

Legislative BULLETIN

A PUBLICATION OF MAINE MUNICIPAL ASSOCIATION

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Action Alert on Several Fronts

A legislative session in Maine doesn't wind down...it gets wound up! Toward the end of the session, the process is characterized by the various legislative proposals, fully incubated in their appropriate committees, being finally presented to the full Legislature and taken on a serious shake-down cruise back and forth between the House and Senate several times in the quest for majority support in both chambers. The edges get frayed. Certainty is elusive. What was understood to be the case yesterday may not be the case tomorrow.

Much of this edition of the *Legislative Bulletin* includes a sampling of several legislative initiatives that are working their way through the legislative process which deserve municipal attention. The identified issues include:

- A costly elections mandate
- The seemingly low legislative priority for Revenue Sharing II
- A shifting in the cost of economic development from the state to the communities, and
- Some weakening in support of a study on comprehensive tax reform

IT IS IMPORTANT THAT MUNICIPAL OFFICIALS CONTACT THEIR LEGISLATORS IMMEDIATELY WITH RESPECT TO EACH LEGISLATIVE INITIATIVE IDENTIFIED BELOW.

Elections Mandate on the Horizon

It seems that page after page of every newspaper in Maine is loaded with local articles on the spiking prop-

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Baldacci to Request Weight Limit Waiver

On Tuesday, May 8th Congressman John Baldacci met with representatives from the commercial trucking industry, municipalities, Department of Transportation and safety organizations to get feedback on his proposed weight limit bill.

As proposed, the bill creates a two-year commercial truck safety pilot program in Maine. Under existing federal law, trucks weighing more than 80,000 pounds are prohibited from traveling over the Interstate System (I-95). Congressman Baldacci's bill would waive that prohibition and increase the weight limit to 100,00 pounds. Over the two year pilot period, the Maine Department of Public Safety would be required to collect information and data on the impact of the weight limit increase and to create a Maine safety committee to review the information

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U.S. Congressman John Baldacci (left) and Augusta City Manager Bill Bridgeo (right) exchange thoughts on the federal weight limit rules that divert heavy truck traffic onto local roads north of I-295.

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erty tax rates facing municipality after municipality this year. Mill rate hikes of one or two full mills are common, driven by the rising cost of health insurance, energy, fuel and hot-top costs, and especially education. The effort to balance citizen service needs with "appropriate" tax rate increases is extremely difficult, particularly during times of a softening economy. Regardless of the slowing trend of Maine's economy and of the numerous reports of municipalities facing tough tax increases to meet resident demands, a majority of the members of the Legal and Veterans Affairs Committee voted 11-2 to support a bill (LD 1686, *An Act to Amend the Laws Governing Elections*) which would place a significant unfunded mandate on municipalities.

As originally proposed by House Majority Leader Patrick Colwell (Gardiner), LD 1686 would have: (1) mandated that all election clerks attend a Secretary of State-certified election training program every two years; (2) required the municipal registrar of voters to periodically send a copy of the voter list to the Secretary of State; and (3) mandated that all municipalities with populations 100 or greater to open polling places by 7 a.m.

The Legal and Veterans Affairs Committee deleted the first two mandates from the bill because those issues had been positively addressed in legislation considered earlier this session.

But even though the sponsor, in his written testimony to the Committee, asked to strike out the poll-opening mandate because "the change is not

necessary at this time", a majority of the Committee voted to support the poll opening mandate. That majority further amended the bill to include the mandate preamble requesting a two-thirds vote from both the House and Senate so that the Legislature can avoid paying for 90% of the cost of the mandate.

As amended, LD 1686 requires municipalities with populations greater than 100 to open polling places no later than 7 a.m. Current law requires municipalities with populations less than 4,000 to open the polls no later than 10:00 a.m. and all other municipalities to open the polls no later than 9 a.m. There are 493 municipalities in Maine, 42 with populations under 100. Of the 451 remaining municipalities, just 27 currently have poll opening times at 7:00 a.m. or earlier. LD 1686 would place an unfunded mandate on 424 municipalities.

According to municipal poll opening data collected in 1998 by a study committee on voter participation, seventy-six (76) municipalities with populations greater than 100 are opening polls at 8:00 a.m., eighty-eight (88) municipalities at 9:00 a.m. and two hundred and one (201) municipalities at 10:00 a.m. Municipalities are currently spending significant resources on running elections. Adding several additional hours to the process will have the direct effect of driving up the costs of conducting elections.

Municipalities are responsive to the needs of their citizens. They possess the requisite decision-making skills to balance the interests of their voting residents for the convenience of both early-morning and evening voting against the costs of maintaining a full complement of election personnel for a 15-18 hour election day. Within the reasonable poll-opening parameters that are found in current law, the balancing of convenience and cost is a classically local decision to make.

MMA strongly opposes the unfunded mandate provision of LD 1686. When in 1992 the voters of Maine adopted the unfunded mandate amendment to the Maine Constitution, the state's citizens were sending a mes-

sage that the Legislature should be extremely cautious when imposing mandates on municipalities. Municipal officials believe that the Legislature must carefully assess whether a proposed unfunded mandate is necessary to protect or enhance public safety and welfare, and they certainly do not believe that requiring most of Maine's town and cities to expend additional revenues to open polling places by 7 a.m. comes close to being justified as an unfunded mandate. If the Legislature believes that the poll opening time change proposed in LD 1686 is necessary, then the Legislature should help pay for that change.

LD 1686 has been tabled in the House. Discussion and debate on this bill could take place as early as Monday, May 14th. Please contact your legislators over the weekend or on Monday and ask them to oppose LD 1686. At the State House, Representatives can be reached at 1-800-423-2900. Senators can be reached at 1-800-423-6900. (KD)

Revenue Sharing II

How much does the Legislature really care about the property tax burden? The state's biennial budget is still locked in legislative impasse. The two-year package is worth \$5 billion and at issue is how to pay for about \$100 million of the spending plan. Some legislators, particularly in the Senate, want to try to fund the budget without raising taxes by dipping into some stored-up revenues, much as a town would tap into some of its surplus to stabilize its mill rate.

Other legislators, particularly in the House, and the Governor, believe that it would be irresponsible to diminish those stored-up revenues, which include the state's \$144 million Rainy Day Fund and the \$50 million "technology fund", the interest from which would make the annual payments necessary to implement Governor King's middle school lap top computer initiative.

The procedural, political and sometimes personal machinations that go into adopting a state budget are considerable. Within the Capitol Building,

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Legislative Bulletin

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ACTION ALERT (cont'd)

rapt attention is paid to the arcane mysteries of the "Part I" budget and the "Part II" budget, Senate amendment "M" versus Committee amendment "A", the shards of intelligence that can be gleaned from who meets with whom, and the utterances of small caucuses. Fifty yards away from the State House, none of that means much, and it has become plainly evident that the time has come for the Legislature to adopt its two-year spending plan. There is no more information to be provided to the law makers that could substantially assist in the decision making process. Politics is the only obstacle in the way of adopting the budget. The state's financial priorities must simply be set.

A municipal priority is for property tax relief. Whether that's a legislative priority remains to be seen.

The specific proposal is code-named Revenue Sharing II, and although it has found its way into the Senate's budget proposal, it does not appear to be a priority of the Governor's office, the Appropriations Committee or the House. That the municipal support for the Revenue Sharing II proposal will be perceived by some budget partisans as a taking-of-sides in the budget impasse is as inevitable as it is patently unfair. The people of Maine need some property tax relief, pure and simple, and the way that the burden of the property tax falls disparately across the municipalities in this state is a significant public policy problem that needs to be addressed by the Legislature head on. The unfair and punishing tax burden falls down particularly hard on Maine's hub communities as they struggle to meet the burden of providing both municipal and educational services to the people of this state. Municipal advocacy for a modest and responsible proposal that in a small way begins to address this problem is an entirely justifiably expression of a legitimate municipal interest.

Municipal officials are well aware of the details of Revenue Sharing II. The Revenue Sharing formula was changed in 2000 to provide additional Revenue Sharing support to municipalities with particularly high mill rates.

The proposal was structured in such a way to modestly increase the percentage of sales tax and income tax revenues distributed to municipalities so that the net effect would not cause some municipalities over time to be disadvantaged by the modified formula.

Unfortunately, only half of the Revenue Sharing II proposal was enacted in the year 2000. The policy change on the distribution was put in to law, but the hold-harmless funding element was not. The Revenue Sharing II proposal that's in the Senate's version of the biennial budget is about as modest and as targeted as a proposal can get. The percentage of sales and income taxes that are devoted to the Local Government Fund would be increased from 5.1% to 5.2% and that two-tenths of a percent increase would not take effect until January 1, 2003. The net effect on the \$5 billion biennial state budget would be just \$1.3 million.

Please urge your legislators to fight for Revenue Sharing II, and don't let them tell you that Revenue Sharing II is already in place. They know perfectly well that the policy was enacted without the hold-harmless money, and if that point has been forgotten, it is a remarkably convenient amnesia. (GH)

Tax Reform

Is the Legislature capable of taking it on? In a series of articles on the subject in past editions of the *Legislative Bulletin*, the progress of LD 970, *Resolve, Establishing an Education Funding Reform Committee to Make Recommendations to Reduce the State's Reliance on the Property Tax as a Funding Source for Education*, has been tracked for the extremely important initiative that it represents.

LD 970 would create a task force of 14 legislators, 7 Republicans and 7 Democrats, charged with the task of taking an honest look at the need for tax reform in Maine to lessen the burden of the property tax to fund education, reduce the volatility of the state's tax code and generally modernize state tax policy so that it more accurately tracks the modern information-services economy rather than the industrial agrarian economy that was in place

half a century ago when Maine's sales tax was enacted. The 14-member legislative panel would be charged with developing a set of recommendations to modernize the tax code and to present that set of recommendations to the second regular session of the 120th Legislature in January of 2002.

LD 970 was quickly endorsed in the House but languished in the Senate where it was repeatedly tabled before finally being sent off on Thursday this week to the "Special Appropriations Table". Because the bill establishes a legislative commission, there is a fiscal note on LD 970 to cover the participating legislators' per-diem pay. As a "study bill" with a fiscal note, it will need to get the blessing of legislative leadership or the Appropriations Committee, or both, before being finally enacted.

The stall in the Senate might be sending a signal that some legislators are not enthusiastic about the idea of giving comprehensive tax reform a fighting chance.

LD 970 still faces several hurdles. With these various legislative obstacles before it, it is imperative that municipal officials who have long been seeking an opportunity for the Legislature to seriously undertake the task of comprehensive tax reform to contact legislative leadership and ask them to give tax reform a chance by enacting LD 970. (GH)

BETR Reform

Headed to Partisan Split on so-called "double dip". After a grueling public hearing several weeks ago on several bills aimed at reforming the state's Business Equipment Tax Reimbursement program (BETR), it appeared that the Taxation Committee was committed in a bipartisan way to address the persistent criticism from some quarters that the program is too expensive, lacks accountability, represents "corporate welfare", and can be inappropriately combined with local Tax Increment Financing agreements so that a one time payment of a personal property tax to the municipality can be twice reimbursed, first by the state through the BETR program and

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again by the municipality pursuant to a TIF agreement. The opponents of this combination of BETR and TIF incentives have dubbed the practice a “ double dip” , which has proven to be an effectively pejorative nickname.

In the intervening weeks, the BETR “ reform” proposal being crafted by the Taxation Committee has been scaled back, so that it now includes three relatively non-controversial elements along with the prospective elimination of the of the “ double dip” .

The three non-controversial recommendations, which appear to be headed toward unanimous Committee agreement, are: (1) to require Maine Revenue Services to prepare brochures and other informational materials regarding the BETR program and distribute those materials to small businesses so that they can better access the program; (2) require companies that lease qualifying property to businesses to pay over to the company leasing the property any BETR property tax reimbursements that the lessor may receive if the lessee is responsible for paying the property taxes; and (3) suspend BETR reimbursements to businesses with respect to property that is permanently taken out of production, such as when a company shuts down for good.

A preliminary vote taken by the Tax Committee this week on the fourth recommendation being developed in Committee suggests that the recommendation to eliminate the “ double dip” will get a divided report along party lines, with the Democratic panelists in support and the Republican panelists in opposition.

The proposal to eliminate the “ double dip” is worded as follows: “ *For eligible property first placed in service after April 1, 2002, (BETR) reimbursement is limited to the amount by which the taxes paid with respect to the eligible property exceeds the amount of property taxes with respect to that property that has been or will be returned to the taxpayer by a municipality due to the taxpayer’ s participation in a municipal (TIF) district.*” To put this proposal another way, no taxpayer could receive more than 100%

reimbursement from the municipality and the state combined. If under the TIF agreement, the taxpayer received a “ credit enhancement” reimbursement valued at 50% of the tax obligation on the personal property, the BETR reimbursement would be limited to 50%.

At the core of this recommendation, there is the notion that the TIF program and the BETR program are both designed to perform the same function and therefore do not appropriately overlap. Actually, the two programs serve different functions. The property tax reimbursement provided to the business is a municipal appropriation of those property tax revenues for the purpose of financing the debt service that provides the infrastructure necessary to support the new business. If the municipality simply appropriated that money to service the debt service on a bond issue, there would be no controversy whatsoever. That is what a TIF appropriation actually accomplishes, except that the business is assuming the risk of the bond issue,

rather than the municipality. In contrast, the BETR reimbursement is a property tax reimbursement, pure and simple.

The proponents of this anti double dip proposal among the Taxation Committee members are quick to point out that they are not interfering with municipal TIF authority in any way by limiting the state’ s BETR reimbursements according to this proposal, and on the face of it that is certainly the case. On the other hand, the suspension of BETR reimbursement in proportion to any TIF financing is a clear withdrawal of the state from participation in economic development incentives, and is likely to redouble the pressure on municipalities to contribute even more to new TIF agreements.

Please contact you legislators and explain to them the different purposes of the BETR and the TIF programs, and how both programs work well independently and in combination to provide effective incentives for economic expansion in Maine. (GH)

Summer Pilot Program Created to Combat Milfoil

The Natural Resources Committee is preparing a “ Committee bill” to deal, at least in a preliminary way, with the issue of Eurasian Milfoil and other invasive aquatic species, which are non-native aquatic plants that can be introduced into Maine’ s waterbodies and ultimately choke them. The printed version of the Committee bill is described in the “ Hopper” section of this edition of the *Legislative Bulletin*. The Committee is now in the process of amending the printed version of LR 2559 along the lines of a pilot program.

During a work session this week, the Department of Inland Fisheries and Wildlife (IF&W) and the Department of Environmental Protection (DEP) presented the Natural Resource Committee with a design for a summer Pilot Program aimed at preventing the infestation of Eurasian Milfoil.

The focus of the pilot program is educating the public about the impending

threat of Milfoil. Brochures, flyers, warning signs, and public service announcements are some samples of the variety of methods selected to disseminate information. The Maine Turnpike Authority will hand out brochures as individuals enter the State. Signs will also be posted on the Turnpike and on state roads.

One of the most important elements of the pilot program will be the risk assessment and boat inspection component. DEP and IF&W will spend a minimum of 5000 hours inspecting boats, boat motors, and boat trailers at selected launching facilities. There will also be a minimum of ten roadside locations near the state’ s borders. The selection of the inspection sites will be done on a risk-based analysis. According to the DEP, the primary risk comes from the substantial flow of traffic into southern Maine. In order to

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Sharing the Costs of an SAD

The Education Committee has finally reported out LD 1301, *An Act to Implement Changes in Cost-sharing Agreements in School Districts*, with a unanimous “ought to pass” report.

This bill implements the recommendations of a school district cost-sharing working group that was formed under the auspices of the State Board of Education (SBE). The working group was chaired by SBE member Jim Rier, who has successfully guided the development of several extremely significant public policy changes in the education arena in recent years, including the creation of the School Renovation Revolving Loan Fund in 1998 and the development of the alternative SAD/CSD budget format and adoption procedures last year. The last challenge given to Rier and the SBE was to do something about the sometimes poisonous, almost always dysfunctional process that gets put into play when one or more communities within an SAD want to change the formula guiding how the SAD costs are allocated among the participating towns.

Under current law the participating municipalities within an SAD can implement a cost-sharing formula of the local cost of school operations according to their respective valuations, their respective student counts, or some combination of the two. The process to change that formula involves the creation of a cost-sharing committee made up of three representatives from each participating community which works to develop a recommended change to the formula and ultimately presents that recommendation to the full legislative body of the school district which can either approve or disapprove the recommended cost-sharing change.

LD 1301 attempts to address the difficulties that are often associated with that process in the following ways:

1) The bill requires the Department of Education to provide comprehensive, unbiased cost-sharing information that depicts the participating municipalities’ valuations, mill effort toward education, cost expenditure per

pupil, etc. It is very often the case during the cost sharing committee process as it currently works that some participants focus on one side of the data (e.g., respective per-pupil costs) while other participants focus on the other compelling data (respective mill rate efforts for education), and neither party understands the other’s point of view. LD 1301 would facilitate equal access to all the data;

2) LD 1301 requires that the cost-sharing committees utilize the services of a facilitator during the process of developing alternative cost-sharing formulas;

3) The bill authorizes cost-sharing committees to develop formulas that allocate the SAD cost among the participating municipalities *according to factors other than valuation and student count*, but for those alternative allocation systems to be ultimately adopted for the SAD they have to be approved by a majority vote in each of the participating communities rather than a simple majority vote of the entire SAD voting district. Examples of cost sharing plans that take in some factors other than state valuation and student count might include adjustments to take into account GPA distribution anomalies that would greatly advantage a participating municipality if it were not part of the SAD, state valuation differences if one of the municipalities has a Tax Increment Financing district, etc. The opportunity for creativity is unlimited.

4) In the circumstance where a recommendation from the cost-sharing committee has been approved to go to the legislative body of the SAD, but the cost-sharing recommendation was not approved by a majority of those three representatives from each of the participating municipalities (i.e., if at least one town in the SAD is not in favor the proposed change to the cost sharing formula), then LD 1301 would require a “knowledgeable third party” to be selected by the cost-sharing committee to prepare a written summary of

the process to date, prepare an impartial recommendation regarding changing the method of cost-sharing, and present the summary and the recommendations to the cost-sharing committee for its consideration. At the public hearing regarding the cost-sharing committee’s recommendation, the “knowledgeable third party’s” recommendation will also be presented for the purpose of obtaining public input.

Anyone who knows Jim Rier’s work recognizes that the recommendations built into LD 1301 are “signature Rier”. The emphasis is on providing the parties with quality information and new opportunities to work out their disagreements in creative ways, without imposing “thou shalt” from central authority. Any municipality interested in obtaining a copy of the working group’s report which provides a detailed analysis of the recommendations in LD 1301 along with helpful graphics depicting the type of information that should be considered while developing a cost-sharing formula, should contact Geoff Herman at 1-800-452-8786. (GH)

MILFOIL (cont'd)

educate a majority of the boating population, inspection points will be set up along I-95.

The inspection process may also be expanded to include inspections at public boat launch sites on the inland waters that have been identified as most at risk. During the inspection, boat owners will be educated on the severity of the problems associated with Milfoil. Owners will also be shown how to inspect their boats for Milfoil, as well as how to properly dispose of the plant.

One of the goals of the pilot program is to allow DEP to assess the volume of boats that enter southern Maine during the peak season, what percentage of boats actually carry frag-

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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).

Agriculture, Conservation & Forestry

LD 1547 – An Act to Amend the Animal Welfare Laws. (Sponsored by Sen. LaFountain of York County) (*Final ONTP*)

Criminal Justice

LD 806 – An Act to Amend the Concealed Firearms Laws. (Sponsored by Sen. McAlevey of York County) (*Final ONTP*)

LD 908 – Resolve, to Establish Clear Guidelines for Protecting the Safety of Victims of Domestic Violence. (Sponsored by Sen. Douglass of Androscoggin County) (*Final ONTP*)

LD 1123 – An Act Concerning Runaways. (Sponsored by Rep. Duprey of Hampden) (*Final ONTP*)

Education & Cultural Affairs

LD 1359 – An Act to Ensure Safe and Healthy Schools. (Sponsored by Sen. Treat of Kennebec County) (*Final ONTP*)

LD 1656 – An Act to Simplify and Reform the School Funding Formula. (Sponsored by Sen. Mills of Somerset County) (*Final ONTP*)

Judiciary

LD 1550 – An Act to Bring the Takings

Law into Compliance with the Constitution of Maine and the United States Constitution. (Sponsored by Rep. Glynn of South Portland) (*Final ONTP*)

Labor

LD 62 – An Act to Create a Uniform Standard Governing Legislative Leaves of Absence. (Sponsored by Rep. Perkins of Penobscot) (*Final ONTP*)

Legal & Veterans Affairs

LD 19 – An Act to Revoke the Voting Privileges of Persons Convicted of Murder or a Class A Crime. (Sponsored by Rep. Andrews of York) (*Final ONTP*)

LD 1323 – An Act to Shorten the Period in which the Bureau of Liquor Enforcement Acts on Appeals. (Sponsored by Rep. Duplessie of Westbrook) (*Final ONTP*)

LD 1460 – An Act to Establish a Deadline for New Voter Registrations. (Sponsored by Rep. Clough of Scarborough) (*Final ONTP*)

LD 1518 – Resolution, Proposing an Amendment to the Constitution of Maine Concerning Direct Initiative of Legislation. (Sponsored by Sen. Longley of Waldo County) (*Final ONTP*)

LD 1529 – An Act to Improve Elections. (Sponsored by Rep. Schneider of Durham) (*Final ONTP*)

LD 1608 – An Act to End Discrimination Against Veterans. (Sponsored by Rep. Mendros of Lewiston) (*Final ONTP*)

LD 1714 – An Act Relating to the Election of Candidates by the Instant Runoff Voting Method. (Sponsored

by Rep. Twomey of Biddeford) (*Final ONTP*)

LD 1715 – An Act Relating to Video Gaming Machines. (Sponsored by Rep. Michael of Auburn) (*Final ONTP*)

Natural Resources

LD 1293 – An Act to Ban the Sale of Fever Thermometers that Contain Mercury. (Sponsored by Rep. Bull of Freeport) (*Final ONTP*)

Taxation

LD 1096 – An Act to Amend the Public Property Tax Exemption. (Sponsored by Sen. O’ Gara of Cumberland County) (*Final ONTP*)

LD 1108 – An Act Regarding the Assessment and Collection of Real Estate Property Taxes. (Sponsored by Rep. Collins of Wells) (*Final ONTP*)

LD 1381 – An Act to Extend the Homestead Property Tax Exemption to Persons Living in Cooperative Housing. (Sponsored by Sen. Cathcart of Penobscot County) (*Final ONTP*)

LD 1441 – An Act to Provide Private Landowners Incentives for Conservation and Public Access. (Sponsored by Sen. Kilkelly of Lincoln County) (*Final ONTP*)

Transportation

LD 598 – An Act to Require Investigating Officers to Make Reports to the Secretary of State. (Sponsored by Rep. Lessard of Topsham) (*Final ONTP*)

Utilities & Energy

LD 1618 – An Act to Review Utility Easements on a Periodic Basis. (Sponsored by Rep. Stanley of Medway)

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. A comprehensive list of LDs of municipal interest can be found on MMA's website, www.memun.org.)

Marine Resources

LD 1786 – An Act to Amend the Review Criteria for Submerged Leases of Coastal Waters. (After Deadline) (Emergency) (Sponsored by Sen. Abromson of Cumberland County; additional cosponsor)

This bill would amend the review criteria administered by the Department of Marine Resources when considering the execution of a lease of the submerged lands in coastal waters. Under current law, the lease cannot interfere with the public use or enjoyment within 1,000 feet of a municipal, state or federal beach, park or dock, and this bill would increase that setback to 3,000 feet. In addition, this bill would establish a new review criterion to ensure that the lease will not adversely affect the rights of riparian owners by diminishing their overall economic interests, reducing property values, creating a nuisance, etc.

Inland Fisheries & Wildlife

LD 1796 – An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System. (Reported by Rep. Dunlap for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order 2001, H.P. 1240)

This bill makes changes to the existing boat, snowmobile and ATV registration laws in order to facilitate the implementation of the Department of Inland Fisheries and Wildlife's (IF&W) MOSES (Maine ON-line Sportsman's Electronic System) program. The bill accomplishes the following. 1) Authorizes the commissioner of IF&W to appoint agents other than municipalities and holders of boat, snowmobile and ATV dealer's certificates to issue recreational vehicle registrations. 2) Authorizes agents to collect a \$2 fee for new recreational vehicle registrations and \$1 fee for renewals. 3) Repeals the monthly reporting requirement for agents issuing boat, snowmobile and ATV registrations. 4) Creates a procedure for suspending and fining agents that fail to remit collected registration funds, minus agent fees, to the Department of IF&W. 5) Creates a registration option enabling a person who registers a boat, snowmobile or ATV at the "end of a season" to pay a modified price to extend the registration period for an additional year. 6) Repeals the law requiring a duplicate license or permit to be obtained from the original issuer. 7) Authorizes agents to issue trapping licenses and collect a \$2 fee for each license issued.

This bill was headed to enactment on the day it was printed.

Natural Resources

LR 2559 – (Joint Order authorizing the Natural Resources Committee to report out a bill entitled "An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species".)

This "Committee bill" is the Natural Resources Committee's proposed approach to addressing the issue of Eurasian Milfoil and other invasive aquatic plants. The bill would establish a requirement that all boats entering the state over the road would have to be inspected for the presence of invasive aquatic plants and the boat owner would have to pay a fee of \$100 to obtain a sticker of inspection. Violators of the inspection system would be subject to \$5,000 fines. The bill would also establish a 21 member Interagency Task Force on Aquatic and Terrestrial Invasive and Exotic Species the Task Force would be charged with adopting an emergency action plan that would ensure the identification of inland Maine waters already known to be infested with invasive plants, develop a vulnerability assessment for the state's largest inland waters, establish an emergency lake monitoring and response program, and establish a training and public information program. The bill would also enable the creation of Lake Protection Assessment Districts which could be created by the vote of all the residents or non-residents owning land within 250 feet of the high water mark of any lake. The members of the Lake Protection Assessment District, if created, would elect a governing board of trustees that would establish an annual budget for the purpose of protecting the lake from the infestation of invasive aquatic plants. Once the budget is approved by the District, the trustees would formally notify the municipality or municipalities that include the district's property and those municipalities would surcharge onto the property taxes of the property owners within the district the necessary additional mill rate to generate the revenues necessary to meet the budget.

LEGISLATIVE HEARINGS

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.

Monday, May 14

**Agriculture, Conservation & Forestry
Location To Be Announced, 1:30 p.m.
Tel. 287-1312**

LD 1791 – Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands. (Sponsor: Foster) (Governor's Bill)

LD 1792 – Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands. (Sponsor: Martin) (Governor's Bill)

BALDACCI (cont'd)

and data collected. The safety committee would be charged with the responsibility for establishing rules and operating procedures for the two-year program. Members of the committee would include representatives from the Department of Transportation, other state agencies, safety organizations, municipalities and the commercial trucking industry. After two years, unless the safety committee determines that the weight limit increase has adversely impacted public safety, the 100,000 pound waiver would become permanent.

Due to the nature of the comments Congressman Baldacci received at the May 8th meeting, it is likely that bill will be amended to address the primary concern of the Maine Department of Transportation and transportation safety organizations; that is, the 100,000 pound weight limit. Simply put, weight limits on roads are determined by using the bridge formula, which indicates the maximum weight a

bridge can absorb. According to DOT officials the maximum bridge weight capacity on the Interstate is 97,000 pounds.

Congressman Baldacci is committed to working with members of Maine's congressional delegation and well as with Governor King to present to the US Congress a unified front for this initiative. MMA strongly supports this initiative, because the current weight limit system on the I-95 forces heavier commercial trucks onto the state's narrower and less substantially built roads. By keeping heavier truck traffic on the I-95, municipal officers believe that the costly transportation infrastructure investments necessitated by heavier trucks will be minimized and, more importantly, public safety will be protected. (KD)

MILFOIL (cont'd)

ments of Milfoil, the costs associated with implementing the pilot inspections, and their effectiveness.

Another element of the Program is to design an emergency response system. In order to structure this response system, the DEP must anticipate all contingencies associated with monitoring a lake, placing it in some type of quarantine, eradicating the plant, and obtaining the necessary permits to treat the lake. Having the necessary agreements among agencies and contracts for services prepared beforehand, will expedite the containment and eradication of Milfoil.

The final component of the pilot program is the development of a 17-member Invasives Task Force charged with studying the degree of infestation and its importation routes, developing an educational program, creating lake vulnerability assessments, etc., and making various recommendations to the Land and Water Resources Council, which is a council made up of the commissioners of several state agencies and staffed by the State Planning Office. One member of the Task Force will represent municipal government. (KH)