

## §1851. Formation

The formation of the multicounty jail authority must be in accordance with this subchapter. [PL 2003, c. 228, §1 (NEW).]

**1. Commissioners; meeting.** The commissioners shall meet to consider all available information regarding the jail authority. Notwithstanding section 122, the commissioners shall consider a site or sites for the multicounty jail. The site or sites are not required to be in the county seat of either county. If the commissioners vote to proceed with the formation of the jail authority, which vote requires a majority vote of the commissioners of each county, they shall hold public hearings pursuant to the provisions of subsection 2.

[PL 2003, c. 228, §1 (NEW).]

**2. Public hearing.** A public hearing must be held in Lincoln County and Sagadahoc County. The notice of public hearing must contain the name of the proposed authority; the territory of the proposed authority, which must be within the borders of Lincoln County and Sagadahoc County; the locations identified as potential sites for the multicounty jail; and any other information the commissioners determine relevant. The public hearing must be held at a convenient place within the counties. Notice of the public hearing must be given to the municipal officers of each municipality within Lincoln County and Sagadahoc County and must be published at least once in a newspaper of general circulation in each county 14 days prior to the date of the public hearing.

[PL 2003, c. 228, §1 (NEW).]

**3. Organizational meeting.** If after the public hearings the commissioners desire to form a jail authority, they shall call an organizational meeting. Notice of the meeting must be published and the meeting held in the same manner as provided in subsection 2. A majority of the commissioners from each county shall attend the organizational meeting, and the vote to form a multicounty jail authority requires a majority vote of the commissioners of each county. At the organizational meeting, the commissioners shall discuss the terms of an operating and governance agreement among the participating counties. The operating and governance agreement determines:

A. The number and qualifications of the directors; [PL 2003, c. 228, §1 (NEW).]

B. The terms of the directors, including provisions for initial terms and ongoing terms; and [PL 2003, c. 228, §1 (NEW).]

C. Provisions similar to paragraphs A and B regarding an advisory committee. [PL 2003, c. 228, §1 (NEW).]

The commissioners shall also agree upon contracts between the authority and the counties regarding cost-sharing and the placement of prisoners.

[PL 2003, c. 228, §1 (NEW).]

**4. Establishment.** The Lincoln and Sagadahoc Multicounty Jail Authority is established as a public body corporate and politic and a public instrumentality of the counties, and the exercise by the authority of the powers conferred by this chapter must be deemed and held to be the performance of essential governmental functions.

[PL 2005, c. 47, §1 (NEW); PL 2005, c. 47, §3 (AFF).]

### SECTION HISTORY

PL 2003, c. 228, §1 (NEW). PL 2005, c. 47, §1 (AMD). PL 2005, c. 47, §3 (AFF).

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