

**LD List 2012 with Carryovers**  
*(As of 1/18/12)*

Carryover bills:

LD 1043 – Part FF of the 2012-2013 biennial General Fund budget adopted by the Legislature last year created an 11-member working group to develop the plan for eliminating the State Planning Office by transferring all existing responsibilities and programs to other departments and agencies within the executive branch. The working group was further directed to submit its recommendations to the Appropriations Committee by December 1, 2011. The working group's recommendations are as follows:

- The SPO's Director's position will be eliminated.
- Code enforcement training and certification responsibilities will be transferred to the Department of Economic and Community Development.
- Land Use Planning responsibilities will be transferred to the Department of Conservation.
- Waste Management and Recycling responsibilities will be transferred to the Department of Environmental Protection.
- Ownership of the state's landfills will be transferred to the Bureau of General Services.
- Land for Maine Future responsibilities will be transferred to the Department of Conservation, Bureau of Geological Services and Natural Areas.
- Maine Coastal Program responsibilities will be transferred to the Department of Conservation.
- Flood Plain Management responsibilities will be transferred to the Maine Emergency Management Agency.
- Maine Commission on Community Services will be transferred to the Department of Education.
- The Office of Energy Independence and Security will be overseen by the Governor's Office.
- The state economists responsible for economic and demographic analysis will be transferred to the yet-to-be created Office of Policy and Management, which will be overseen by the Governor.
- That Office of Policy and Management will be staffed by six employees, including a deputy director, two public service executives, a secretary and two economists. In addition to housing the economists, the purpose of this office will be to conduct investigations of state agencies and to advise the Governor on the policy changes necessary to eliminate fraud and reform state government programs.

Beyond these functional redistributions, the funding that historically passed through SPO to regional councils will be preserved. The proposal is to continue to provide an annual appropriation of \$310,000 to fund the functions of these regional planning entities. A good chunk of that appropriation, however, is proposed to be taken from a federal Coastal Zone Management grant that currently funds the position of an environmental attorney in the Attorney General's Office. The Attorney General has objected. In any event, the regional council grant program will

be administered by the Committee's proposed land use planning division within the Department of Conservation.

LD 1138 – This bill amends the law enacted in 2010 regarding the formal notice a landowner with property enrolled in the Tree Growth tax program must be given on the approach of the 10-year anniversary of the landowner's forest management plan. Under the compromise agreement enacted last year, the municipal assessor provides that formal notice within a 6 month window of the anniversary date, and in every case allows the landowner at least 120 days to provide the required update to the forest management plan. Under current law, if that update is still not provided in the required timeframe, the property is withdrawn from the Tree Growth program and the withdrawal penalties are applied. This bill does not allow the property to be withdrawn and the penalties applied if the deadline is still not adhered to. Instead, a maximum fine of \$100 would be applied for failing to meet the required deadline, and the landowner allowed an additional year to comply with the plan update requirement.

As this bill has been worked by an informal working group at the request of the bill's sponsor, it has been reworked as a "compromise" bill that attempts to address the interests of the proponents of LD 1138 and the interests of the municipalities to address some of the elements of current Tree Growth law that lead to perceived abuses of the program. The compromise bill would:

- If a person fails to update the forest management plan by the 10-year deadline, even after receiving the mandatory notices from the town, instead of the property being automatically withdrawn from the Tree Growth program it would be automatically converted to an Open Space enrollment for a one year period. After that first tax year, the property would presumptively stay in the Open Space category unless the landowner initiates a change or the municipality requires an Open Space application which affects the property's current use status (e.g., does not ultimately qualify for Open Space).
- When any property is converted from the Tree Growth program to the Open Space program, and then subsequently withdrawn from a "current use" tax category altogether, the Tree Growth withdrawal penalty is applied rather than the Open Space withdrawal penalty for the first 10 year period after conversion. This is already the law with respect to conversions from the Tree Growth program to the Farmland program.
- With respect to Tree Growth enrollments within the shoreland zone, when a building exists there (for all new enrollments) or when a new building is being constructed (going forward), the minimum building lot and the minimum required shore frontage would be excluded from enrollment. This is already current law with respect to all Open Space enrollments.
- All Tree Growth landowners, at the time of initial enrollment and at the time of all 10-year updates, must positively affirm on their application or update that the primary

use of their Tree Growth parcel is commercial timber harvesting, and all other uses are clearly subordinate to that use.

LD 1465 – The original bill would amend Maine’s Freedom of Access Act, or “Right to Know” law, in the following ways. It would: (1) require notices of public meetings to be provided at least 3 days prior to the meeting; (2) create an affirmative duty for a governmental entity to provide copies of public records to people at their request rather than just providing an opportunity to examine those records; (3) provide the requestor with the right to obtain the copies of those records in all available formats, such as by photocopy or electronic or magnetic formats if available; (4) create a duty for the governmental entity to explore obtaining assistance at a reasonable cost, to be borne by the requestor, so that the public record can be provided in the requested medium; (5) require the public records to be mailed if so requested at a mailing charge no greater than actual mailing costs; (6) require all records requested to be immediately provided unless the records have to undergo redaction or are not in public use or are in storage; (7) require a certification be provided to the requestor if there will be any delay in immediately providing the public record and further provide the requestor with the right to copy or inspect the record within 5 business days or have the records mailed or e-mailed within that period of time; (8) create a special standard for “large or multiple requests” which allows for the records to be provided as they become available if they cannot be provided “in the exercise of due diligence” within the 5-day period; (9) require a cost estimate to be provided within 3 business days for any request that may exceed \$100 in costs calculated at the maximum \$10 per hour rate allowed under current law for searching for, retrieving and compiling requested records; (10) treat any failure to comply with the established response-time schedule to be considered a denial of the request and subject to enforcement procedures; (11) establish a 10-day period of time for a requester to complete an inspection of records being reviewed, with extension periods provided according to a certain process; (12) prohibit a governmental entity from inquiring as to the purpose of a FOAA request; and (13) require every governmental agency to designate a “public access officer” who must be certified to the FOAA according to the same certification program now required of various elected officials. The public access officer is charged with overseeing that governmental agency’s response to FOAA requests.

The Judiciary Committee decided to carry the bill over to the second session in order to allow the Right to Know Advisory Committee (RTKAC) an opportunity to review the bill and provide recommendations to the Judiciary Committee in January. A majority of the Right to Know Advisory Committee made the following recommendations:

- The agency or official shall consider certain factors related to access to public records and protection of confidential information when purchasing or contracting for computer software and other information technology resources.
- The agency or official shall acknowledge receipt of the FOAA request within a reasonable time, and shall provide a non-binding estimate of the time within which the agency or official will comply with the request.
- Each state agency, county, municipality, school unit, school board and regional or other political subdivision shall designate an existing employee as a public access officer and require the same training in the freedom of access law as elected officials.

- Inspection, translation and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the public record sought. As used in this section, “reasonable office hours” includes all regular office hours of an agency or official. If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the public records must be posted at a conspicuous public place.
- A person may copy a public record during reasonable office hours or may request that the agency or official having custody of the record provide a copy. A request need not be made in person or in writing. The agency or official shall mail the copy upon request.
- As is the case under current law, an agency or official is not required to create or compile a record that does not exist.
- Access to an electronically stored record, or a copy of such a record, must be provided at the requesters’ option in either a printed document or through any other available medium. A computer file is not an available medium if no means exist to separate or prevent the disclosure of any confidential information contained in that file.
- A public entity is not required to provide an electronically stored record in a different structure, format or organization or provide a requester access to a computer terminal.
- The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$15 per hour after the first hour of staff per request. (The current maximum rate is \$10 per hour.)
- Fund the ombudsman position in the Attorney General’s office so that there is an facilitator of the FOA law that can push the process along when it stalls and provide counsel to both the requester and the government official.

LD 1477 – As printed, LD 1477 was a bill that would establish in Maine a system whereby property owners who believe land use regulation has devalued their real estate could petition to a court and receive compensation for their lost value from the government that adopted and enforced the offending regulation. Either that, or the regulations would be waived for those landowners.

Instead of being enacted, LD 1477 was converted into a resolve creating an 11-member working group charged with reviewing no less than 16 issues associated with adopting a “regulatory takings” system of that kind and preparing a report for consideration by the Judiciary Committee. The report did not include draft legislation due to time limitations. Although, the majority report of the working group did make the following recommendations:

- Define a “land use regulation” as a state law or regulation that limits the use of real property.
- Identify 50% as the appropriate percentage of diminution in value to establish a compensable regulatory taking.

- Apply the regulatory takings system to state laws and rules adopted by state agencies ONLY. Minimum standards established by the state that municipalities are required to adopt and enforce, such as shoreland zoning, would be considered state regulations.
- Allow the landowner to consider the cumulative effect of multiple prospective land use regulations to meet the 50% diminution threshold.
- Require a landowner to obtain and provide an appraisal to determine whether the diminution threshold has been met.
- Account for the appreciation of property value due to land use regulations.
- Establish an informal resolution process where a landowner files a request for a state agency to remedy what the landowner believes to be a regulatory taking. The agency would have to respond within a certain timeframe and conclude as to whether a taking had occurred and what remedy or relief the state is willing to provide.
- Entitle a landowner to a determination by a jury or, if the right to a jury trial is waived, by a judge as to whether a regulatory taking has occurred or not.
- Permit the prevailing party in a court room decision to seek reimbursement of reasonable attorney's fees and costs as determined by the court.
- Modify the ripeness doctrine that courts currently apply to regulatory takings cases so that a landowner can file a claim once an appraiser determines the reduction in value is 50% or greater. The landowner would not need to complete the permit application process to initiate the claim.
- Assess only laws and regulations enacted after the effective date of any regulatory takings legislation in order to determine if the diminution value threshold has been met.
- Consider the "whole parcel" of the property and not just the segment affected by the regulation when determining if government action has effected a taking.
- Apply a 3-year statute of limitations so that the landowner has that amount of time from enactment of the restriction(s) which triggers the 50% diminution threshold to initiate a cause of action.
- Authorize a state agency to grant a variance or waiver to the regulation in question rather than pay compensation to the landowner when a regulatory taking has occurred.

A minority report was also presented to the Judiciary Committee. This report asks the Committee to reject the majority's recommendations and, instead, take measures to beef up the Land Use Mediation Program that was established in 1995.

LD 1534 – As printed, this bill eliminated the Maine Land Use Regulation Commission as of July 15, 2012. Between now and then, the bill establishes the "Unorganized Territory Transition Advisory Board" to advise the Legislature's Agriculture, Conservation and Forestry Committee on matters relating to the transfer of all land use regulatory authority over to each county which includes within its jurisdiction any unorganized territories. This bill is similar to LD 17.

As enacted, the Resolve established a 13-member commission to consider reforming the governance of land use planning in the unorganized territory (UT) and make recommendations

on the role of state agencies and county government, the planning and appeals process, and opportunities for increased self determination in land use planning in the UT.

The amended LURC reforms being recommended by the special commission established by the Legislature would do the following: (1) retain a unified “Maine Land Use Planning Board” made up of 9 members, 3 of which would be appointed by the Governor and 6 of which would be appointed by the county commissioners among the 6 counties containing the most unorganized territory; (2) provide to this Maine Land Use Planning Board essentially the same functions as LURC, with the exceptions listed below; (3) delegate to qualifying counties certain smaller-scale land use review and approval functions in the UT if the counties wish to take on that function; (4) give over to the Maine Forest Service the function of forestry regulation within the entire UT; (5) give over to the Department of Environmental Protection the function of reviewing and approving industrial wind power projects within the UT; and (6) provide an opportunity beginning in 2015 for a county to break away from the Maine Land Use Planning Board and establish its own comprehensive plan, ordinances, planning board and land use review and approval process provided the county adopts a charter granting the commissioners that authority and the county could otherwise demonstrate to the Maine Land Use Planning Board a capacity to perform those functions.

LD 1571 – This bill makes a sweeping set of changes to the laws governing the state’s workers’ compensation program that are generally favorable to the interests of the employers. Among those changes, the bill: (1) provides full reimbursement to an employer from proceeds paid by a third party; (2) restructures the selection of the Worker’s Compensation Board to allow the Governor to appoint 2 of the 3 labor representatives; (3) requires mediation to be requested by both the employer and the employee; (4) requires the employee to pay for the employee’s physician if that physician is requested to attend an employer-required medical examination; (5) restructures the law governing the maximum duration of payments provided for partial incapacities; (6) requires overpayments made during the pendency of proceedings to be repaid; and (7) adjusts how lump-sum attorney’s fees are calculated and prohibits the assessment of an attorney’s fee for the amount of any settlement intended to pay for current or future medical costs.

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LD List 2012

12-14-11

LD 1596 – Under existing law, a public easement is generally retained when a town way is formally discontinued by the local legislative body. This bill authorizes the municipal officers to propose placing restrictions on the public easement as part of the discontinuation order approved by the town meeting or town or city council. Those restrictions could include but not be limited to seasonal use, time of day, and/or motorized vehicle limitations.

12-19-11

LD 1614 – This bill reorganizes and amends the law governing the establishment of Public Safety Answering Points (PSAPs) and the related municipal responsibilities. The bill: (1) changes the current goal established in law for the Emergency Services Communication Bureau to establish, to the extent possible after taking into account ratepayer impacts, 16 to 24 PSAPs in Maine into a mandate to approve only 15 to 17 PSAPs; (2) requires the Bureau to design the system so that all wireless 9-1-1 calls made within one mile of the I-95/I-295 corridor are routed to one of the four State PSAPs and all wireless calls made outside of that one-mile corridor get routed to the PSAP serving the municipality where the tower receiving the call is located; and (3) clarifies the municipal options to contract with another government entity for PSAP services and further requires that such contracts must have a term of at least 5 years.

LD 1616 – Under current law, the various fees established in statute that may be charged by the counties for making abstracts and copies of records are repealed on July 31, 2012 and the commissioners are authorized after that date to establish their own fee schedule based on certain defined cost-drivers. This emergency bill would reverse the direction of current law by repealing the repeal of the established fee schedule and repealing well the commissioners' authority to craft their own fee schedule based on the fee-establishment guidelines.

LD 1619 – This bill makes the following changes to the laws governing the implementation of the Maine Uniform Building and Energy Code (MUBEC): (1) allows municipalities to adopt the MUBEC-based codes "by reference" as that process is governed by Title 30-A MRSA, section 3003; (2) removes the requirement that a municipal code enforcement officer be MUBEC trained and certified if the municipality has not adopted and is not enforcing the MUBEC code; (3) targets the requirement to inspect all buildings under construction for compliance with MUBEC to those municipalities that are mandated or have voluntarily chosen to enforce MUBEC; and (4) targets the requirement to issue occupancy permits only to buildings that have been constructed according to MUBEC to those municipalities that are mandated or have voluntarily chosen to enforce MUBEC.

LD 1620 – This bill amends the charter of the Ogunquit Sewer District.

LD 1621 – This bill provides an exemption from the requirement to wear a seat belt in a motor vehicle for emergency medical personnel who are providing treatment to patients being transported to a medical facility.

LD 1627 – This bill makes a number of changes to the laws governing the filing of birth records and notices of intentions of marriage with local or state agencies. Specifically, the bill provides: (1) that the application recording the intentions to marry as filed with the town or city clerk are confidential and not available for public inspection for a 50-year period, except that the names of the marrying persons and the intended date of the marriage are public records; (2) that the required practice of a municipal clerk transmitting a copy of the certificate of live birth to the municipality of a parent if other than the municipality where the birth occurred is no longer required if the birth is registered or will be registered on the electronic birth registration system implemented by the state registrar; (3) that the report of a birth occurring in an unincorporated place may be registered in the electronic birth registration system by the reporting municipality; (4) that the report by a person assuming custody of a child of unknown parentage must report to

the State Office of Data, Research and Vital Statistics rather than the local town or city clerk; and (5) for the filing of certificates of live births to the Office of Data, Research and Vital Statistics in all cases where the filing occurs more than 7 days after the date of the birth.

LD 1630 – This resolve directs the Bureau of Maine Veterans' Services to establish a stakeholder group for the development of a plan for the inventory and proper care of veterans' graves. The Bureau must invite the participation of representatives of municipal and county government, veteran organizations, interested members of the public and a designee of the Maine Old Cemetery Association. The Bureau's report and recommendations must be submitted to the Legislature by January 15, 2013.

LD 1635 – This emergency bill removes the restriction in current law that allows county jail inmates to work on public projects only within that county's geographical boundaries.

LD 1636 – Current law prohibits an insurer from increasing the insurance policy premium of a law enforcement officer for a motor vehicle accident that occurs while the officer is acting in the course and scope of employment. This bill extends this protection to emergency responders.

LD 1642 – This emergency resolve prohibits the Department of Transportation from exceeding the amount of \$350,000 to build a bridge over Martin Stream in the Town of Turner.

LD 1643 – This bill allows the Bureau of Maine Veterans' Services to release certain information about veterans honorably discharged from military service to municipalities for the purpose of establishing or updating a veterans' honor roll.

12-20-11

LD 1649 – This emergency bill reconstitutes a farmland registration program enacted in 1989 which allowed qualifying farmers to register their farmland with the municipality for a two-year period in 1990 and 1991. Under the terms of this bill, the registration program could resume during an 18-month period between July 1, 2012 and December 31, 2013. The core purpose of the farmland registration program is to put property owners adjacent to registered farmland on notice that they are abutting farmland property and to restrict development or uses that may otherwise be constructed or occur within 100 feet of the farmland property. There are municipal duties associated with the farmland registration program. In order to register farmland property, the qualifying landowner must first notify all abutters of that intention by certified mail and then file an application fee with the municipality. The municipality must keep a publicly accessible file of all registrations and withdrawals. The municipality is allowed to charge up to \$25 for a registration filing fee. The registration also has to be recorded in county registry of deeds, presumably at the farmer's expense. Proceedings before the municipality's Board of Appeals or municipal officers are required in the event an abutter or the municipality believes the registration no longer qualifies, and the municipal planning and building permit authorities must restrict inconsistent land use development or use within 100 feet of properly registered farmland. Variances issued by the local Board of Appeals are allowed with respect to those restrictions.

LD 1653 – This bill expands the allowable uses of Tax Increment Financing revenue to support “fisheries and wildlife projects”, which are defined as projects approved by the Department of Inland Fisheries and Wildlife undertaken for the purpose of improving public access to fisheries and wildlife resources of the state for fishing, hunting, research or observation or for conservation or improvement of the fisheries and wildlife resources of the State.

LD 1656 – This bill amends the registration exemption for tractors under the motor vehicle laws to clarify that tractors used solely on residential premises are exempt from registration requirements when operated on the residential premises or going to or from a filling station or garage for fuel or repair.

LD 1664 – This bill makes several changes to laws governing the conduct of elections. Of significant interest, this bill: (1) increases from 2 to 5 the number of years the incoming voter list must be kept by the clerk and clarifies that the list may be kept in the clerk’s office or other secure location under the clerk’s control; (2) requires clerks to keep all paperwork related to the absentee voter process for 2 years; (3) increases from “at least 7 days” to “10 to 15 business days” the number of days the notice of election must be published in a newspaper of general circulation; (4) clarifies that if a voter from the unorganized territories fails to register to vote 60-days before an election, the clerk is required to amend the issued ballot by marking a line through the offices, candidates and questions that do not pertain to that “out-of-district” voter; (5) adds “year of birth” to the voter information the Secretary of State is allowed to issue to authorized governmental and quasi-governmental entities; (6) removes the “is not a registered voter” from the list of reasons a voter may challenge the ballot of another; and (7) authorizes clerks to issue a second absentee ballot when the ballot envelope has a defect in the affidavit that would cause the ballot to be rejected.

LD 1668 – This bill makes three changes to the law governing the school budget validation process. First, the bill requires the question on the ballot to expressly state the dollar amount of the budget as well as the amount the proposed budget is greater than or less than the budget adopted for the previous school year. Second, the bill changes the default budget which is established as the operating budget if no school budget is finally approved as of the July 1 start-up date of each school year. Under current law, the default budget is the latest budget submitted by the school board to the school system’s legislative body, which becomes the operational budget until the actual school budget is finally adopted. Under this bill, the default budget is the latest budget actually approved at a budget validation referendum. Finally, the bill changes the presumptive school budget upon which the municipal officers may base a commitment of taxes in the circumstance where no school budget has been adopted but the taxes need to be committed in order to send out tax bills. Under current law, the presumptive budget upon which to base such a commitment is the latest school budget approved by the school’s legislative body, even if not ratified at the “budget validation referendum.” Under this bill, the commitment would have to be based on the most recent budget actually approved at referendum.

LD 1669 – The main purpose of this bill is to allow the operators of dormitories to evict persons within the dormitory for causing unnecessary disturbances or damaging or destroying property without going through the forcible entry and detainer procedures required generally of landlords. Pursuant to that purpose, the bill redefines the term “dormitory” without substantial change in

meaning as the term is defined in the area of municipal law governing the licensing of “lodging houses”.

LD 1672 – This bill allows a disabled veteran to receive two sets of special designating license plates if the veteran is the registered owner of two motor vehicles.

LD 1675 – This emergency bill establishes a 13 member task force to facilitate the development of unoccupied mills. The task force membership consists of four state senators, three state representatives, one representative of the Maine Municipal Association, one representative of the Maine State Chamber of Commerce, one representative from a municipality with an unoccupied mill, and one representative each from the Department of Economic and Community Development, the Maine State Housing Authority and the Finance Authority of Maine. The task force is charged with reviewing previous efforts to develop unoccupied mills, determine the obstacles to that type of development, review efforts in other states to redevelop mill sites, determine the measures that need to be taken to facilitate mill redevelopment, and estimate the costs involved to implement the redevelopment efforts. The task force must provide its findings and recommendations to the Legislature no later than December 5, 2012.

LD 1676 – This bill grants to municipalities that are not served by consumer-owned electric utilities but have formed a municipal power district pursuant to 35-A MRSA, chapter 39 the right to manage their own standard offer electricity supply in the same manner permitted for communities served by consumer-owned electric utilities.

LD 1678 – This “concept draft” bill proposes to amend the laws governing stalking and domestic violence by strengthening provisions relating to serial stalking and increasing penalties for defendants with multiple convictions for stalking and domestic violence offences to better ensure the safety of victims.

LD 1680 – This bill makes two substantive changes to the state’s “Circuit Breaker” program which provides cash rebates to qualifying property owners and renters for the purposes of property tax and rent relief. Under current law, a person can be eligible for Circuit Breaker benefits if the subject property is held in a “revocable living trust”. This bill expands the category of trusts in which the property may be held which would nonetheless allow the actual inhabitant of the property to receive Circuit Breaker benefits. The bill also requires renters applying for benefits to show proof that the claimed rent was actually paid during the year for which application is made.

12-21-11

LD 1681 – This emergency bill amends the charter of the Lucerne-in-Maine Village Corporation.

12-23-11

LD 1687 – This emergency bill establishes that persons employed as “third party inspectors” for the purpose of determining the construction of a building’s compliance with the Maine Uniform

Building and Energy Code (MUBEC) have the same protection from liability under the Maine Tort Claims Act as other persons acting on behalf of a governmental entity.

LD 1693 – This bill makes three changes to the current statutory interface between the state’s Circuit Breaker property tax rebate program and the local property tax systems and the poverty abatement process. Specifically, the bill: (1) establishes that a Circuit Breaker benefit is deemed available to the applicant for the purpose of contributing to the public charges, referring to a poverty abatement standard; (2) requires an applicant for a Circuit Breaker benefit to provide proof that the property tax obligation upon which the application for relief is being made was actually paid; and (3) prohibits an applicant from applying for Circuit Breaker benefits with respect to a property tax obligation that was abated at the local level.

LD 1695 – This bill eliminates the requirement that certain retail vendors must publicly display at the retail location their various retail licenses, permits or sales tax registration certificates, requiring the retailers instead to make those licenses or certificates available on demand by the various governmental licensing authorities. Along those lines, the bill prohibits the municipal officers from requiring a licensee or permittee to publicly display any licenses or permits that may be issued at the local level, authorizing only an inspection-on-demand system instead.

LD 1696 –The budget of a school system organized as an Alternative Organizational Structure (AOS) is essentially the budget of the superintendent’s office and other functions provided through the central office to the various participating municipal school systems within the AOS. Under current law, the AOS budget is adopted by the combined voters within the entire AOS at an open meeting. (No budget validation referendum vote is required.) Under this bill, the AOS budget could be approved by the AOS school board (governing body) rather than the voters, if the voters expressly provide the governing body that authority at an election.

LD 1697 – This bill provides two circumstances where a municipality’s population would be calculated to not include persons held within the municipality at a correctional facility. One circumstance would be with respect to a municipality’s obligation to enforce the Maine Uniform Building and Energy Code (MUBEC). The second circumstance would be with respect to the fees calculated and assessed to a municipality for Public Safety Answering Point (PSAP) services.

LD 1699 – Under current law the motor vehicle excise tax rates are applied to the motor vehicle’s Manufacturer’s Suggested Retail Price (MSRP) or “list price”. The exception is for commercial vehicles manufactured after 1995 and registered for more than 26,000 lbs. The excise tax on those vehicles is based on the actual sales price, but municipalities are reimbursed the difference between the actual excise tax received and what would have been received under an MSRP calculation through a reimbursement program funded by required contributions to the state from interstate trucking operations. This bill expands the “sales price” (instead of list price”) excise tax system to include buses, which are defined as motor vehicles designed to carry more than 15 persons, including the operator.

LD 1703 – This bill establishes the charter of the New Gloucester Water District.

LD 1704 – Among other changes to the laws governing the bail of persons charged with domestic violence offenses, this bill would authorize a judge granting bail to require the person charged to submit to supervision by an electronic monitoring system that immediately notifies law enforcement officers, the victim and other persons designated by the court of any breach of a court-ordered restriction to remain within certain physical boundaries.

LD 1708 – For the purposes of further restricting the theft and illegal sales of scrap metals, this emergency bill makes a number of changes to the various obligations placed on scrap metal processors to keep records of their purchases and detailed records about the individuals from whom they purchase scrap metal. Those records, under current law, must be made available to law enforcement officers at all levels of government. Among the changes to the current law, this bill requires the scrap metal processor to compile and maintain these records for all sales, not just sales that exceed 100 lbs. or \$50, and further requires all sales to be paid by a check which must be mailed to the seller's physical address. The bill also requires the scrap metal processor to keep photocopies of the photo identification of those persons selling scrap metal to the processor, and to record the make, model and license plate number of the seller's vehicle. Also, the bill requires the processor to hold available for inspection by law enforcement all metal purchased before resale for at least 72 hours, which can be extended to 15 days at the written order of a law enforcement officer who has a reasonable suspicion that the metal is stolen.

LD 1710 – This bill makes a number of changes to Maine's motor vehicle laws, most of which are not directly pertinent to municipal operations. An element of the bill impacting the motor vehicle registration system limits to the first 6 years of registration the system whereby commercial vehicles registered at more than 26,000 lbs. are charged an excise tax based on the actual sales price rather than the Manufacturer's Suggested Retail Price (MSRP). Under the terms of this bill, the truck's excise tax would be calculated on the MSRP rather than the actual sales price after the first six years of registration.

LD 1711 – This bill introduces into the assessments made by law enforcement officers a new assessment known as a "validated, evidenced-based domestic violence risk assessment" as recommended by the Maine Commission on Domestic and Sexual Abuse. The bill provides that no later than January 1, 2014, all law enforcement officers must administer this assessment to suspects in any domestic abuse case and report the assessment results to the bail commissioner, if appropriate, and the district attorney. The bill also requires county and state correctional officers to administer the assessment to all prisoners and juvenile detainees.

LD 1712 – This bill authorizes the town of Burlington to allow the funds remaining in the town's school and ministerial fund to lapse into the town's general fund.

12-29-11

LD 1721 – Under current law, the Department of Marine Resources manages contaminated or polluted shellfish resource areas by closing them for shellfish harvesting purposes through the adoption of emergency rules. This bill changes the management method by authorizing the Commissioner of DMR to classify the affected shellfish resource areas as open or closed through text descriptions and maps provided on the DMR website. The classifications must also be

provided to the municipal office of each municipality in the affected areas as well as to the Bureau of Marine Patrol.

LD 1723 – This resolve provides for legislative review of a “major substantive” rule provisionally adopted by the Department of Education, *Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services* (Fund). As provisionally adopted, the rule establishes the process whereby school systems, municipalities and counties may apply for and be awarded grants from the Fund in order to implement changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances, innovative “autonomous” public schools, innovative public school districts, innovative public school zones, regional delivery of educational services, or collaborations of municipal-school delivery or support systems. The actual Fund has been created by the Legislature but not significantly capitalized.

12-30-11

LD 1725 – This bill tightens up the standards to retain ongoing eligibility for unemployment insurance benefits (UI). Specifically, the bill: (1) provides that a UI recipient must seek work each week for which a claim is filed and report the work search efforts to the UI commission or face denial of benefits until such time as the documentation is provided; (2) requires a UI recipient to broaden his or her work search after 6 weeks of unemployment rather than 12 weeks; (3) provides that participation in reemployment eligibility assessment services is mandatory and failure to comply results in loss of benefits; and (4) designates a tiered level of criminal offense (Class D, C or B) for UI fraud depending on the amount of UI benefits fraudulently obtained. The bill also increases the earning requirements for re-qualifying for benefits after disqualification for refusing suitable work or misconduct, and establishes indefinite disqualification upon a 3<sup>rd</sup> determination of UI fraud. The bill also adds vacation pay to the types of remuneration which offset UI benefits.

LD 1727 – Current law requires a petition to be filed charging a juvenile (i.e., a person under the age of 18) with certain juvenile crimes before the juvenile’s identity may be released by a law enforcement officer. This bill permits a law enforcement officer to release the identity of any juvenile 16 years of age or older arrested for these juvenile crimes.

LD 1728 – This bill prohibits authorities that issue permits to carry concealed weapons from issuing a permit to an applicant for a Maine nonresident permit if the applicant: (1) applied for and was denied a permit in the applicant’s state of residence; and (2) lives in a state that also issues concealed weapons permits according to standards substantially equivalent or less restrictive than Maine’s standards.

1-4-12

LD 1729 – In accordance with parallel provisions in federal law, this bill permits the issuance of a certificate to an employer for the hiring of one or more persons with disabilities at a rate of pay commensurate with the ability of those persons to perform the duties required in comparison to

the ability of a person who does not have a disability even if that rate of pay is less than the established minimum wage.

LD1730 – This bill establishes a certain review procedure to be followed by the Legislature’s Taxation Committee when reviewing and approving any expanded or newly proposed tax exemption, referred to in statute as a “tax expenditure.” The review procedure walks the Committee through a 9-point evaluation checklist including: the identification of the taxpayers who are affected by the proposed tax break, public policy justifications for the exemption, fiscal impacts and proposals to address the revenue loss, impacts on consumer and business spending, unintended consequences, comparison of similar tax expenditures in other states, standards for accountability and taxpayer reporting requirements, methods of evaluating the exemption’s performance over time, and the process to sunset the exemption. The bill also requires all legislation proposing a new tax expenditure to include a repeal date and a specific review process to be used in evaluating the tax expenditure’s performance.

LD 1731 – This bill creates the Sex Offender Registration and Notification Act of 2012, which is applicable to persons sentenced on or after September 1, 2012. The bill maintains the registration and notification provisions that apply to the existing offender registration system but adds to these processes a tiering system and the development and application of risk assessment. Under this going-forward system, offenders are classified by offense as Tier 1, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively.

LD 1741 – This bill is designed to reduce certain paperwork requirements that are associated with forest practices management. Among the changes, the bill repeals the requirement that the Director of the Maine Forest Service notify the assessor in a municipality when an intention-to-harvest notice filed with MFS indicates that there will be change of use of land enrolled in the Tree Growth tax program.

1-5-12

LD 1742 – This bill makes a number of minor, clarifying and technical changes to the laws governing K-12 education. Among the changes with some substance, the bill requires a follow-up “school budget validation referendum” vote to occur no longer than 30 days after a validation referendum vote that fails to approve the proposed school budget. The bill also reinstates the requirement that all school systems operate a “gifted and talented” educational program.

LD 1744 – This bill requires that the owner of a hotel, motel, inn or bed and breakfast licensed in mid-2012 or later to install carbon monoxide detectors. The same requirement applies to a fraternity or sorority house or dormitory established in mid-2012 or later.

LD 1745 – This bill allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. The role of the State Fire Marshal’s Office would shift from actually inspecting amusement rides to certifying qualified amusement ride inspectors. Nothing in this bill would prevent a municipal official or employee from obtaining this type of certification and inspection authority.

LD 1746 – This is a supplemental state budget bill submitted by the Governor to address a \$220 million hole in the budget of the Department of Health of Human Services related to the state’s Medicaid program known as MaineCare. The budget shortfall covers the remainder of FY 2012 and FY 2013. The bill proposes to scale back the MaineCare program in three ways:

- Reducing eligibility by making certain groups of people ineligible for Medicaid services;
- Reducing offerings for adults who remain eligible; and
- Reducing the level of payments the Medicaid program will provide to certain providers.

More detail with respect to the specifics of these proposals are provided in the January 6 edition of the *Legislative Bulletin*.

1-6-12

LD 1747 – This emergency bill prohibits a municipality from enacting any ordinance, law or rule imposing a tax or fee on ice fishing shacks on public water supplies or coastal waters.

LD 1752 – This bill makes a number of technical changes and clarifications to Maine’s tax code. Included among the many technical amendments, the bill provides that only the applicant for a tax abatement with respect to non-residential property exceeding \$1 million in value may appeal a tax abatement decision made by a local assessor to the State Board of Property Tax Review. Under current law, either party to such a decision is allowed to appeal; i.e., the municipality could technically appeal the local assessor’s decision on an abatement request.

LD 1753 – This bill makes a number of changes and establishes certain goals within the transportation statutes. Amendments of the transportation laws with a municipal impact include: (1) removing the Department of Transportation’s role as the collector and re-distributor of the excise taxes that apply to aircraft and instead require those taxes to be paid directly to the municipality where the airport is located or to the county in the case of county-owned airports; (2) providing the City of Augusta rather than the State the excise taxes associated with aircraft based at the Augusta State Airport; (3) requiring the DOT to classify the state’s public highways according to 6-tier prioritization system; and (4) establishing deadlines running from 2017 through 2022 for the variously-prioritized roadways to be improved to at least the “Fair or Better” serviceability customer services levels.

LD 1760 – This emergency bill provides certain notification procedures for law enforcement officers and jail correctional officers to follow when a victim of domestic violence, sexual assault or stalking asks to be notified when the perpetrator or alleged perpetrator in the case is released on bail.

LD 1761 – This bill increases the E-911 surcharge from 45 cents to 50 cents per month per telephone line or number and expands the potential expenditure of all surcharge funds by the Emergency Services Communication Bureau to include “the deployment of E-9-1-1 service using new communications technologies, including but not limited to, Internet Protocol enabled services that are capable of connecting users to public safety answering points.”

1-10-12

LD 1762 – This emergency bill makes a number of changes to the Public Charter School law enacted in 2011, primarily for the purpose of clarifying ambiguous provisions or establishing more precise procedural requirements. One element of the bill impacting municipalities directly is the section governing the circumstance where a school system fails to make required payments to an established charter school under the money-following-the-student funding policy. Under current law, the State Treasurer is allowed to deduct the payments required from the state funds that would be otherwise provided to the delinquent school system. Under this bill the State Treasurer could also choose to deduct the required payments from the municipalities within the delinquent school system.

LD 1763 – Current law allows individual property owners and lessees who have obtained the appropriate burn permits to conduct open burning of leaves, brush, deadwood and tree cuttings. This bill expands that allowance so that commercial businesses that remove those materials from residential properties can transport them to the business' primary location and conduct open burning there.

LD 1766 – This resolve provides for legislative review of Chapter 61: Rules for Major Capital School Construction Projects, which is a “major substantive” rule of the Department of Education and State Board of Education.

LD 1768 – This bill substantially revises the fee system implemented by the Department of Environmental Protection with respect to the waste discharge licenses issued to municipalities and publicly owned treatment works that discharge treated wastewater effluent into the waters of the state potentially or directly affecting shellfish harvesting areas. The bill eliminates the base fee, the fee for quantities of pollutants actually discharged or licensed to be discharged, the annualized license renewal service fee, the initial dilution fee and the multiple discharge point fee. In replacement, the bill establishes for existing licensees a fee based on the average of the licensees' bill amounts, allocated among the wastewater dischargers on the basis of their three-year annual flows. A separate surcharge is similarly applied to wastewater dischargers that cause adjacent shellfish growing areas to be closed, with the application of a fee based on the average of the licensees' bill amounts, allocated among the acreage amounts of the closed harvesting areas impacted by each wastewater treatment system. The fee for new licensees, not having the benefit of three-year flow data, is established as the median fee for the selected discharge group.

1-18-12

LD 1781 – Under current law, public school teachers who attain certification from the National Board for Professional Teaching Standards are provided a \$3,000 salary supplement for the life of the certificate that is provided by the state's Department of Education. This bill would reduce the salary supplement provided by the state to \$2,000, and require the school system to provide a \$1,000 salary supplement from the school's General Purpose Aid for Local Schools subsidy.

LD 1783 – This emergency resolve provides for legislative review of the “major substantive” rules provisionally adopted by the Department of Education governing Chapter 140: Public Charter Schools.

LD 1787 – This bill amends the laws governing the oversight and administration of the Maine Uniform Building and Energy Code (MUBEC). In an effort to remove inconsistencies in current law created by the enactment of legislation enacted in 2011 (LD 1416), the bill increases the municipal population threshold from 2,000 to 4,000 which triggers the requirement established in the early 1900s that there be municipal building inspectors for the purpose of inspecting buildings under construction to be safe from fire and issue occupancy permits accordingly. The bill also prohibits 3<sup>rd</sup>-party inspectors from also being appointed as a municipal building official. The also removes any references to MUBEC training functions performed by the State Planning Office and abolishes the Bureau of Building Codes and Standards, which is currently housed within the Department of Public Safety, and moves the authority and responsibilities of the Bureau into a division within the Office of the State Fire Marshal.

LD 1788 – This emergency resolve provides for legislative review of “major substantive” amendments to rules provisionally adopted by the Department of Education regarding Chapter 64: Maine School Facilities Program and the School Revolving Renovation Fund.

LD 1790 – This emergency resolve provides for legislative review of “major substantive” amendments to rules provisionally adopted by the Public Utilities Commission regarding Chapter 895: Underground Facility Damage Prevention Requirements (a.k.a. “Dig Safe”). The provisionally-adopted rules include the following changes to the current Dig Safe program: (1) reduce the “tolerance zone” allowed for non-member operators, which include most municipalities and water/wastewater utilities, from 36 inches to 18 inches of each side of the location of the underground facility; (2) allow non-members of the Dig Safe program to index their underground facilities by street rather than by entire municipality; (3) formalize current practice by permitting the use of black or pink paint during snow and ice conditions when pre-marking the locations of the intended excavation; and (4) require excavators to provide notice to private landowners, who are also non-members of the Dig Safe program, of any intended excavations near the privately-owned infrastructure, such as sewer or water hook-up lines, but allow the excavators to initiate excavation without waiting 72 hours to allow the private landowner to mark out underground facilities.

LD 1793 – This emergency resolve provides for legislative review of “major substantive” amendments to rules provisionally adopted by the Department of Environmental Protection regarding Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law.