public agency of the state may be jointly exercised with any other public agency of the State, or of the federal government to the extent federal law allows.
- In order to jointly exercise a power, at least one of the parties must be capable of exercising that power within the entire jurisdiction of the agreement, or each party must be able to exercise that power within each of their jurisdictions.
- No agreement relieves a public agency of its responsibilities except to the extent it is actually and timely performed by the entity created by the agreement.
- No essential legislative powers, taxing authority, or eminent domain power may be delegated to a joint authority.