

Legislative BULLETIN

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Tax Cap Petition

On Monday this week Secretary of State Dan Gwadosky announced that the Maine Taxpayer Action Network (MTAN) has failed to submit enough valid signatures on its petition to get its property tax cap proposal before the Legislature this year.

Actually, Secretary Gwadosky admitted that enough Maine voters signed the petitions to put the property tax cap measure into motion. The fatal problem was that several thousand signatures were on a petition circulated by a person who the Secretary of State's Office believes was unqualified to circulate petitions. The signatures were genuine but the circulator was not, making the signatures uncountable.

The property tax cap proposal that MTAN is promoting would cap property tax revenue in two ways. First, the maximum property tax mill rate in Maine if this proposal was adopted would be 10 mills. The current average mill rate is 17 mills, and the 10 mill rate cap would take \$500 million out of local government's annual revenue stream which finances public education, county government and municipal operations. The proposal would also freeze the assessed value of all property and limit annual increases to those frozen values to the Consumer Price Index as long as the property remains in the same ownership.

MTAN vowed to appeal the Secretary of State's ruling in Superior Court. At issue is whether an individual who collected over 3,000 signatures under the name of James Powell, registered to vote in Scarborough and apparently living in the Sun and Sand Motel in that community, was a "resident" of Maine, as petition circulators are re-

quired to be under Maine's Constitution. Published reports of the Secretary of State's interpretation of residency laws suggest the Secretary believes Powell lacked a sufficiently fixed place of residency to be identified as a "Maine resident".

At the press conference the Secretary also provided the affidavit of a detective of the Attorney General's Office assigned to investigate Powell. The affidavit records numerous phone conversations the detective had three weeks ago with Powell's Scarborough



Tax Cap Organizer Carol Palesky

landlord, law enforcement and non law enforcement people in several other states which together provide the strong impression that the circulator in Scarborough had borrowed the identity and Social Security number of the real James Powell, who lives in Washington State and has nothing to do with



Secretary of State Dan Gwadosky

this petition.

Municipal officials are reacting to this latest development in the "Proposition 13" property tax cap saga with mixed emotions.

There is, first of all, relief that the

(continued on page 2)

Tax Reform Bill Hearing

Please mark your calendars!

On Tuesday, February 19, the Legislature's Taxation Committee will open a public hearing on the package of tax and education funding reform legislation that is contained in LD 2086 and LD 2087, the companion bills that make up the recommendation of the Education Funding Reform Commission (EFRC). The hearing will be held

(continued on page 2)

TAX CAP (cont'd)

proposal will not likely be on the ballot next November and the energy that would have to be expended to educate Maine's voters about the sharply negative consequences of that proposal can now be more constructively expended.

There is some lingering anxiety that the matter is not completely put to rest because the appeal could result in the determination that a person who lives in a motel and registers to vote is, indeed, a Maine resident, notwithstanding his other legal troubles.

There is also a deeper consternation that the Legislature will now lose its focus altogether on the problems that cause these petition drives in the first place; namely the state's over-reliance on the property tax to fund K-12 education, the divisiveness this causes among municipalities, and the sharply negative impact the legislative decision to fund K-12 education at the current 44% level has on economic development, investment in infrastructure, land use planning, and the lives of Maine's residents who cannot withstand the unremitting pressure on their property tax obligation. (GH)

TAX REFORM (cont'd)

in Room 127 of the State House, beginning at 1:30 p.m.

Described in previous editions of the *Legislative Bulletin* and in the December 2001 issue of the *Maine Townsman*, this comprehensive package of tax reform offers a tremendous opportunity to the State of Maine to:

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

- provide property tax relief to residents, businesses, farmers and the owners of undeveloped land;

- balance more equitably the production of revenue among the property tax, the income tax and the sales tax;

- obtain a higher level of state financial support for K-12 education; and

- establish a uniform, competitive and stable system of taxing commercial and industrial personal property.

These bills do not suggest the Legislature should adopt the tax reform package directly. The EFRC recommendation is designed to let the voters of Maine decide at referendum whether

Maine's current tax code is equitable and balanced, as some legislators believe, or whether it is sharply tilted against the property tax, with ugly and counterproductive ramifications.

MMA's Legislative Policy Committee strongly endorses this package of tax reform legislation, recognizing at the same time that its full development needs more work.

The question the municipalities are asking is whether the Legislature is willing to undertake the responsibility and effort associated with assembling this comprehensive tax reform package into a final product. LDs 2086 and

(continued on page 3)

Posted Roads and Well Drillers

Governor King's office communicated recently with MMA about the potential conflict between municipal road closings this spring and the ability of well drillers to get to homeowners with dry wells. Maine is suffering from a severe drought and well drillers are backed up. Any significant delays in moving their rigs from one job to the next is extremely frustrating for all concerned.

MMA has assured the Governor's office that municipal officials are very sensitive to the plight of their residents who are without water.

MMA's Legal Services staff indicates that Maine municipalities handle road closings in one of three ways:

- 1) The municipal officers adopt MMA's model road closing ordinance that incorporates MDOT road closing rules, or they adopt their own ordinances.

- 2) The municipal officers adopt an executive order for road closings each year.

- 3) The municipal officers informally take responsibility for road postings and enforcement or delegate that responsibility to the road commissioner.

For those municipalities that have adopted the MMA model, the MDOT "Rules and Regulations Restricting Heavy Loads On Closed Ways" gives discretionary authority to MDOT division engineers to grant waivers. These waivers must be in writing and kept in the overweight vehicle. Since practically all well drilling vehicles would have to go over state or state-aid roads to get to local roads, municipal officials can accommodate the well drillers by honoring these waivers.

In those municipalities that have their own ordinance (not the MMA model) or where the municipal officers adopt an executive order, MMA suggests that the ordinance or order include language that provides an exemption for well drillers.

For municipalities that handle road closings less formally, MMA suggests that the municipal officers and/or road commissioners make reasonable exceptions for the well drillers.

In providing this assistance to well drillers, selectmen and road commissioners should always try to protect their roads as best they can by getting the well drillers to transport their rigs at night or early morning when the road is frozen.

Fuel Tax Indexing Bill

Heard on February 6

On Wednesday, February 6th, the Transportation Committee held a public hearing on LD 2020, *An Act to Promote the Fiscal Sustainability of the Highway Fund*. As proposed in LD 2020, the fuel tax rate on gasoline and diesel fuel would be automatically adjusted annually, either up or down as the case may be, by the Consumer Price Index (CPI). Beginning on February 15, 2003 and every February 15th thereafter, the state tax assessor would be required to calculate and publish the CPI adjusted fuel tax rate to be in effect on July 1 of that year.

Rep. Charles Fisher (Brewer), who sponsored the bill on behalf of the Department of Transportation, delivered detailed testimony outlining the importance of LD 2020. Dubbed by Rep. Fisher as the “anxiety-producing bill of the year”, he went on to explain the importance of adopting a mechanism for ensuring that the Highway Fund is supported by a long-term sustainable source of revenue.

In addition to the Department of Transportation (DOT), proponents of the bill included Maine Municipal Association, Maine Better Transportation Association (MBTA) and the Associated Constructors of Maine (ACM). For the most part, testimony in support of the bill focused on the Legislature’s responsibility to find a mechanism that adequately funds the Highway Fund.

DOT commissioner John Melrose outlined several reasons to support for LD 2020. First, the Commissioner believes that increases in Highway Fund revenues have lagged behind inflation. Over the last ten years the annual inflation rate is 2.8% per year, but Highway Fund revenues have only increased by 1% per year.

Second, future funding projections show that the Highway Fund “structural gap” will continue to grow. According to DOT, the gap between revenues and planned highway and bridge

projects for the next biennium (FY 04 and FY 05) is estimated to be \$92 million.

Third, since the 1996-97 biennium Highway Fund budgets have relied on one-time, stop-gap revenues such as a Maine Turnpike bond, General Fund appropriations and General Fund bonds to balance the highway budget. DOT is concerned that because the FY 04-05 General Fund shortfall is projected to be very large (\$750 million), the use of one-time General Fund revenues will not be an option.

Fourth, other major forms of taxation, such as the sales, income and property taxes, are already “indexed” in their own way, as prices increase, salaries rise and property values grow. Only fuel taxes have no built-in inflation adjuster because they are based on the number of gallons consumed, a number that is generally stable.

Finally, Commissioner Melrose believes that indexing fuel tax rates is a “modest and responsible” step toward fiscal sustainability. Based on the historical growth of CPI, it is estimated that annual fuel tax rate adjustments will raise an estimated ½ cent per gallon per year, which for the average driver (20,000 miles traveled per year in a vehicle getting 20 gallons/mile) translates to \$5 per year.

In conclusion, Commissioner Melrose stated that current and future Transportation Committees would have two choices: 1) if not indexing, find a sustainable source of revenue for the Highway Fund; or 2) to cut funding for vital transportation projects.

Testimony provided by Maine Better Transportation focused the Committee’s attention on the fact the indexing alone would not provide the revenue necessary to address Maine’s aging infrastructure. MBTA stated that the indexing proposal is the first step in a two-step approach. Although in the FY 03-04 biennium the indexing pro-

posal will generate an additional \$12 million, the 121st Legislature may have to address the need for a fuel tax increase of two cents per gallon to bring the Highway Fund back to par, in addition to the CPI increases

Opponents of the bill, which included Maine Motor Transport Association and the Maine Merchants Association, raised two points. First, opponents do not believe that a process for increasing the tax burden on Maine people should occur automatically. The opponents feel that it is important for policymakers to annually determine whether or not the increase is necessary and examine the impacts of the increase. By having the increases occur automatically, the Legislature removes itself from making difficult and unpopular decisions. Second, the opponents are not convinced that the indexing proposal will address all Highway Fund revenue needs. They are concerned that in addition to indexing, increases above and beyond the CPI will also be necessary.

The Transportation Committee will be working LD 2020 on Tuesday, February 12th at 1:30 PM in room 126 of the State House. (KD)

TAX REFORM (cont'd)

2087 provide a strong foundation, but there are still some details that need to be worked out.

The political pundits say that its an election year, and the legislators just want to get out of this session as soon and as painlessly as possible, without causing any ripples or upsets for which they can be criticized when they go on the stump before the November elections. The municipal officials are convinced that legislators take their jobs more seriously than that.

Please take the effort to become familiar with this tax reform proposal and make the effort to attend the public hearing on February 19th. If you need copies of the two LDs or any background material about the EFRC recommendation, please do not hesitate to contact Geoff Herman at 1-800-452-8786 or gherman@memun.org. (GH)

Subdivision Issue Resurfaces, Committee Wants More Time

As municipal officials are well aware, the Legislature adopted an amended definition of the term “subdivision” during the last legislative session, and as part of that bill established a temporary moratorium (through October 2002) on the municipal adoption of a definition of “subdivision” that deviated from the state definition. The reason behind the adoption of the moratorium was an unfounded fear that municipalities were running wild through the woods of home rule with their subdivision ordinances, making the job of the lawyers that certify a subdivision’s conformity with the law more difficult than they want it to be.

In response to this legislation, MMA conducted an extremely thorough analysis of municipal subdivision ordinances which produced the following findings:

- Under current law, analyzed from several angles (statutory law, case law, legislative intent, etc.), municipalities currently possess home rule authority to define the type of land or structural division they want to review as a “subdivision” more strictly than state law, and there are municipalities that have utilized that option.

- The Legislature is in the constant process of amending the definition of subdivision, the municipalities have not been able to keep up, and a significant number of municipal ordinances are at variance with the current state definition because the state definition changes so often.

- The definition of subdivision has become extremely complex and unwieldy, due in large part to the various exemptions that have been built into the definition over the years.

In response to the complaints of the title attorneys and the larger real estate title industry, an industry that hopes to abolish all home rule authority with respect to the definition of a “subdivision”, MMA put forward the idea of establishing a short menu of subdivision definitions that would be tailored to the various community needs. For example, “Definition A” might be a more simplified definition with fewer bells and whistles, tailored to the more rural community planning boards that do not review many subdivisions in a year’s time. “Definition B” might be the existing definition, and “Definition C” might be the existing definition without some of the exemptions that can be used to frustrate an adequate local review of development in the fast growing communities. Once municipalities made their choice, that decision would be recorded in the local registry of deeds. The title attorney’s job could scarcely be made easier.

MMA provided its research to the State Planning Office (SPO), which incorporated it into a larger report. Before the Natural Resources Committee this week, SPO presented its findings and recommendations regarding Maine’s Subdivision Law as required by LD 1278, *An Act to Implement the Recommendations of the Task Force to Study Growth Management* (PL 2001, c 359).

As might be expected, the SPO recommendations are different from the MMA recommendations. It is hardly a surprise that SPO wants to link subdivision ordinances with comprehensive planning and provide local control over subdivision ordinances only in designated “rural” areas, preempting home rule in grown areas on a completely unsubstantiated theory that subdivision rules in

growth areas are employed for “exclusionary” reasons with respect to affordable housing.

The SPO starting point is a uniform, statewide definition of subdivision. Then:

- 1) Municipalities that have a comprehensive plan and a zoning ordinance that is certified to be consistent with the comprehensive plan would be allowed to use their home rule authority to enact a more stringent definition, but may only apply it in the designated rural areas. The statewide standard must apply in all designated growth areas.

- 2) Municipalities that do not have a consistent comprehensive plan would have to use the default statewide definition.

- 3) All local subdivision ordinances must be deemed consistent with the comprehensive plan.

- 4) Municipalities must file any changes to the statewide definition in the Registry of Deeds. The municipality must also record SPO’s certification that the local zoning ordinance is consistent with the comprehensive plan. Failure to do so invalidates the ordinance.

- 5) Municipalities that currently have a non-uniform version of the statewide definition would be given three years to modify the definition and must record the interim definition in the Registry of Deeds.

Given the authority to report out a bill, Committee House Chair Rep. Scott Cowger (Hallowell) asked the Committee if it was ready to approve SPO’s recommendations. Rep. David Tobin (Windham) stated that subdivision law was an intricate and complex law and that he would like to see the Committee take the time necessary to through all of the proposed changes. Several of the Committee members agreed that they needed the time to review the documents and Rep. Dick Crabtree (Hope) asked for further evidence as to how the SPO recommendations would remedy the problem this legislation was to address: that is, coordinating subdivision definitions with the real estate title search process. (KH)

Changes Proposed to Aquaculture Leasing Law

On Thursday the Marine Resource Committee held a public hearing on LD 1570, *An Act to Make Changes to the Laws Governing Aquaculture Leasing*. During a prior Committee work session held on January 24th, the Marine Resource Committee voted LD 1428, *An Act to Amend the Aquaculture Leasing Law* “ought not to pass”. LD 1570 is the Marine Resource Committee bill that was then created as a combination of the recommendations of the DMR and suggestions from the Committee.

Among the many proposed changes to the aquaculture laws, the issue of municipal concern was the requirement that the local municipal governing body approve applications for aquaculture leases and experimental leases. LD 1570 included an amendment that would result in presenting all aquaculture applications before the town meeting for review, and the town meeting would either approve or disapprove the proposed leases.

Senator Kevin Shorey (Washington Cty.) testified in opposition to this section of the bill. He stated that he was concerned that the recent immigration of out-of-state residents that held local governmental positions would result in the prohibition of aquaculture facilities. The loss of such facilities would have a detrimental impact on the state’s economy. Sen. Shorey also testified that the cost of reviewing and approving these leases would be both burdensome and costly for municipalities.

Senator Jill Goldthwait (Hancock Cty.) also testified in opposition to this section of the bill, questioning whether municipalities had the financial resources to site aquaculture facilities.

Rep. David Etnier (Harpswell) spoke in opposition to the “veto” power given to municipalities to deny an aquaculture lease application. He commented that there were no standards

for this veto process, nor was there a time frame within which the municipality had to make a determination.

The Town Manager of Eastport testified in opposition to the bill stating that if his municipality were forced to review aquaculture facility leases, the town would need financial resources to hire the necessary biologists and purchase equipment and vessels. Without financial assistance, the town would be reduced to rubber-stamping each facility and the environment would suffer.

Many aquaculture leaseholders testified in opposition to the bill providing that the state delegated the oversight and leasing authority to DMR, not the municipalities.

MMA testified in opposition to the sections of the bill that would require approval of aquaculture facility leases at the town meeting. From the municipal perspective, this is an unprecedented licensure process and an ineffective one that could conceivably cre-

ate disparities from municipality to municipality depending on the will of the local citizens. MMA also opposed the blanket preemption of harbor master authority to site aquaculture facilities that had been recommended by DMR.

In an attempt at balancing the degree of municipal participation in aquaculture facilities, MMA recommended that if a municipality elects to exert its full authority over lease placement, it would first be required to adopt an aquaculture facility siting ordinance that met certain qualitative standards, including a public process for application review and a standards-based system for application review and approval. The ordinance must be initiated by the board of selectmen and adopted by the town meeting in those communities with this form of government. If the municipality preferred not to undertake this responsibility, it would simply opt not to adopt an ordinance. As the default, the DMR would then have the responsibility of reviewing and approving aquaculture facility leases.

The Marine Resource Committee will hold an additional one-hour public hearing on LD 1570 with the work session immediately following on February 12th. (KH)

Additional Septic System Inspections Proposed

On Tuesday of this week, the Department of Health and Human Services’ Division of Health Engineering (DHS) held a public hearing on proposed changes to the subsurface wastewater disposal systems rules. MMA provided testimony in opposition to one of the changes being proposed and raised a concern regarding the blatant DHS disregard for factually reporting the impact these proposed rules will have on municipalities.

With the adoption of Maine’s Administrative Procedure Act, the Legislature enacted a system for state agencies to follow when advertising, amending or proposing new agency rules.

This Act was enacted to guarantee, in the absence of legislative oversight, that the general public would be notified of, and allowed to provide comments on, proposed new or amended rules.

A part of the Act requires state agencies to publish a notice of the proposed rule-making. The notice must contain information regarding the nature of the proposed change; where the agency derives its authority to adopt the rules; notice of date, time and place of any public hearings; where members of the public can obtain copies of the rules, and information about the

(continued on page 6)

AQUACULTURE (cont'd)

agency contact person. The state agency is also required to provide a statement about whether or not the proposed rules will have a financial impact on municipalities.

In its January 16, 2002 notice of state rule-making, DHS reported that the proposed changes to the subsurface wastewater disposal systems rules, which mandate additional municipal inspections, would have zero financial impact on municipalities.

MMA strongly disagrees with that finding. One element of the proposed rules requires the municipality's local plumbing inspector to conduct an additional inspection of subsurface waste disposal systems as they are being installed. Any proposed rule, regulation or law that requires a municipality or its officials to modify an activity in such a way as to create additional local expenses constitutes an unfunded state mandate. Unfunded state mandates, as a matter of law, cannot be considered

"funded" merely because the municipality has the authority to generate the additional necessary revenues through the imposition of increased fees.

At the rulemaking hearing, MMA testified that DHS is not fully undertaking its responsibility to report this important information accurately in its rule-making announcements. MMA also provided testimony in opposition to the unfunded mandate, which proposes to increase the number of inspections, from two to three, required by the local plumbing inspector (LPI) during the installation of subsurface wastewater systems. Under the current rules, the LPI is required to inspect the system after it has been initially installed but before it has been completely covered, and six months after the system area has been adequately stabilized, seeded and mulched. The proposed third inspection would require the LPI to inspect the site prior to the installation of the septic system to ensure that the base of the septic system area is suitable for the system.

Code enforcement officers and plumbing inspectors from the towns of Glenburn, Gorham, Pittsfield and Windham also provided testimony in opposition to the rule seeking to increase the number of inspections on new septic systems. According to testimony provided by Windham's LPI Renee Carter, in 2001 over 200 new septic systems were installed in Windham. Under the existing rules in 2001 the Windham LPIs had to make over 400 site visits. With the addition of a third inspection, the LPIs would be making over 600 septic system related visits.

The Department Health and Human Services will be accepting written comments until February 15, 2002. Written comments should be submitted to the attention of Russell G. Martin, Program Manager, Wastewater & Plumbing Program, Division of Health Engineering, 10 State House Station, August, ME 04333. If you are interested in receiving a copy of the rules, please contact MMA's Laura Veilleux at 1-800-452-8786. (KD)

IN THE HOPPER

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

Agriculture, Conservation & Forestry

LD 2096 – Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements. (Reported by Rep. McGlocklin for the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 2001, H.P. 1387)

This resolve would direct the State Planning Office to convene a working group of state agencies and legislators for the purpose of developing a process to be used by state agencies involved in negotiating any conservation easements acquired with state funds. The resolve further directs that work product to include the process of obtaining public comment with respect to any proposed easement and some minimum substantive elements of all easements in which the right to harvest timber is retained by the landowner.

LD 2097 – An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine. (Reported by Rep. McGlocklin for the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 2001, H.P. 1387)

This bill would implement a set of recommendations of a committee that has been studying access to private and public lands in Maine. One part of the bill would require the Director of Maine Revenue Services to prepare biennial reports tracking the change in ownership of parcels enrolled in the Tree Growth program that are over 1,000 acres in size. Another part of the bill

would require all property enrolled in the "Open Space" current use tax program, beginning with the 2003 tax year, to allow for public access on the Open Space property, with limited exceptions.

Criminal Justice

LD 2090 – An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies. (Sponsored by Sen. Small of Sagadahoc County; additional cosponsors)

Current law prohibits any person from soliciting donations on behalf of a law enforcement officer, agency or association. This bill would narrow that prohibition to allow members of the general public to solicit donations for law enforcement agencies as long as those solicitors are not themselves law enforcement officers, agencies or associations or solicitors hired by those officers, agencies or associations.

Labor

LD 2098 – An Act to Protect the Rights of Maine Citizens Under Collective Bargaining Agreements. (After Deadline) (Emergency) (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

Under current law, employers can implement programs of random substance abuse testing of employees under two circumstances: (1) if substance abuse on the job would cause a threat to others; or (2) if the random testing was negotiated in a collective bargaining agreement. This bill would prohibit bargaining over random substance abuse testing.

Natural Resources

LD 2099 – An Act to Provide for Livable, Affordable

(continued on page 8)

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, February 11

Inland Fisheries & Wildlife

Room 206, Cross State Office Bldg., 10:00 a.m.

Tel: 287-1338

LD 2081 – An Act to Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft. (Reported by Rep. Clark for the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft pursuant to Resolve 2001, chapter 68)

Natural Resources

Room 437, State House, 9:00 a.m.

Tel: 287-4149

LD 2049 – An Act to Authorize the Transfer of Development Rights. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330.)

LD 2094 – An Act to Encourage Regionalism in Municipal Growth Management. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management Pursuant to Joint Order 2001, H.P. 1330)

LD 2070 – An Act to Establish the Community Preservation Advisory Committee. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330)

LD 2061 – An Act to Establish a Pilot Project Program to Provide Incentives for Multimunicipal Development. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330)

LD 2062 – An Act to Clarify the Use of Municipal Rate of Growth Ordinances. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330)

LD 2071 – An Act to Amend the Law Relating to Growth-related Capital Investments. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330)

Tuesday, February 12

Criminal Justice

Room 211, Cross State Office Bldg., 1:00 p.m.

Tel: 287-1122

LD 1989 – An Act Regarding Criminal History Record Checks. (Sponsored by Rep. Peavey of Woolwich; additional cosponsor)

LD 2090 – An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies. (Sponsored by Sen. Small of Sagadahoc County; additional cosponsors)

Labor

Room 220, Cross State Office Bldg., 1:30 p.m.

Tel: 287-1333

LD 2066 – An Act to Expedite Employment in Maine Industry.

(Presented by Sen. Bennett of Oxford County; additional cosponsor)

Wednesday, February 13

Criminal Justice

Room 211, Cross State Office Bldg., 1:00 p.m.

Tel: 287-1122

LD 2068 – An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental illness Who are Incarcerated Relating to Treatment and Aftercare Planning in Prisons and Jails. (Reported by Speaker Saxl for the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated pursuant to Joint Order 2001, H.P. 1383)

Transportation

Room 126, State House, 1:30 p.m.

Tel: 287-4148

LD 1982 – An Act to Reduce the Economic Impact of Seasonally Posted Roads. (Sponsored by Rep. Sullivan of Biddeford; additional cosponsors)

LD 2082 – An Act to Amend the Subdivision Review Criteria for Traffic. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330)

Thursday, February 14

Health & Human Services

Room 202, Cross State Office Bldg., 1:30 p.m.

Tel: 287-1317

WORK SESSION: LD 2029 – An Act to Amend the Laws Regarding Public Health. (Sponsored by Rep. Kane of Saco; additional cosponsors)

Tuesday, February 19

Agriculture, Conservation & Forestry

Room 206, Cross State Office Bldg., 1:00 p.m.

Tel: 287-1312

LD 2096 – Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements. (Reported by Rep. McGlocklin for the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 2001, H.P. 1387)

LD 2097 – An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine. (Reported by Rep. McGlocklin for the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 2001, H.P. 1387)

Taxation

Room 127, State House, 1:30 p.m.

Tel: 287-1552

LD 2086 – An Act to Implement the Recommendations of the Education Funding Reform Committee. (Reported by Rep. Green, for the Education Funding Reform Committee pursuant to Public Law 2001, chapter 439, Part SSS)

LD 2087 – Resolution, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establish Classes of Property for Purposes of Taxation and to Exempt Personal Property from Taxation if there is an Excise Tax on Certain Personal Property. (Reported by Rep. Green, for the Education Funding Reform Committee pursuant to Public Law 2001, chapter 439, Part SSS)

(continued on page 8)

HEARINGS (cont'd)

Wednesday, February 20

Natural Resources

Room 437, State House, 1:00 p.m.

Tel: 287-4149

LD 2084 – An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces. (Reported by Rep. Duplessie for the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials pursuant to Resolve 2001, chapter 65, section 7)

LD 1887 – An Act to Permit Underground Storage Tanks in Low-risk Areas. (Sponsored by Sen. Small of Sagadahoc County; additional cosponsors)

LD 2016 – An Act to Facilitate Compliance with Spill Prevention Requirements and Authorize Reimbursement for Certain Oil Spill Remediation Expenses. (Sponsored by Rep. Crabtree of Hope; cosponsored by Sen. Youngblood of Penobscot County)

Transportation

Room 126, State House, 1:30 p.m.

Tel: 287-4148

LD 2092 – An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003. (Emergency) (Governor's Bill) (Sponsored by Rep. Fisher of Brewer; additional cosponsors)

HOPPER (cont'd)

Neighborhoods. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management Pursuant to Joint Order 2001, H.P. 1330)

This bill would create the "State Affordable Neighborhood Development Review Board" that would be organized in the Maine State Housing Authority (MSHA) and responsible for "pre-certifying" residential development proposals which provide, at a minimum, that 25% of the residential housing units are affordable. With respect to all municipalities located in labor market areas that MSHA determines have affordable housing shortages, the pre-certified development proposals would have to be locally permitted in areas of the community with water and sewer, and the municipality's minimum lot size and road frontage standards would be set aside by state law and replaced with special state-established minimum lot sizes of 6,500 square feet and state-established maximum road frontages of 50 feet. In addition, municipalities would be prohibited from establishing multi-family housing densities for pre-certified developments that are more restrictive (less dense) than 7 units per acre.

Transportation

LD 2092 – An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003. (Emergency) (Governor's Bill) (Sponsored by Rep. Fisher of Brewer; additional cosponsors)

This bill is the Highway Fund supplemental budget for the FY 02-03 biennium.