

BETR Changes Start to Come Into Focus

The Taxation Committee split into party caucuses for several hours on Thursday this week before reconvening and outlining the changes to the Business Equipment Tax Reimbursement Program (BETR) that it is considering.

The scope of those changes is considerably narrower than the full slate of changes it was originally considering (see April 13, 2001 issue of the *Legislative Bulletin*).

Specifically, the Committee is now intending to address the issue of duplicative state and local tax property tax reimbursements by prohibiting BETR reimbursements for property placed into operation after April 1, 2001 to the extent that property taxes on that property are being reimbursed by the municipality pursuant to a Tax Increment Financing agreement.

If the property taxes on the personalty are being 100% reimbursed through the TIF agreement, no BETR reimbursement would be allowed. If the TIF agreement provided a 50% property tax reimbursement, the BETR program would reimburse the remaining 50%. In no case would a business get more than 100% reimbursement between the state and municipal programs.

Another change to the program that will be part of the Committee's BETR bill will be a provision that requires a business that leases personal property to pay over to the person that leases the property the BETR reimbursement if the lessee pays the personal property tax on the

leased equipment.

The other two changes being considered by the Committee would: (1) require Maine Revenue Services (MRS) to develop a brochure explaining the benefits of the BETR program and in-

sert that brochure in the tax forms or tax returns that MRS sends out to small businesses; and (2) suspend BETR reimbursements to businesses when the property subject to the reimbursement is removed from productive use, not counting temporary shut downs for maintenance, spare or replacement parts, etc.

The Committee will be picking up its BETR reform bill for further review in the week to come. (GH)

Retroactivity of Citizen Initiatives

At its April 30th work session, the State and Local Government Committee voted 8-3 that LD 796, *An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda* "ought to pass as amended".

As amended, the bill prohibits residents from circulating petitions that retroactively invalidate, repeal, revoke or modify an existing land use, zoning or other building permit requirement enacted by the local legislative body. Essentially, the bill clarifies that a citizen initiative petition or referendum must be prospective and that the proposed changes to a development ordinance or regulation must impact future developments and not existing developments that have received authorization under existing local ordinances and regulations.

Municipal officials support this change because it offers a better level of predictability to the land use regulatory system. It is difficult to attract new development into a community if existing land use or zoning ordinances can be changed in such a way as to impact development proposals that

have already been approved and financed according to the existing body of local regulation. Municipal officials believe that without this tool new businesses may be reluctant to invest in a community if it is possible for the citizens to overturn the rules upon which a development plan was based and approved.

Opponents of the bill are concerned that limiting a citizen's right to enact ordinance changes through the use of a petition or referendum will erode the existing system of checks and balances that currently exists between local policy makers and citizens. However, it is the belief of municipal officials that the process of developing and adopting land use ordinances and regulations, and subsequently acting upon land use proposals, is entirely open to citizen input and direction. The boards that ultimately decide on land use projects are citizen boards and if the local land use ordinances are not adopted by the citizens directly (at the town meeting) they are adopted by town and city councils that are very responsive to citizen input. (KD)

County Surplus Revenue Use Clarified

At its April 30th work session, the State and Local Government Committee unanimously voted that LD 1287, *An Act Concerning the Administration of County Government* “ought to pass as amended”.

As originally proposed the bill made three changes to existing county employment and financing laws, one of which was clearly detrimental to municipalities. The most objectionable portion of the original bill would have changed the existing “property tax relief” formula found in Title 30-A, section 924(2). That section of law requires the county commissioners to use any unencumbered surplus funds in excess of 10% of the next year’s county tax commitment for property tax relief by reducing that commitment. As originally proposed, LD 1287 would have amended the tax relief formula by authorizing the county commissioners to determine what portion, if any, of the unencumbered surplus funds would be used to reduce the tax levy.

Existing law requires that after the county commissioners have used any unencumbered surplus funds to restore the contingent fund, which defined by law (Title 30-A, Section 922(2)) is generally capped at \$50,000, county commissioners must use all remaining funds in excess of 10% of the following year’s commitment for property tax relief. For example, if a county’s

tax revenue need in the next fiscal year is \$5,000,000 and the remaining unencumbered surplus revenue, after restoring the contingent fund is \$750,000, the current formula would require the county to use \$250,000 for property tax relief. The remaining \$500,000 is then targeted to: (1) fund a county charter commission (which is almost never done); (2) fund a capital improvement program; and (3) be retained as working capital to meet cash flow problems to reduce the need of using tax anticipation notes.

As originally proposed the county commissioners could determine that none of the remaining surplus revenues would be used for property tax relief and therefore use the entire \$750,000 to fund a charter commission, capital improvement program and working capital needs.

The printed bill was amended by the Committee on the recommendation of a small working group made up of county and municipal officials.

First, the method of calculating the use of a county’s lapsed balances was clarified so there can be no mistake as to how to apportion the surplus revenues. While working on this bill it was discovered that the application of this section of law has been interpreted very differently by the different counties.

Second, rather than providing county commissioners with unbridled discretion over the amount of property tax relief to be provided to municipalities through the use of unencumbered surplus funds, the amount retained by the commissioners would be increased incrementally over a period of three years from 10% to 20% of the following year’s tax commitment. In the first year, counties would be authorized to retain 15%, in the second year 18% and in the third and subsequent years 20% of the following year’s commitment to fund charter commissions, the capital improvement program and working

capital accounts.

The Committee amendment also includes two provisions that were part of the bill as originally presented. First, the amendment repeals the provision in law that requires county commissioners to take a pay cut when hiring a professional manager. Second, the bill creates for county employees the same probationary period provided to municipal employees. The amended bill also includes a new provision that authorizes county commissioners to award contracts or proposals that are less than \$10,000 in value based on oral rather than written bids. This provision is supposed to provide county commissioners the administrative leeway necessary to address emergencies.

In the spirit of compromise, MMA supports the amended bill. (KD)

Econ. Development Incentives

LD 321, *An Act to Strengthen Maine’s Economic Development Incentive Laws*. As amended by the Taxation Committee and given a strong “ought to pass” report, LD 321 would restructure the membership of the state’s Economic Development Incentive Commission (EDIC). The commission has been in place for two years and has a broad charge to study the effectiveness of all Maine’s economic development incentives programs. Under current law, the Commission is made up of four legislators, two state agency commissioners, and five members of the public, including representatives of business, labor and municipalities. Under the terms of LD 321, the Commission would be made up of just seven legislators, four members from the Taxation Committee and three members from the Business and Economic Development Committee. LD 321 further specifies that the Commission may form subcommittees to examine any issue under the Commission’s jurisdiction, and those subcommittees may appoint members of the public to sit on those subcommittees. The amended bill would also sunset the EDIC to retire in 2004. (GH)

Legislative Bulletin

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

School Bus Drivers and Unemployment Benefits

A bill has come out of the Labor Committee with a positive report that would entitle school bus drivers to unemployment benefits during summer vacation.

LD 1537, *An Act to Increase Access to Unemployment Compensation for School Bus Drivers*, was sponsored by Senator Rick Bennett (Oxford County). The bill has received a 7-6 "ought to pass" report from the Labor Committee.

MMA failed to identify this bill for its municipal impacts when it was printed and first distributed. Thanks goes to Winslow Town Manager, Ed Gagnon, and the folks at Maine School Management Association for bringing the bill to our attention.

Very simply, school bus drivers who work from September through mid-June would be eligible for unemployment benefits for the July-August summer vacation. The Office of Fiscal and Program Review has put a fiscal note on the bill, although the exact size of that fiscal note has not been published. It is unclear to what degree the state would be financially exposed to this new mandate.

Whether the municipality or school unit "rides bareback" with respect to unemployment benefits (i.e., pays benefits on demand) or provides the benefits through an insurance system, LD 1537 will clearly and directly lead to increased school budgets.

An "Action Alert" on the subject distributed by Maine School Management Association detailed the way to estimate the increased costs to school budgets that would be created by LD 1537.

Take the annual salary of a bus driver, divide by 78 to determine the weekly benefit, and multiply the weekly benefit by 9 weeks to determine the summer benefits for one driver. Multiply that result by the number of drivers to determine a conservative estimate of the annual impact on the school budget.

Driving a school bus is not a year-

round job. School bus drivers accept that employment knowing full well that the job ends on the last day of school. School bus drivers and other "school year" employees (secretaries, kitchen staff, educational technicians, custodians, etc.) are not laid off by the school at the close-out of the school year. The school year was simply the duration of

Legislative Leaves of Absence

On Tuesday this week the Labor Committee heard Representative Royce Perkins' (Penobscot) bill, LD 62, *An Act to Create a Uniform Standard Governing Legislative Leaves of Absence*. The intention of the bill was to create a uniform standard governing the leave of absence from employment for all legislators. There is currently a disparity with respect to the rights of certain employees to obtain a legislative leave of absence from their employment.

Under current law there is an entitlement for all employees to obtain a legislative leave of absence. This requires the employer to hold the employee's position for one two-year term in the legislature and otherwise accommodate that employee's legislative schedule. After the first term as legislator, the employer's right to obtain the labor services of the employee is restored, and whatever accommodations are provided to the employee to continue with legislative service is a matter of negotiation between the employer and the employee.

The law developed differently, however, for public school teachers. Teachers have a special statute that affords them an unlimited number of terms as legislators without jeopardizing their position within the school unit.

Representative Peter Rines (Wiscasset) and MMA testified in support of the bill. MMA believes that the discrepancy in legislative leaves of absence is fundamentally unfair and discriminatory. The current law creates an Animal Farm-type situation,

the employment contract. The foundation of the unemployment benefits system is to provide a stabilizing source of income when an employee unexpectedly loses his or her job through no fault of the employee. A fixed-duration employment contract is not the equivalent of an unexpected lay-off.

Municipal officials should speak to their legislators about the financial impacts of LD 1537 and the additional burden this legislation would place on school budgets and, therefore, the property tax. (GH)

where some people are "more equal" than other people. All employees in Maine should have equal access to serve on the Legislature.

On the day of LD 62's public hearing, the bill received a divided report from the Labor Committee, leaning toward "ought not to pass". On Thursday the Labor Committee voted to reconsider the bill and then killed it outright with a unanimous "ought not to pass" report. (KH)

Mutual Aid for Law Enforcement

LD 832, *An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies*. As enacted into law, this legislation amends the existing statute that allows a municipal law enforcement agency to request assistance from another municipality to control a major unplanned incident, particularly when the health and safety of citizens is jeopardized. The newly enacted law expands the agencies that can assist a municipality in responding to an unplanned incident to include county and state law enforcement officials. The law also authorizes a municipal law enforcement agency to request assistance from any municipal, county or state law enforcement agency in the enforcement of a jointly planned collaborative activity, such as a New Year's Eve roadblock, without entering into formal mutual aid agreements. (KD)

2 Acre "Farmland" Parcels

The Taxation Committee continued this week to put its final touches on LD 13, *An Act to Amend the Definition of Agricultural Land for Taxation at its Current Use*. At this writing, the bill has not been finalized by the Committee, but what follows is the direction the bill is taking.

LD 13 would reduce the minimum acreage requirement of a "farmland" parcel from 5 acres to 2 acres. When enrolled in the program, "farmland" parcels are assessed at their "current use" value rather than their fair market value. The "current use" values are guided by rules promulgated by Maine Revenue Services and the Department of Agriculture, and those guidelines (last updated in the late 1980s) currently peg farmland values in the \$100 — \$400 per acre range.

The amended bill, at least as it's being discussed, would add a positive twist toward accountability with respect to these micro-farm parcels. As municipal assessors know only too well, the income standard for regular farmland enrollment is that the agricultural production on a farmland parcel must "contribute" toward a gross annual farm product income of at least \$2,000, and the value of products used for household consumption (vegetables, chickens, eggs, firewood, etc.) count toward that \$2,000 income figure.

As proposed in LD 13, for those farmland parcels that are between 2 and 5 acres in size, the micro-parcel must actually produce (rather than merely contribute to) at least \$2,000 of farm product each year, and the value of products consumed by the household would not apply. It must be a straightforwardly commercial farm operation in order to get in the program with these small parcels.

LD 13 would also establish a municipal reimbursement for the lost property tax revenues associated with all enrollment in the Farmland program. The municipal reimbursements would be calculated in the same way as Tree

Growth reimbursements are calculated. According to the bill's fiscal note, the reimbursement program would cost the state approximately \$300,000 a year.

If this is the way LD 13 eventually comes out of Committee, the bill will put the municipalities into something

of a quandary.

The municipalities are far less convinced than the Legislature that the Farmland and Open Space special tax program was ever intended to create a tax break for 2 acre parcels. On the other hand, if the Legislature feels that small-acreage farm lots are so important that it is willing to financially participate in their protection, that may

(continued on page 5)

Underground Storage Facility Siting Standards

The Natural Resource Committee Amendment for LD 179, *An Act to Protect Sensitive Geologic Areas from Oil Conservation* will replace the original bill.

The amendment establishes a prohibition on the siting of new underground oil storage facilities located near drinking water supplies. The date of the prohibition is September 30, 2001. After September 30, an individual will no longer be able to register or install a new underground storage facility that is located within the source water protection area of a public drinking water supply. The Committee has defined source water protection area as "one that contributes recharge water to a public water supply well for a public drinking water supply that is mapped by the Department of Human Services" (DHS).

In order for the prohibition to apply, DHS must have mapped the water supply prior to the registration or installation of the underground storage facility, or the proposed facility is located within 1000 feet of the public water supply, whichever is greater. The amendment also creates a prohibition of siting the underground storage facility within 300 feet of a private water supply that is in existence at the time the facility owner applied to register the facility.

There are several exemptions to the siting regulations. The siting prohibitions do not apply to the expansion

or the replacement of an underground storage facility registered or installed on or before the September 30th date, so long as the owner/operator of the facility continues to pay the annual registration fees. If the fees are not paid, then this will disqualify the facility from taking advantage of the exemption.

The conversion of an aboveground oil storage facility registered and installed on or before the September 30th deadline to an underground storage facility is also exempt from the new siting requirements, provided that the conversion takes place on the same property.

If the facility has been used solely for the storage of heating oil that is consumed on site, then the facility is exempt from the new standards. Also exempt is any underground piping associated with an aboveground oil storage facility.

The final exemption is for a water well located on the same property but only used by the individuals on that particular property.

According to the amendment, the Commissioner of DEP is authorized to grant a variance in limited instances. If the public drinking water supply serving a school or community water supply system is involved, or a private drinking water supply is involved, then a variance may only be granted if the

(continued on page 7)

Recycling Plastics

At issue is the creation of dioxin through the incineration of plastics. As reported in the April 27, 2001 edition of the *Legislative Bulletin*, the Natural Resources Committee addressed that issue one way in its legislation to restrict the practice of back yard burning in Maine. In a continuation of that effort, the Committee created its own piece of legislation, LD 1775, *Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Expand Plastics Recycling*.

Although the Committee was hesitant to go forward with another study, Committee Chair Senator John Martin (Aroostook Cty.) believed that it was timely to address methods of increasing the State's recycling rate for plastics.

During the previous public hearings on dioxin, Senator Tom Sawyer (Penobscot Cty.) asked Committee members to take a closer look at the feasibility of expanding the State's bottle bill to include plastic containers of variable density, and LD 1775 is a response to that inquiry.

According to the bill, the study commission would consist of two members of the House, two members of the Senate, three ex-officio, state-agency members, and eight persons appointed by the Governor. Within this group, there will be two representatives of statewide environmental organizations, one member from the Maine Grocer's Association, one representative from the Maine Merchant's Association, and one member that is a redemption center owner. After listening to public comments and amending the bill, the Committee agreed to include one municipal representative, one member from the plastics industry and one representative from Maine Resource Recovery Association.

One of the elements that will be researched is the feasibility of reducing the toxicity of waste by diverting certain plastic products from incineration. Other areas of interest include recommending market-based recycling opportunities for plastics. During the

public hearings, Committee members heard testimony on the variability of the recycling rates of plastic products. The most commonly recycled plastics in Maine are the HDPE and PET products. The study commission will investigate opportunities to expand recovery rates, as well as means of collection and storage of the collected items. (KH)

FARMLAND (cont'd)

be a different matter.

Unfortunately, the promise of municipal reimbursement is tainted by the fact that it will be based on the Tree Growth reimbursement system. Tree Growth reimbursement is currently governed by a completely incoherent babble of words that purports to provide 90% reimbursement for the lost tax revenue, but doesn't. In fact, the total General Fund appropriation for Tree Growth reimbursement has been shrinking in recent years, even as the tax burden rises, and is down from \$5.6 million in the mid-1990s to significantly less than \$5 million this year, all thanks to this incomprehensible formula. Among other reasons the Tree Growth reimbursement doesn't live up to its claims is because it presumes that the "just value" or fair market value of the property enrolled in Tree Growth is the county-wide value of undeveloped acreage. When property enrolled in a current use program has a higher market value than the county-wide undeveloped acreage value, the town takes a hit on its reimbursement.

The "just value" of 2-acre farm lots are likely to be higher than the county-wide undeveloped acreage rate by an order of magnitude, and in those cases the Tree Growth reimbursement rate will be especially inadequate.

To add to these concerns, it is highly unlikely that the Legislature will find resources this year to provide for municipal reimbursement for Farmland enrollments. Even without reimbursement, however, there will be nothing stopping the Legislature from adopt-

ing the new 2-acre policy because the property tax exemption has no fiscal impact to the state. The revenue loss will be felt only by the affected municipalities.

Over the years, both on the federal and state level, MMA has witnessed numerous proposals that included policy changes with negative financial impacts on municipalities that were married to financial obligations the state would undertake to cover or soften those negative local impacts. By the time of final enactment, however, the policy changes are adopted but the state or federal reimbursement obligations are either pulled out of the legislation, or made voluntary on the part of the state by inserting clauses into the reimbursement statutes such as "...to the extent funding is available..." or "...as may be limited by appropriation". Examples include the (federal) Individuals with Disabilities Education Act of 1972, Maine's Educational Reform Act of 1985, Maine's Growth Management Act of 1988, Learning Results in 1998 and Revenue Sharing II in 2000.

In fact, there was a proposal to provide Farmland reimbursement to municipalities in 2000 that was married to a proposal to eliminate all statutory withdrawal penalties for removing Farmland from enrollment and to further soften the \$2,000 income standard. As is typically the case with such marriages, it didn't last long. The elimination of the statutory withdrawal penalties and the softening of the income standard were enacted, but the municipal reimbursement was not.

The issues for municipal officials to consider are whether: (1) small, intensive farming operations like cranberry bogs, berry beds, horticultural gardens, cut flower operations and the like, should be provided access to the property tax breaks associated with the Farmland program; (2) a clean \$2,000 gross income standard per parcel provides enough accountability to ensure that the tax benefits won't be lavished on hobbyists and weekend gardeners; and (3) the enactment of a Farmland reimbursement system is a good trade for this expansion of the program.

Please let your legislators know your position on this bill. (GH)

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 753 – An Act to Create a Farmland and Open Space for the Community Board. (Sponsored by Rep. Hawes of Standish) (Final ONTP)

Appropriations & Financial Affairs

LD 303 – An Act to Appropriate Funds to Assist in Removing a Hazardous Dam. (Sponsored by Rep. Ferguson, Jr. of Oxford) (Final ONTP)

LD 1338 – An Act to Appropriate Funds for Special Testing at the Norridgewock Landfill. (Sponsored by Rep. Tracy of Rome) (Final ONTP)

LD 1597 – An Act to Promote Growth in Western Maine. (Sponsored by Rep. Mendros of Lewiston) (Final ONTP)

LD 1616 – An Act to Assist Regional Service Centers With the Construction of Parking Garages. (Sponsored by Rep. Norbert of Portland) (Final ONTP)

Banking & Insurance

LD 801 – An Act to Authorize the State and Participating Municipalities to Pool Health Care in a Joint Venture. (Sponsored by Rep. Pineau of Jay) (Final ONTP)

Criminal Justice

LD 267 – An Act to Repeal the Requirement That a Person Have a Permit for Concealed Firearms. (Sponsored by Rep. Tracy of Rome) (Final ONTP)

LD 868 – An Act to Amend the Laws Governing Reimbursement of Training Costs for Law Enforcement Officers. (Sponsored by Rep. Lessard of Topsham) (Final ONTP)

LD 1368 – An Act to Reduce the Risks Posed by Intoxicated Persons Under Arrest. (Sponsored by Rep. Dudley of Portland) (Final ONTP)

Education & Cultural Affairs

LD 963 – An Act to Protect Occupants from Diesel Exhaust Emitted by School Buses. (Sponsored by Rep. Chick of Lebanon) (Final ONTP)

Inland Fisheries & Wildlife

LD 427 – An Act to Delegate the Authority to Regulate Personal Watercraft in Unorganized Territories to County Commissioners. (Sponsored by Rep. Goodwin of Pembroke) (Final ONTP)

LD 940 – An Act to Improve Funding for Snowmobile Trail Maintenance. (Sponsored by Sen. Mills of Somerset County) (Final ONTP)

LD 1225 – An Act to Establish a Nonresident Taxpayer Fishing License. (Sponsored by Rep. Tobin of Windham) (Final ONTP)

Labor

LD 1051 – Resolve, Directing the Maine State Retirement System to Report on the Establishment of a Universal Special Retirement Plan for Law Enforcement Officers. (Sponsored by Sen. Davis, Sr. of Piscataquis County) (Final ONTP)

Legal & Veterans Affairs

LD 238 – An Act to Require Proof of Identity in Order to Vote. (Sponsored by Rep. Clough of Scarborough) (Final ONTP)

LD 1150 – An Act to Prohibit Campaign Signs Within 750 Feet of a Polling Place. (Sponsored by Rep. Jones of Greenville) (Final ONTP)

Natural Resources

LD 165 – An Act to Repeal the Element of Maine’s Growth Management Laws that Voids Municipal Land Use Ordinances. (Sponsored by Rep. Tobin of Windham) (Final ONTP)

LD 290 – An Act to Amend the Mercury Discharge Law. (Sponsored by Rep. Clark of Millinocket)

LD 589 – An Act to Amend the Invasive Aquatic Plants Laws. (Sponsored by Sen. Treat of Kennebec County) (Final ONTP)

LD 650 – An Act Creating a Fund to Assist Towns with Public Water Sources that have Eurasian Milfoil. (Sponsored

by Rep. Waterhouse of Bridgton) (Final ONTP)

LD 1192 – An Act to Establish a Permanent Interagency Task Force on Aquatic and Terrestrial Invasive and Exotic Species. (Sponsored by Rep. Savage of Buxton) (Final ONTP)

LD 1398 – An Act to Create a Sprawl Offset Tax. (Sponsored by Rep. Lamoine of Old Orchard Beach) (Final ONTP)

LD 1546 – An Act to Establish the Waste Motor Oil Disposal Site Remediation Program. (Sponsored by Sen. Mills of Somerset County) (Final ONTP)

LD 1559 – An Act to Amend the Zoning Laws Regarding Dimensional Variances. (Sponsored by Rep. Muse of So. Portland) (Final ONTP)

LD 1601 – An Act to Authorize the Construction of Public Trails in Shoreland Areas. (Sponsored by Rep. Watson of Farmingdale)

State & Local Government

LD 372 – An Act to Clarify Municipal Authority Over Cable Television Franchises. (Sponsored by Rep. Berry, Sr. of Belmont) (Final ONTP)

LD 866 – An Act to Amend the Budget Process for Sagadahoc County. (Sponsored by Rep. Lessard of Topsham) (Final ONTP)

LD 1388 – An Act to Protect Maine Land Titles by Bringing Finality to Zoning and Subdivision Decisions of Municipalities and the Maine Land Use Regulation Commission. (Sponsored by Rep. Richardson of Brunswick) (Final ONTP)

LD 1430 – An Act to Expand Participation Between Adjoining Towns for Approval of Subdivisions. (Sponsored by Rep. Glynn of South Portland) (Final ONTP)

LD 1523 – An Act to Preserve the Right to Air-dry Laundry. (Sponsored by Rep. Perry of Bangor) (Final ONTP)

Taxation

LD 533 – An Act to Improve the Business Equipment Tax Reimbursement Program. (Sponsored by Rep. Mailhot of Lewiston) (Final ONTP)

LD 788 – An Act to Exempt Food, Lodg-

(continued on page 7)

POST-MORTEM (cont'd)

ing, Service and Retail Property from the Business Equipment Tax Reimbursement Program. (Sponsored by Sen. Mills of Somerset) (Final ONTP)

LD 798 – An Act to Redefine Property Subject to the Business Equipment Tax Reimbursement Program to Include Only Property Used for Manufacturing and Research. (Sponsored by Sen. Mills of Somerset County) (Final ONTP)

LD 1260 – An Act to Require Accountability for Tax Expenditures Invested on Behalf of Taxpayers. (Sponsored by Rep. Hawes of Standish) (Final ONTP)

LD 1329 – An Act to Establish Standards of Depreciation in Determining the Assessed Value of Personal Property in the Business Equipment Reimbursement Program. (Sponsored by Rep. Rosen of Bucksport) (Final ONTP)

LD 1552 – Resolve, to Reduce the Property Tax on Business Equipment. (Sponsored by Rep. Glynn of So. Portland) (Final ONTP)

LD 1575 – An Act to Improve the Effectiveness of the Maine Residents Property Tax Program. (Sponsored by Sen. Kilkelly of Lincoln County) (Final ONTP)

LD 1590 – Resolution, Proposing an Amendment to the Constitution of Maine to Allow Landowners to Withdraw without Penalty from the Current Use Programs under Certain Conditions. (Sponsored by Sen. Martin of Aroostook County) (Final ONTP)

LD 1713 – An Act to Return a Portion of the Tax Imposed on Lodging to the Municipality in Which the Tax was Levied. (Sponsored by Rep. Lamoine of Old Orchard Beach)

Transportation

LD 84 – An Act Regarding the Use of Lights and Sirens on Personal Vehicles used by Volunteer Firefighters and EMS Personnel. (Sponsored by Rep. Glynn of South Portland) (Final ONTP)

LD 552 – An Act to Improve Police Officer Safety. (Sponsored by Rep. Davis of Falmouth) (Final ONTP)

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

LD 1272 – An Act to Allow Fire Police Constables to use Roof-mounted Emergency Lights. (Sponsored by Rep. Usher of Westbrook) (Final ONTP)

UNDERGROUND (cont'd)

applicant can demonstrate that no hydrogeologic connection exists between the proposed facility and the water supply.

For other public drinking water supply systems, a variance may be granted if the Commissioner finds that the engineering and monitoring measures the applicant has proposed exceed regulatory requirements. The public will have notice as well as an opportunity to comment on variance requests.

The Commissioner of the DEP is required to submit a report to the Natu-

(continued on page 8)

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.

Education & Cultural Affairs

LD 1783 – Resolve, Regarding Legislative Review of Chapter 60: New School Siting Approval, a Major Substantive Rule of the Department of Education. (Emergency) (Submitted by the Department of Education)

This resolve would finally approve the " major substantive" rules promulgated by the State Board of Education governing the new school siting approval process.

Taxation

LD 1780 – An Act to Support Businesses that Reduce Pollution. (Sponsored by Rep. Murphy of Berwick; additional cosponsors) (Governor's Bill)

This bill would create an additional corporate income tax credit for businesses that act to substantially and permanently reduce their production of pollutants. The income tax credit with respect to air pollution is calculated by multiplying the amount of tons of reduced nitric oxide or sulfur dioxide by the average traded market price per ton of pollution credits. The income tax credit with respect to water pollution is calculated by multiplying the number of pounds of reduced total-suspended solids by the DEP

fee charged for discharging a pound of total suspended solids, multiplied by 10. This bill would not repeal, modify or in any way alter the existing property tax exemption for " pollution control equipment" .

LEGISLATIVE HEARINGS

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Tuesday, May 8

Taxation

Room 127, State House, 1:00 p.m.

Tel. 287-1552

LD 1780 – An Act to Support Businesses that Reduce Pollution. (Sponsor: Murphy, E.) (Governor's Bill)

Wednesday, May 9

Education & Cultural Affairs

Room 214, Cross State Office Building, 2:30 p.m.

Tel. 287-3125

LD 1783 – Resolve, Regarding Legislative Review of Chapter 60: New School Siting Approval, a Major Substantive Rule of the Department of Education (Emergency) (Submitted by the Department of Education)

UNDERGROUND (cont'd)

ral Resources Committee outlining the variance criteria.

The amendment respects municipal home rule authority, allowing towns to impose more stringent prohibitions.

Those found in violation of the siting standards are not entitled to any coverage for the costs that are associated with providing treatment, temporary or permanent water supply replacement or any damages paid 3rd parties due to an oil discharge at a facility installed after the September 30th date that affects that property' s drinking water supply system.

The Board of Environmental Protections shall adopt rules regarding the siting of new underground oil storage facilities used to store motor fuels or

used in marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped. The rules will also address the appropriate instances in which a variance may be given. These rules will be major substantive rules. (KH)