

Tree Growth Penalty To Be Assessed To Seller

Thanks to the sponsorship of Senator Peggy Pendleton (Cumberland Cty.), municipalities were able to get a consumer-fairness issue before the Legislature this session in the form of LD 1007, *An Act to Amend the Law on Current Use Taxation to Exclude Property that is Subdivided After Classification*.

The purpose of LD 1007 was to establish that when a person subdivides land in the Tree Growth program, or otherwise conveys house lots out of a Tree Growth parcel, the penalty for withdrawing property from the special tax program shall be assessed against the seller of the property – the person who has enjoyed the tax benefits of being in the program – rather than the person buying the conveyed or subdivided lots. The buyer is often unaware of and surprised by the obligations to pay a penalty on the house lot she or he just bought.

The printed bill would have established that the act of subdividing Tree Growth property would automatically remove the subdivided portion of the Tree Growth lot from the program.

That approach didn't pass muster with the Tax Committee. The Committee was convinced that those types of subdivisions can occur for estate-planning or other land ownership reasons without the property actually being removed from active forestry management.

MMA offered an amendment to the bill that tried an entirely different approach. There is already a section of law that establishes that when a lot of

less than 10 acres is conveyed out of a Tree Growth "mother" lot, the conveyed lot is automatically withdrawn from the Tree Growth classification.

The MMA amendment would have tagged onto that statute a long and somewhat awkward sentence to establish that in those circumstances the withdrawal penalty would be assessed against the owner of the mother parcel.

Thanks to the drafting skill of the Taxation Committee's analyst Julie Jones, the willingness of Maine Revenue Services to work on the issue rather than helping the bill die, and the

tenacity of Rep. Janet McLaughlin (Cape Elizabeth) who stuck with the issue and kept LD 1007 from falling through the cracks, a third draft of the bill received a strong vote of support from the Tax panel on Wednesday this week.

Ironically, after taking a long walk around the barn, LD 1007 was reduced to the change of a single word in the statute. Where current law says that when a house lot is conveyed out of a Tree Growth parcel the penalty shall be assessed against the *owner* of the conveyed parcel the amended law would establish that the penalty be assessed against the *transferor* of the conveyed parcel.

This most elegant amendment received the unanimous support of the Tax Committee members present at Wednesday's work session. (GH)



Representative Janet McLaughlin (Cape Elizabeth) addresses consumer-issues in Tree Growth penalty legislation. McLaughlin is the town planner in Yarmouth and is a former town councilor in Cape Elizabeth.

Second Notice for Sewer Liens Would Be Required

LD 483, *An Act to Revise the Sewer Lien Laws*, sponsored Representative Tom Winsor (Norway) addresses the notice given to the owner of the real estate subject to a lien by the sanitary district prior to foreclosure.

Under current law, the sanitary district is required to provide a first-time notice of the filing of the lien to enforce unpaid sewer fees, but the second "30-45 day" final notice of impending foreclosure is not required.

The Utilities and Energy Committee agreed that a second notice provision was warranted. Because the second notice provision would require the sanitary districts to take an action which would result in the district incurring costs, the bill was further amended to include a so-called "mandate preamble". According to the Maine State Constitution, the State may not impose a mandate upon a local unit of government unless the State annually funds 90% of the costs associated with the new requirement. The Legislature may impose the mandate without paying 90% of the costs, however, if 2/3 of the membership of both House and Senate vote to do so.

In this instance, LD 483 requires sanitary districts to send a second notice prior to foreclosure, which is the imposition of a new requirement on local government. Although the bill authorizes the district to recoup its costs, a new law is no less a "mandate"

just because the local governments are authorized to charge for the newly required service. After all, municipalities are always authorized to charge for newly required services by simply raising property taxes or fees.

Regardless of the mandate, MMA testified in support of the second notice provision. The requirement affords the individual notice of the date of foreclosure and provides a minimum of 30 days to satisfy the debt. The notice provision requires minimal administrative efforts on behalf of the district, yet provides a great deal of protection to the individual. For the municipalities that have sewer depart-

ments, the second notice provision is the parallel of the tax lien notice process and comes as second nature.

The Scarborough Sanitary District testified that though a second notice is not required by the current law, it is the practice of their district to do so. The District testified that they would prefer not to foreclose on the property, rather they simply prefer that the water bill is paid.

After a discussion of the mandate preamble, the Committee voted that LD 483 ought to pass as amended. Liens created after October 30, 2001 will be required to give a second notice prior to foreclosure.

The amendment to LD 483 contains a model notice provision. Please contact Laura Veilleux (1-800-452-8786) if you would like a copy of the Committee's amendment to LD 483. (KH)

Boards of Assessment Review

On Monday, April 23rd the State and Local Government Committee voted (8-1) that LD 1054, *An Act to Ensure Independent Decision Making in Appeals of Denials of Abatement of Property Taxes*, "ought not to pass".

As proposed, LD 1054 would have prohibited the municipal officers, in the 262 municipalities where the selectmen also serve as the assessors, from appointing boards of assessment review. As provided for in Title 30-A, section 2526(6), the municipal legislative body may create a board of assessment review (BAR) to determine whether or not the actions of the assessors were fair and accurate in the case of an appeal of a property tax assessment. If a municipality does not create a BAR, then the county commissioners conduct the initial review of an appeal of an assessment. In either case, the local review board or county commissioners are not the final authority on a property tax assessment issue. Any aggrieved party can challenge these decisions in Superior Court.

The sponsor of the bill, Sen. Marge Kilkelly (Lincoln Cty.) submitted the bill on behalf of a constituent who

perceived that he had been treated unfairly by the local board of assessment review. Although the constituent appealed the decision of the local review board to Superior Court, and the court sided with the original assessment made by the local selectmen, the perception that an unfair hearing had been provided at the local level motivated the sponsor to introduce the bill. Sen. Kilkelly assured the Committee that she did not believe that by appointing the BAR the selectmen unduly influence the review board's decisions. However, she does believe that the proposed change is necessary because an appellant of property tax abatement could perceive a hearing by a review board appointed by the selectmen as being unfair, and that perception erodes confidence in local government.

MMA provided testimony in opposition to the bill, because municipal officers believe that the two-level system of review is what ensures that there exist appropriate checks and balances over the actions of government officers and officials at the local level,

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Legislative Bulletin

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Editorial Staff: Geoffrey Herman, Kate Dufour, Kirsten Hebert, and Laura Veilleux of the State & Federal Relations staff.

Backyard Burning Targeted for Reducing Dioxin in Maine

After a heated debate on the best way to reduce the release of dioxin in the state, the Natural Resources Committee decided to concentrate on backyard burning and education.

Senator Sharon Treat (Kennebec Cty.) sponsored LD 1543, *An Act to Reduce the Release of Dioxin from Consumer Products into the Environment*. As finally amended, the bill establishes a state-wide policy of reducing the total release of dioxin into the environment. According to the Natural Resources Council of Maine (NRCM), the EPA reports that backyard trash burning is the largest uncontrolled source of dioxin pollution. NRCM testified that the burning of polyvinyl chloride (PVC) is a key contributor to this harmful release of dioxin.

The Committee agreed that they would like to model the state's policy on the national Persistent Organics Pollutants Treaty to ban the "dirty dozen" highly toxic chemicals. One of the chemicals that are the subject of the treaty is dioxin. The language of the treaty states, and LD 1543 was amended to read, that "governments will reduce the release of dioxin with the goal of its continued minimization and, where feasible, ultimate elimination". On April 19th, President Bush announced that he would sign the treaty to phase-out the persistent organic pollutants.

In an effort to adhere to the goal, the Committee considered ways to reduce the amount of plastic that enters the state. One of the problems that was raised is the difficulty in reducing the use of plastics. Maine receives solid waste from other states, and though high temperature incinerators produce little dioxin, the chemical would still be introduced to Maine. Another issue involved with phasing out the use of plastics is the incidental cost shift that is associated with the substitution of plastic materials.

The Committee realizes that there is difficulty in recycling plastics because market fluctuations make the

return on recycling unpredictable. It is difficult to encourage the recycling of a waste product when recycling costs more than disposal.

The Committee agreed that backyard burning in the open burn barrels was a major source of the release of dioxin. When burned at low temperatures, as found in the typical outdoor burn barrel, plastics release dioxin into the environment. Under current state law, an individual may obtain a permit for a back yard burn barrel permit if that person is a resident of a municipality that does not provide municipal trash collection. As amended, LD 1543 would prohibit the issuance of a backyard burning permit if there is "mu-

nicipal trash service within the municipality". This term is defined as a transfer station, curbside trash collection service or other service that is operated or contracted for by the municipality or that is required by municipal ordinances.

The amendment further prohibits the outdoor burning of any construction and demolition debris that may contain plastic, rubber, Styrofoam, metals, food wastes, or chemicals. The concern that this amendment seeks to address is the vinyl siding and other PVC products that are burned on site during construction projects.

The prohibition of back yard burning will change the tradition of many generations of Mainers. For decades individuals have burned trash in the backyard burn barrels. After the enactment of LD 1543, this practice will be prohibited if the individual has access to a municipal trash service. (KH)

Local Control Over Speed Limits

On Tuesday, April 24th the Transportation Committee unanimously voted that LD 643, *An Act to Allow Municipalities to Lower Certain Speed Limits* "ought to pass as amended."

As the bill has been amended, municipalities that have populations 2,500 and greater or employ a Maine licensed professional engineer are authorized to set speed limits on local roads. If a municipality voluntarily opts to set speed limits, then the municipal officers must notify MDOT in writing of that decision. Once a municipality opts to set speed limits, it must do so for all local roads.

The speed limits set by the municipality must be in five mile per hour increments, with a speed of no less than 20 miles per hour on a local road in a business or residential district or in a compact area and no greater than 50 miles per hour on all other local roads. Prior to establishing a speed limit, the municipality must perform a traffic investigation which includes determining the length and location of the proposed speed zone, road width, number of driveways in the zones, traffic volume, posted speed, prevailing speed, etc. Once the study has been completed and the municipality changes the speed limit, MDOT must be notified in writing of the change.

The bill also authorizes MDOT to request assistance in gathering data from municipalities that have populations greater than 5,000 and that do not opt to set speed limits at the local level when those municipalities ask the Department to conduct a speed limit study. Specifically, with respect to the segment of roadway for which the municipality would like to see the speed limit changed, the municipality might be asked to provide information about the road width, number of driveways, traffic volume, posted speed, accident history, speed enforcement efforts, and prevailing speed.

With its unanimous Committee support, LD 643 will very likely become law. (KD)

Amendment Misses Mark On Supervisor Liability Bill

Sometimes it doesn't pay to try to clarify existing law.

Although bills are sometimes submitted to the Legislature that purport to "clarify" existing law but actually change it substantially, LD 1599 (*An Act to Clarify the Maine Human Rights Act Concerning Responsibility for Employment Discrimination*) accurately represents itself as attempting to clarify existing law.

At issue is who an employee can sue when the employee believes he or she is the victim of unlawful employment discrimination.

The bill is going to be given at least one "ought to pass as amended" report out of the Judiciary Committee, however, that would amend the bill so that it would accomplish the opposite of what it intended to do, and substantively change long-standing law in the process.

The Maine Human Rights Act has always been interpreted by this state's lower courts to establish Maine's employers to be responsible for the actions of their subordinates with respect to employment discrimination. The country's federal courts have always interpreted parallel federal law in the same way.

The only aberration to this longstanding precedent was a sharply split, 3-2 decision of the Maine Supreme Court in April, 2000 that held that supervisors could be held personally liable under Maine's anti-discrimination law. Three months after issuing the decision, and after reading a number of formal requests for reconsideration from such diverse groups as the Chamber of Commerce and the Attorney General's Office, the Law Court withdrew its decision and replaced it with a decision that settled the case on technical grounds and did not address the issue of supervisor liability.

Sponsored by Rep. William Schneider (Durham), LD 1599 was submitted to clarify and establish with-

out ambiguity the long-held understanding that employers are responsible for the potentially discriminatory actions of their supervisory employees.

Municipalities would be particularly exposed to an alternative system whereby supervisors might be personally responsible for employment discrimination lawsuits. A characteristic of municipal government is the multiplicity of its departments and its horizontal organization. From the Road Commissioner to the welfare office to the transfer station to the police department to the fire company to the town office to the sewer department to the library, there are a lot of supervisors in every municipality who would be very

concerned about their personal exposure to discrimination lawsuits by disgruntled employees. If supervisors were directly exposed to discrimination lawsuits, there can be no doubt that litigation in this area of law would proliferate and employers would have much more difficulty in attracting and maintaining a supervisory workforce.

In addition, although there is no direct coordination between the Maine Human Rights Act and the Maine Tort Claims Act, the general interpretation is that municipalities would be obligated to at least defend their supervisors in court if the supervisors could be personally sued. Although the municipal obligation to indemnify for any civil penalty in that circumstance is less direct, it is clear that municipal exposure to litigation could clearly double if municipal supervisors, as well as the municipality, could be sued by their employees.

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Bill Would Eliminate 'At Will' Municipal Employees

A bill of municipal importance was heard before the Labor Committee Wednesday. LD 1719, *An Act Regarding Dismissal of Municipal Employees for Cause*, was sponsored by Senator Neria Douglass (Androscoggin Cty).

Under the current law, and as affirmed by the Maine Supreme Judicial Court in 1997, certain municipal employees are guaranteed rights to a "for cause" discharge and other municipal employees are considered "at will" employees. Specifically, municipal employees that hold positions created by law, charter or ordinance have the right to a "for cause" discharge and the notice and hearing procedures that apply. Municipal employees appointed by the municipal manager have the same rights, and a municipal personnel policy may provide those rights to all employees. Beyond that universe, municipal employees are "at will" employees.

LD 1719 seeks to expand the cur-

rent law and extend the notice and hearing requirements to all municipal employees, thus making all municipal employees "for cause" employees. The bill's summary states that it is a "clarification" of the Court's decision, but it's much more than that. LD 1719 represents a fundamental change in municipal employment law.

Curtis Webber, the City of Auburn's attorney, testified in support of LD 1719. The reason why he would like to extend the rights of the "for cause" employees to all municipal employees is for the ease of administration. He alleged that it was complicated to determine which employees were and were not considered "for cause." When the Committee asked Mr. Webber if he would agree that these for-cause discharge rights should be expanded to the private sector, he agreed. Webber noted that there is

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AMENDMENT (cont'd)

At this stage of the Committee's process, it looks as though three Committee reports on LD 1599 will be offered to the full Legislature.

One report, supported thus far by four Committee members, will recommend "ought not to pass". At least some of the reasoning behind this recommendation is to wait and see what the state's Law Court will ultimately decide when another supervisor liability case goes before it.

A second report, also supported by four Committee members, essentially will recommend that LD 1599 "ought to pass".

At third Committee report, supported at this time by at least two Committee members, will spin the intent of LD 1599 around 180 degrees and create direct supervisor liability. The precise circumstances of when that personal supervisor liability would kick in has yet to be finalized by the proponents of this report. Some are backing a version that would expose supervisors to lawsuits whenever they allegedly engage in unlawful employment discrimination with "malice or reck-

less indifference". Others would create a general supervisory liability whenever the employer is financially unable to pay the civil penalty or when the employer has an "affirmative defense". Employers have an affirmative defense against liability for employment discrimination when they act promptly and responsibly to address supervisor-related discrimination problems as soon as they are made aware of them.

The Judiciary Committee will be looking at final language on the various Committee reports in the week to come. As LD 1599 moves to the full Legislature, municipal officials should be asking their legislators to back the Committee amendment that is faithful to the original bill. (GH)

ATWILL (cont'd)

"nothing radical" about requiring a good reason for discharging employees.

If LD 1719 is passed, municipalities will be faced with the potential of defending the dismissal of every municipal employee, even those that un-

der current law are "at will" employees. MMA testified in opposition to LD 1719. There was no testimony or evidence presented that would indicate municipalities have discharged their "at will" employees haphazardly or in any inappropriate manner, and the municipal officers certainly do not share the view of attorney Webber that there is a difficulty or confusion of discharge process under current law. From the municipal perspective, current law provides an appropriate balance between the public policy interests of protecting municipal governmental employees from baseless discharge and operating municipal governments in a cost-effective and administratively efficient manner. To change the law will cause municipalities to have to undertake additional tasks, be exposed to more wrongful-discharge lawsuits, and all-in-all amount to a very unwelcome municipal mandate.

The Labor Committee will be "working" LD 1719 in the week to come. Please call your legislators and ask them to please leave municipal labor law alone and vote against LD 1719. (KH)

IN THE HOPPER

NOTE: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules and supplements are available at the Senate Office at the State House and at the Legislature's web site at <http://janus.state.me.us/legis>. If you would like to be notified by e-mail of updates to the schedule and web page, send your name, e-mail address, and a message that includes "ANPH UPDATE" to the Senate Webmaster at webmaster_senate@state.me.us.

Natural Resources

LD 1775 – Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling. (Reported by Sen. Martin of Aroostook County for the Joint Standing Committee on Natural Resources pursuant to Joint Order S.P. 563)

This resolve would establish a 13-member commission to study the feasibility of expanding the state's bottle deposit laws to include containers made of high-density polyethylene or PVC, study the feasibility of banning the incineration of those plastics, recommend market-based recycling opportunities and incentives for expanded in-state end uses for plastics. The six non-legislator members of the commission include 2 representatives from environmental organizations and 4 representatives from various business groups.

Transportation

LD 1774 – Resolve, Regarding Legislative Review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a Major Substantive Rule of the Department of Transportation. (Emergency) (Reported by Rep. Fisher of Brewer for the Department of Transportation pursuant to the Maine Revised Statutes, Title 5, section 8072)

This resolve provides for a legislative review of the Highway Driveway and Entrance Rules promulgated by the Department of Transportation (Chapter 299).

LEGISLATIVE HEARINGS

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Tuesday, May 1

Labor

Room 220, Cross State Office Building, 1:30 p.m.
Tel. 287-1333

LD 62 – An Act to Create a Uniform Standard Governing Legislative Leaves of Absence. (Sponsor: Perkins)

The following bills have been reported out of their respective committees with unanimous “ Ought Not to Pass” reports, which all but guarantees a final rejection by the full Legislature, or have been finally rejected by the full Legislature (final ONTP).

Appropriations & Financial Affairs

LD 283 – An Act to Require First Responders to Carry and Administer Epinephrine Autoinjectors. (Sponsored by Rep. Trahan of Waldoboro) (final ONTP)

LD 737 – An Act to Create the Infrastructure Trust Fund. (Sponsored by Rep. Dunlap of Old Town) (final ONTP)

Business & Economic Development

LD 341 – An Act to Appropriate Block Grants to Promote Regional Tourism. (Sponsored by Rep. Wheeler of Bridgewater) (final ONTP)

LD 547 – An Act to Provide Support for Impoverished Communities for Economic Development. (Sponsored by Rep. McGlocklin of Embden) (final ONTP)

LD 682 – An Act to Require the Adoption of the 2000 International Plumbing Code. (Sponsored by Rep. Tobin of Windham) (final ONTP)

Criminal Justice

LD 186 – An Act to Exempt from Concealed Firearms Permit Requirements Residents of Other States Allowed to Carry Concealed Firearms. (Sponsored by Rep. Glynn of South Portland) (final ONTP)

LD 508 – An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs. (Sponsored by Rep. Goodwin of Pembroke) (final ONTP)

LD 626 – An Act to Amend the Laws of Governing Sex Offender Registration. (Sponsored by Rep. Trahan of Waldoboro) (final ONTP)

LD 817 – An Act to Protect Maine Children. (Sponsored by Sen. Longley of Waldo County) (final ONTP)

LD 993 – An Act to Expand the Num-

ber of Persons Who May Be Appointed Sheriff or Become a Candidate for Sheriff. (Sponsored by Sen. Martin of Aroostook County) (final ONTP)

LD 1397 – An Act to Require the State to Post the Name, Picture and Location of an Individual who is Convicted of a Child Sex Crime. (Sponsored by Rep. Matthews of Winslow) (final ONTP)

Education & Cultural Affairs

LD 860 – Resolve, Requiring the Department of Audit to Review Procedures, Goals and Actual Expenditures of General Purpose Aid Disbursements through the School Funding Formula. (Sponsored by Rep. Dunlap of Old Town) (final ONTP)

LD 1553 – An Act to Provide Funding for Education. (Sponsored by Rep. Goodwin of Pembroke) (final ONTP)

LD 1606 – An Act to Limit Funding for Special Education. (Sponsored by Rep. Perkins of Penobscot) (final ONTP)

Inland Fisheries & Wildlife

LD 514 – An Act to Require Public Access to All State Waters. (Sponsored by Rep. Morrison of Baileyville) (final ONTP)

LD 675 – Resolve, to Establish Rules for On-line Sales of Hunting and Fishing Licenses and Watercraft, Snowmobile and All-terrain Vehicle Registrations. (Sponsored by Rep. Jacobs of Turner) (final ONTP)

Judiciary

LD 744 – An Act to Allow Private Maintenance of Public Easements. (Sponsored by Rep. McKee of Wayne) (final ONTP)

LD 1016 – An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways. (Sponsored by Rep. McKee of Wayne) (final ONTP)

Labor

LD 442 – An Act to Repeal the Limitation on Certain Income that Maine State Retirement System Retirees May Earn Without Incurring a Reduction in Benefits. (Sponsored by Rep. Fuller of Manchester) (final ONTP)

LD 979 – An Act to Require an Additional Labor Representative on the Board of Trustees of the Maine State Retirement System. (Sponsored by Rep. Muse of So. Portland) (final ONTP)

LD 1039 – An Act to Change the Compensation of the Panel of Mediators. (Sponsored by Rep. Sullivan of Biddeford) (final ONTP)

LD 1197 – An Act to Amend the Limits on Earnable Compensation for State Employee Retirement. (Sponsored by Sen. Gagnon of Kennebec County) (final ONTP)

LD 1205 – An Act to Improve Enforcement of Wage and Hour, Safety and Other Labor Laws. (Sponsored by Sen. Edmonds of Cumberland County) (final ONTP)

LD 1243 – An Act to Reform Maine’s Prevailing Wage Law. (Sponsored by Rep. Matthews of Winslow) (final ONTP)

LD 1247 – An Act to Increase the Minimum Wage in Maine. (Sponsored by Rep. Matthews of Winslow) (final ONTP)

LD 1314 – An Act to Remove the Penalty for Education Retirees Who Work After Retirement. (Sponsored by Sen. Mitchell, B. of Penobscot County) (final ONTP)

Legal & Veterans Affairs

LD 1035 – An Act to Require Proof of Liquor Liability Insurance Upon Demand by a Municipality. (Sponsored by Rep. Lamoine of Old Orchard Beach) (final ONTP)

LD 1112 – An Act to Allow Oral Campaigning by Candidates at the Polls. (Sponsored by Rep. Michael of Auburn) (final ONTP)

LD 1126 – An Act to Provide a Standard Residency Requirement of the Purpose of Registering to Vote. (Sponsored by Rep. Cressy of Baldwin) (final ONTP)

LD 1249 – An Act Regarding Registration of Voters on Election Day. (Sponsored by Rep. Lessard of Topsham) (final ONTP)

LD 1389 – Resolve, to Study the Various Types of Ballots Used in the State. (Sponsored by Rep. Michael of Auburn) (*final ONTP*)

State & Local Government

LD 522 – An Act to Hold Persons Incarcerated in County Jails Accountable for Certain Costs Associated with Their Incarceration. (Sponsored by Rep. Lessard of Topsham) (*final ONTP*)

LD 568 – An Act to Improve Local Government Unit Access to Bulk Purchasing. (Sponsored by Rep. Mitchell, C. of Vassalboro) (*final ONTP*)

LD 800 – An Act to Amend the Laws Governing the Kennebec County Advisory Budget Committee. (Sponsored by Rep. Matthews of Winslow) (*final ONTP*)

LD 899 – An Act to Expand the Laws Pertaining to Accessibility for Persons with Physical Disabilities. (Sponsored by Rep. Gagne of Buckfield) (*final ONTP*)

LD 957 – Resolve, to Transfer State Property to the City of Bangor. (Sponsored by Rep. Perry of Bangor) (*final ONTP*)

LD 982 – An Act to Promote Efficiency in County Government in the Androscoggin County Budget Process. (Sponsored by Rep. Mendros of Lewiston) (*final ONTP*)

LD 985 – Resolve, Creating a Governance System for Unorganized Towns. (Sponsored by Rep. Kasprzak of Newport) (*final ONTP*)

LD 1038 – Resolve, Requiring the Maine Municipal Association, the Maine County Commissioners Association and the Office of the Governor to Establish a Permanent Statewide Intergovernmental Advisory Commission. (Sponsored by Rep. Morrison of Baileyville) (*final ONTP*)

LD 1177 – An Act to Amend the Laws Governing Election of Somerset County Commissioners. (Sponsored by Rep. McGlocklin of Embden) (*final ONTP*)

LD 1356 – An Act to Exempt Municipalities from Having to Zone for Mobile Home Parks. (Sponsored by Sen. Small of Sagadahoc County) (*final ONTP*)

Taxation

LD 795 – An Act to Rebalance Maine's Tax Code and Reduce the Structural Gap. (Sponsored by Sen. Mills of Somerset County) (*final ONTP*)

LD 1052 – An Act to Prorate Excise Tax on Commercial Vehicles that are Rented. (Sponsored by Sen. McAlevey of York County) (*final ONTP*)

LD 1057 – An Act to Clarify the Definition of "Charitable Institution" for Purposes of Property Tax Exemption. (Sponsored by Pres. Pro Tem Bennett of Oxford County) (*final ONTP*)

LD 1061 – An Act to Reduce Tree Growth Tax Benefits to Landowners Who Employ Migrant Workers. (Sponsored by Rep. Clark of Millinocket) (*final ONTP*)

LD 1062 – An Act to Reduce Tree Growth Tax Benefits to Landowners Who Restrict Access to Their Land. (Sponsored by Rep. Clark of Millinocket) (*final ONTP*)

LD 1109 – An Act to Clarify Conditions of Eligibility for Property Tax Exemptions for Benevolent and Charitable Institutions. (Sponsored by Rep. Glynn of So. Portland) (*final ONTP*)

LD 1113 – Resolution, Proposing an Amendment to the Constitution of Maine to Permit a Parcel of Land to be Withdrawn from the Maine Tree Growth Tax Program after 20 Years Without Penalty. (Sponsored by Rep. Watson of Montville) (*final ONTP*)

LD 1196 – An Act to Promote Equitable Distribution of Motorboat Gas Tax Revenues to the Department of Marine Resources and the Boating Facility Fund. (Sponsored by Sen. Kilkelly of Lincoln County) (*final ONTP*)

LD 1206 – An Act to Adjust Taxation for fire Suppression. (Sponsored by Sen. Nutting, J. of Androscoggin County) (*final ONTP*)

LD 1248 – An Act to Bring Equity to the Vehicle Excise Tax. (Sponsored by Rep. Gooley of Farmington) (*final ONTP*)

LD 1410 – Resolution, Proposing an Amendment to the Constitution of Maine to Repeal Constraints on the Property Tax and to Make the State Jointly Responsible with Municipalities

for Equity in Education. (Sponsored by Sen. Mills of Somerset County) (*final ONTP*)

LD 1551 – An Act to Require that the Excise Tax on Motor Vehicles be Reasonably Linked to the Value of the Motor Vehicle. (Sponsored by Rep. Glynn of So. Portland) (*final ONTP*)

Transportation

LD 591 – An Act to Ensure the Safety of Railroad Bridges. (Sponsored by Rep. Hall of Bristol) (*final ONTP*)

LD 958 – An Act to Amend the Laws Governing the Registration of Farm Trucks and Require the Secretary of State to Respond to Inquiries from the Public. (Sponsored by Rep. Snowe-Mello of Portland) (*final ONTP*)

LD 829 – Resolve, Authorizing the Department of Transportation to Designate Routes for Over-limit Vehicles. (Sponsored by Rep. Hall of Bristol) (*final ONTP*)

LD 989 – An Act to Strengthen Truck Weight Laws to Deter Gross Vehicle Weight Violations. (Sponsored by Sen. Savage of Knox County) (*final ONTP*)

LD 1095 – An Act to Amend the Law on Local Bridge Reconstruction. (Sponsored by Sen. Ferguson of Oxford County) (*final ONTP*)

LD 1275 – An Act to Exempt 100% Disabled Veterans from Paying the Excise Tax and Registration Fee on Motor Vehicles. (Sponsored by Rep. Murphy of Berwick) (*final ONTP*)

Utilities & Energy

LD 808 – An Act to Amend the Laws Governing the Service Territory of Kennebunk Light and Power District. (Sponsored by Sen. LaFountain of York County) (*final ONTP*)

LD 830 – An Act to Designate the Town of Topsham Communications Center as a Public Safety Answering Point. (Sponsored by Rep. Lessard of Topsham) (*final ONTP*)

LD 934 – An Act to Allow Timely Public Comment on Matters Heard Before Sanitary Districts. (Sponsored by Sen. Rand of Cumberland County) (*final ONTP*)

LD 959 – An Act to Change the Assessment for Sprinkler Systems to a Per-use Basis. (Sponsored by Rep. Michael of Auburn) (*final ONTP*)

Cable Bill Revote

In the April 13th edition of the *Legislative Bulletin* we reported that the State and Local Government Committee supported an amended version of LD 372, *An Act to Clarify Municipal Authority Over Cable Television Franchises* by a vote of 7-4. At a work session held on Monday, April 23rd the Committee unanimously voted to oppose the proposed amendment.

As amended the bill would have required municipal officers to enter into "good faith" negotiations with any cable t.v. provider that wanted to provide services in the community. The amendment would have also prohibited the municipal officers from negotiating a second or additional cable t.v. franchise agreement if that agreement,

taken as whole, would be either better or worse than the existing franchise. MMA opposed both the original bill and the proposed amendment. In its deliberations on Monday, the Committee determined that the proposed changes to the cable franchise negotiation process would be detrimental to the municipality's ability to negotiate a cable franchise agreement that would provide the best level of services to the residents of a community, and the Committee killed the bill. (KD)

BAR (cont'd)

without any prejudice whatsoever with respect to the appellant's right to appeal the final local decision in the courts. Furthermore, municipal officers are not convinced that requiring the

county commissioners to act as an appeal board is in the best interest of either the municipality or the taxpayer.

Furthermore, municipal officers believe that regardless of who appoints a person to a board, that appointee is held responsible for performing his or her duties with independence; in this case to ensure that a property tax assessment is accurate. The outcome of the decision of the board of assessment review is based on the facts of the case and not based on who appointed whom to the board. (KD)