

Budget Hearings Continue

The Appropriations Committee this week accepted the reports of all the legislative joint standing committees that oversee some segment of state government. The report of each committee contained recommendations to either accept or modify Governor Angus King's proposed biennial state budget.

Of particular municipal interest were the reports of the Education Committee regarding the appropriation for education subsidy (GPA), the Criminal Justice Committee and its recommendation for funding the County Jail Support account, and the Taxation Committee and its response to the budget proposals on the Business Equipment Tax Reimbursement (BETR) program and other changes to the tax code in the budget document.

GPA. On the education front, Governor King proposed a 5% increase to the appropriation to K-12 schools, from \$664 million for the current year, to \$697 million for FY02 and an additional 3% over that base for FY03.

The Education Committee recommends boosting the Governor's FY02 proposal by \$4.7 million, to make a total 5.7% increase from this year to next. The additional money would not flow through the GPA formula, however. It would, instead, be distributed as a financial "cushion" for the benefit of the school administrative units that lose state aid, even when the overall GPA appropriation is increased, for reasons of shrinking student population or other punishing factors within the formula. Although the Legislature is trying to wean itself from these financial cushions, it seems that for the time being it is unable to do so.

Under directions from the Appropriations panel, the committees of jurisdiction were not supposed to present responsive recommendations on the Governor's proposal that deepened the \$200 million deficit the Governor's budget attempts to bridge. To avoid

being accused of further contributing to that deficit, the Education Committee tried to cover its proposed \$4.7 million increase with an understanding that Congress is poised to fully fund its 30 year old, never-yet-honored commitment to pay for 40% of the cost of complying with federal special education mandates. Full funding of the Individuals with Disabilities Education Act

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MMA Supports Changes in Plumbing Code Rulemaking

On February 15, 2001, the Business and Economic Development Committee held a public hearing on LD 249, *An Act to Amend the Rule-making Process Regarding the State's Plumbing Code*. Representative David Tobin (Windham) sponsored LD 249. Co-Sponsoring Representatives Janet McLaughlin (Cape Elizabeth) and Harold Clough (Scarborough) also testified in support of the bill.

The bill seeks to require that any rule adopted by the Plumbers' Examining Board that replaces the Maine State Plumbing Code with another nationally recognized code be a "major substantive" rule rather than a "routine technical" rule. This would provide the Legislature with the power of reviewing and approving the rules drafted by the Plumbers' Examining Board.

Renee Carter, President of Maine Building Officials and Inspectors Association, testified in support of LD 249. The Plumbers' Examining Board has taken the first steps towards adopting the Uniform Plumbing Code (UPC). Ms. Carter testified that the adoption of the UPC is incompatible and disruptive

of the BOCA Building Code presently used in Maine. She strongly supported the legislative oversight proposed by LD 249.

MMA also testified in support of LD 249. The municipalities support LD 249 because it will ensure that the code adopted is the most compatible and beneficial code for the state. As "major substantive" rules, the Legislature will have the final authority in ensuring an appropriate code is adopted. MMA explained that the selection of a plumbing code was a significant decision impacting plumbers, code enforcement officers, LPs, municipalities, and consumers and because of the possible impacts, the Legislature should be involved.

Ann Head, Director of the Office of Licensing and Planning provided testimony on behalf of the Plumbers' Examining Board in opposition to LD 249. One of the reasons for her opposition is that the amendment would strip the Board of authority, thus negating and delaying all of their efforts. She also stated that the Board represents the

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BUDGET (cont'd)

(IDEA) would infuse an extra \$70 million of federal support into this state's educational system.

Some members of the Appropriations Committee took pains to explain to their Education counterparts the several reasons why the state budget could not be balanced on hypothetical increases of federal support.

Jail Support. The Criminal Justice Committee also presented its set of budgetary recommendations to the Appropriations panel, but the difficulties it found when trying to fund its proposals were of a different stripe.

The Governor had proposed to freeze the funding level for the State's support of county jails at \$4.85 million for each year of the biennium, which is the same amount provided this year and \$300,000-\$400,000 less than provided two years ago. In light of the sharp increases in the cost of operating county jails, flat state funding is a direct hit to the property tax.

The Criminal Justice Committee is saying "no" to flat-funding the county jails. Instead, the Committee is recommending increasing the level of support by a Cost of Living Allowance (COLA) of 2.5% annually, or by approximately \$250,000 over the next two-year period.

In order to keep its recommendation budget neutral, the Committee asked the Department of Corrections to find that \$250,000 somewhere within its \$230 million biennial budget. Senator Mike McAlevey (York Cty.), the Senate Chair of the Criminal Justice

Committee, reported to the Appropriations Committee that the Department of Corrections refused to cooperate in the attempt to find any money for the county jail appropriation, creating an impasse that the Appropriations Committee will presumably have to resolve.

BETR and Taxation. The Taxation Committee came to this process with a considerable advantage. It has ways to overcome financial obstacles that are not available to the other committees of jurisdiction.

The Tax Committee approached its work in two separate ways. It broke down all the Governor's proposed tax changes and reported its recommendations on each one, which in several areas were split roughly along party lines. The Tax Committee also presented an alternative package of recommendations which it unanimously supported.

The Governor proposed three changes to the BETR program in his biennial budget: (1) businesses would be reimbursed for their personal property taxes just once a year rather than in response to each partial tax payment they might make; (2) the property belonging to retail businesses and some other non-manufacturing service providers would be excluded from future BETR eligibility; and (3) a special BETR reimbursement fund would be established in a way that would compete with the transfer of sales and income tax revenues to the Local Government Fund, reducing the distribution of municipal revenue sharing by \$3 million a year.

The Tax Committee forcefully and unanimously opposed the BETR special fund proposal because of its negative effect on municipal revenue sharing and its apparent attempt to make the appropriation less visible. The Committee also unanimously supported employing the one-time-a-year reimbursement system to take advantage of the administrative efficiencies.

The proposal to remove retail and some service businesses from the BETR program triggered a split vote along party lines, with the Republicans voting to keep BETR unscathed.

The Tax panel also split its votes on several other proposals in the

Governor's budget. An 8-4 vote said 'no' to the proposal to increase the tax on a pack of cigarettes by 26 cents. A proposed amendment to the Real Estate Transfer Tax to cover land transactions accomplished by the sale of stock, rather than deed transfer, was narrowly supported along party lines. The elimination of the "net operating loss carry-back" provision in the business income tax code, which allows companies to spread their losses over a number of years, received a perfectly split 6-6 vote.

Despite their several differences, the Committee members reached consensus on an alternative proposal. The alternative would:

- Leave the BETR program for retail and service businesses unchanged;
- Not create a special fund from which to pay out BETR reimbursements, and therefore not reduce municipal revenue sharing;
- Eliminate the need, elsewhere in the Governor's proposal, to increase the meals and lodging tax from 7% to 7.5%;
- Provide the same level of support for tourism promotion in the Governor's proposal;
- Increase the Local Government Fund from 5.1% to 5.3% of sale and income tax revenues, boosting municipal revenue sharing by \$4 million a year.

To pay for this \$30 million (over two years) package of proposals, the Committee's alternative would increase the tax paid on meals at non-Class A restaurants to the same tax rate that applies to meals served in Class A restaurants, from 5% to 7%. Non-Class A restaurants are places that serve food consumed primarily on the premises but which do not serve alcohol. It is not widely known that Maine's tax law has two restaurant sales tax rates, 5% and 7%, depending on whether alcohol is served.

The Appropriations Committee politely accepted the report from the Taxation Committee, with some members indicating that it is very early in the process to be considering tax increases, and what they may pay for, without an understanding of the whole budget. (GH)

Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428.

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

Bill Would Mandate Larger Elevators

On Tuesday, February 13th, the Business and Economic Development Committee held a public hearing on LD 281, *An Act to Require that Elevators in Public Buildings be Large Enough to Accommodate Ambulance Stretchers*. This bill was sponsored by Representative Tom Bull (Freeport).

LD 65 would require that all public buildings constructed after January 1, 2002 be of such size as to accommodate an ambulance stretcher in the "supine position". The impact of LD 65 on the renovation of existing buildings is not entirely clear, however, Rep. Bull stated that he would be willing to discuss limitations on the mandate with respect to historic buildings or for renovation projects under a specified dollar amount. Other questions raised by the bill included how many elevators of this size would be required and whether service elevators are an acceptable substitute.

A lobbyist for the Fire Chiefs' Association spoke in support of LD 281. He stated that LD 65 would help assist in the rescue of individuals located on levels above the ground floor. He stated that it is difficult to treat patients suffering from a cardiac event or a neck or spine injury if the ambulance stretcher has to be folded in order to fit into the elevator.

MMA spoke in opposition to LD 65. The municipalities believe that another layer of elevator regulation is unnecessary. There are several tiers of review in place to ensure accessibility to public buildings: Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), the Maine Human Rights Act, local building codes, and local planning boards. The several federal and state laws governing building accessibility prohibit discrimination on the basis of an individual's disability. The federal laws provide state and local governments with a mandatory minimum accessibility standard. For example, the ADA

requires elevators in public buildings that are three stories or more, or in buildings having more than 3000 sq. ft. per story. The municipal officials further believe that local codes and the local review process is up to the task of addressing the public safety needs that are at the center of LD 65.

The municipalities also fear that LD 65 would apply retroactively, forcing the installation of these elevators in existing buildings. The cost of renovating municipal buildings would place an enormous strain on local budgets.

Rep. Bull suggested that municipalities may be able to seek federal grants for funding the construction costs of the proposed elevators. MMA is concerned with the costs of constructing elevators of this size. According to Barry Bryden of Stanley Elevators, the construction of an elevator of this size

would be approximately \$100,000. Mr. Bryden stated that the real expense lies in renovation projects. The installation of an elevator of this capacity in an existing building easily exceeds the \$100,000.

The work session for LD 65 is March 1, 2001, 1:00 pm in Room 208 of the State Office Building. (KH)

PLUMBING (cont'd)

views of the regulated community and therefore they are the best equipped to adopt the code.

Representative Lois Snowe-Mello (Poland) testified in support of LD 249. She would like the Legislature to be able to closely examine and approve the proposed rules. Recognizing that the adoption of a new code will impact the plumbing industry, municipalities, and taxpayers, Representative Snowe-Mello asked the Committee to support Rep. Tobin's proposal.

The work session for LD 249 has been scheduled for March 1, 2001, at 1 p.m. in Room 208 of the State Office Building. (KH)



Representative Irvin Belanger (Caribou) with Senator Christine Savage (Knox Cty.). Rep. Belanger is the sponsor of a bill to make the administration of motor vehicle excise taxation much more efficient (LD 74 – An Act to List the Manufacturer's Suggested Retail Price on the Certificate of Title). Sen. Savage is the Senate Chair of the Transportation Committee, which is working on the bill.

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. There are many more bills of municipal interest being printed than there is space in the Legislative Bulletin for their description. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, www.memun.org.)

Agriculture, Conservation & Forestry

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

This bill is “concept draft” that would create a board similar to the Land for Maine's Future Board, but charged with purchasing areas of land of local value (rather than statewide significance) for farmland and open space preservation.

Appropriations

LD 780 – An Act to Promote Economic Growth in the Penobscot Valley. (Sponsored by Sen. Cathcart of Penobscot County; additional cosponsors)

This bill would appropriate \$300,000 in order to hire a Business Development Specialist within the Department of Economic and Community Development and construct a building in a business park in northern Penobscot County, both for the purposes of creating job opportunities for that region.

Business and Economic Development

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

This bill is a “concept draft” that would establish an ombudsman position at the State Planning Office to assist poorer communities in seeking creative funding sources by providing research and grant writing assistance to those municipalities.

LD 669 – An Act to Clarify the Use of the Municipal Investment Trust Fund. (Sponsored by President Michaud of Penobscot; additional cosponsors)

This bill would amend the law governing the Municipal Investment Trust Fund to itemize some additional types of infrastructure that might be purchased with the granted funds (sidewalks, buried utility lines, GIS systems, etc.). This bill would also define “service center” communities and establish those communities has the highest priority recipients of grants from the Fund. In the decade of its history, the Municipal Investment Trust Fund has been amended numerous times as to how it might be implemented, but it has never been funded.

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

This bill would require the Plumber's Examining Board to adopt the 2000 International Plumbing Code (the BOCA code) as the state's plumbing code.

LD 701 – An Act to Build Parking Garages in Service Center Municipalities. (Sponsored by Rep. Tessier of Fairfield)

This bill creates a preference for service center communities with populations less than 20,000 with respect to public infrastructure loans and grants to municipalities administered by the Department of Economic and Community Development. This

bill also allocates \$2 million from the Community Development Revolving Loan Fund to the Municipal Investment Trust Fund to provide resources for service center communities with populations under 20,000 to build parking garages.

Criminal Justice

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

This bill would remove the requirement in current law that in order to qualify as a candidate for sheriff, the candidate must have completed basic law enforcement and corrections training courses and had 5 years of supervisory employment experience.

LD 649 – An Act Concerning the Obligation of County Taxpayers to pay for Medical Care for County Jail Inmates. (Sponsored by Rep. Wheeler of Bridgewater; additional cosponsors)

This bill would limit the entitlement of inmates in county jails to medical care only for injuries and illnesses incurred during their period of incarceration.

LD 677 – An Act to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers. (Sponsored by Rep. Bull of Freeport)

This bill would extend for one year (until January, 2002) the timeframe for the Department of Public Safety to develop recommendations to implement and fund a required ambulance driver training program.

LD 806 – An Act to Amend the Concealed Firearms Laws. (Sponsored by Sen. McAleve of York County; additional cosponsors)

This bill would amend the concealed weapons permitting law to create an option for the person seeking a concealed weapons permit. If that person lives in a municipality where the municipal officers issue concealed weapons permit and have not designated the Chief of the State Police as the issuing authority, the person seeking a concealed weapons permit may nonetheless choose to either apply for the permit from the municipal officers or the Chief of the State Police.

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

This bill would change the formula regarding the reimbursement of law enforcement officer training costs that one governmental entity must pay to another when a law enforcement officer graduated from the Maine Criminal Justice Academy changes employer. The current law creates a graduated scale of reimbursement depending on the law enforcement officer's years of post graduate employment and various percentages of the training costs. This bill specifies that 100% of the training costs is \$15,000.

Education and Cultural Affairs

LD 621 – An Act to Protect a Child's right to Bike and Walk to School. (Sponsored by Rep. Cowger of Hallowell; additional cosponsors)

This bill would prohibit any school board from prohibiting students from walking or riding bicycles to school. This bill would also require that every school construction project must include provisions for bicycle access and parking.

LD 660 – An Act to Amend the Laws Governing a Conflict of

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HOPPER (cont'd)

Interest for a School Board Member. (Sponsored by Sen. Nutting of Androscoggin County; additional cosponsors)

This bill would amend the conflict of interest law that applies to school board members and their spouses. Under current law, neither school employees nor the spouses of school employees can serve on a school board for the school unit where the employee works. This bill would limit the conflict of interest policy so that it would apply only to full time school employees. The bill would further create a requirement that temporary, seasonal, part-time or substitute school employees who serve on a school board, or their spouses, would have to rescue themselves from salary or personnel decisions.

Inland Fisheries and Wildlife

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

This bill is a “ concept draft ” that would establish a blue-ribbon task force to work with Inland Fisheries & Wildlife to explore mechanisms to ensure that the public has adequate and reasonable access to all inland waters in the state.

LD 675 – Resolve, to Establish Rules for On-Line Sales of Hunting and Fishing Licenses and Watercraft, Snowmobile and All-terrain Vehicle Registrations.

This resolve would require the Commissioner of Inland Fisheries and Wildlife to adopt rules establishing the criteria for requiring agents (including municipal clerks) to develop interactive computer capacity in order to sell hunting and fishing licenses or watercraft, snowmobile or ATV registrations (the so-called “ Moses ” system). At a minimum, the rules must create a pilot program, a 5-year timetable to implement a full on-line system, an electronic transfer of funds system that is mutually agreed to by the Department and agents, and a registration documentation system that frustrates fraudulent reproduction.

Judiciary

LD 698 – An Act to Prohibit Discrimination. (Sponsored by Rep. Perkins of Penobscot; additional cosponsors)

The Maine Human Rights Act currently prohibits discrimination with respect to employment, housing, access to public accommodations, extension of credit or education on the bases of race, color, sex, disability, religion, ancestry or national origin, age, or assertion of rights under Maine’s Workers Compensation law. This bill would prohibit discrimination with respect to the various activities on any basis whatsoever except for reasonable concerns related to the respective activities (e.g., occupational qualifications, potential damage to property, non-payment of rent, etc.).

LD 751 – An Act to Amend the Maine Tort Claims Act. (Sponsored by Rep. Mendros of Lewiston; additional cosponsors)

This bill would amend the Maine Tort Claims Act to allow a person to sue a governmental entity for the damaging or injurious acts (or the failure to act) of governmental employees of “ malicious intent.”

Labor

LD 461 – An Act to Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects. (Sponsored by Sen. Edmonds of Cumberland County; additional cosponsors)

Under current law the contractor and subcontractors in charge of the construction of a “ public work ” is required to keep an accurate record of the laborers, workers and mechanics working on the project, the hours worked, the hourly wage rates, the actual wages paid, etc. A copy of that record is supposed to be available at the job site for inspection by the Department of Labor and the

public authority that let the contract. This bill would amend that law by requiring that the record be filed on a weekly basis with the public authority that let the contract and that inspection of those records be allowed for any aggrieved party and any resident of the state.

LD 513 – An Act to Permit Grievance Mediation by the Panel of Mediators. (Sponsored by Rep. Duplessie of Westbrook; additional cosponsors)

This bill establishes that mediation over grievances in a public employer labor contract must be provided by the Panel of Mediators only when the labor and management parties jointly agree to request mediation services. This bill further provides that the inclusion of grievance mediation procedures in a public-sector labor contract is permissive rather than mandatory, and that the Panel of Mediators is always available to provide grievance mediation services.

Legal and Veterans Affairs

LD 564 – An Act to Encourage Indelible Ballot Markings. (Sponsored by Rep. Michael of Auburn; additional cosponsor)

This bill would prohibit election clerks from issuing pencils to absentee ballot applicants along with their absentee ballots and return envelopes.

LD 569 – An Act to Preserve the Integrity of the Polling Place by Limiting the Physical Presence of Candidates. (Sponsored by Rep. Michaels of Auburn)

This bill would amend the law governing the activities of a candidate for office within 250 feet of the polling place by prohibiting a candidate from mentioning the name of the office the candidate is seeking or requesting a person’s vote within 250 feet of the entrance to a polling place or a registrar’s office.

LD 729 – An Act to Amend the Laws Governing Presidential Primaries. (Sponsored by Rep. Tessier of Fairfield; additional cosponsors)

This bill would establish the process to conduct presidential primary elections in Maine, replacing the presidential preference election process as of July 1, 2003. Among the several provisions established by the bill, it would require municipalities to be reimbursed the costs of conducting the primary elections.

LD 755 – An Act to Clarify Referendum Wording. (Sponsored by Rep. Shields of Auburn; additional cosponsors)

This bill would amend the law governing both state and municipal elections to require that the ballot wording of a referendum article be worded so that an affirmative vote is in favor of the subject matter in question rather than in favor of the petitioner’s petition.

Natural Resources

LD 504 – An Act to Establish the State’s Recycling and Waste Reduction Goals. (Sponsored by Sen. Treat of Kennebec County; additional cosponsors)

This bill would extend the deadline for the state’s goal of recycling or composting 50% of the Municipal Solid Waste (MSW) generated in Maine, measured in tons, from 1998 to 2003. This bill would also establish a new goal of 5% reduction in the generation of MSW, in tons, by 2003, with further 5% reductions in generation of MSW to be achieved every two years thereafter.

LD 509 – An Act to Regulate Waste Transfer Facilities. (Sponsored by Rep. Lovett of Scarborough; additional cosponsors)

This bill is a “ concept draft ” that would require a solid waste facility that has a capacity in excess of the waste stream generated by the municipality in which the facility is located to prove to the DEP Commissioner that the facility meets the substantial public benefit test, as is required of new or expanded, non-municipal solid waste facilities.

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HOPPER (cont'd)

LD 919 – An Act to Provide for Variance Notification in the Shoreland Zoning Law. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsor)

This bill would reinstate a requirement that a copy of a landowner's request for a variance from a standard in a shoreland zoning ordinance be forwarded to the Commissioner of the Department of Environmental Protection by the municipality at least 20 days before an action is taken by the municipal Board of Appeals, and any comments provided the municipality by DEP must be included in the record and taken into consideration by the Board of Appeals.

State and Local Government

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

This bill would allow the state, through the State Employee Health Commission, to enter into a joint venture with the counties and municipalities, through the Maine Municipal Association, to provide a self-funded group health plan for the benefit of state, county and municipal employees.

Taxation

LD 657 – An Act to Exempt Individuals Who are 65 Years of Age or Older and Meet Income Requirements from Increases in Property Taxes. (Sponsored by Rep. Andrews of York; additional cosponsors)

Beginning with the property tax year starting on April 1, 2002, this bill would provide a cap of that year's property tax bill as it applies to any homestead and contiguous lands owned and occupied by a person 65 years of age or older with an income at or below 200% of the federal poverty level. The state would be required to reimburse municipalities for 100% of the lost property tax revenue.

LD 697 – Resolve, Decreasing the Gasoline Tax by 10 Cents Per Gallon. (Sponsored by Rep. Cressey of Baldwin; additional cosponsors)

This emergency resolve would decrease the excise tax paid on all motor fuels by 10 cents, to become effective on the first day of the month after the effective date of the resolve and run through May 25, 2001.

LD 710 – An Act to Authorize Towns to Give Tax Breaks to Volunteer Firefighters. (Sponsored by Rep. Murphy of Berwick; additional cosponsors)

This bill would authorize municipalities to adopt ordinances that would allow the reimbursement of a portion of the municipal property taxes to the municipality's volunteer firefighters.

LD 765 – An Act to Establish a Municipal Reimbursement Formula for Current Use Taxation Programs. (Sponsored by Rep. Etnier of Harpswell; additional cosponsors)

This bill would redesign the calculation of reimbursement from the State to municipalities to ameliorate the property tax shift that occurs when tree growth acreage is assessed at current use rather than just value. Current law purports to reimburse a municipality for 90% of its lost property tax revenue, but calculates the reimbursement on the assumption that enrolled property would otherwise be assessed at the countywide undeveloped acreage values. This bill establishes an actual 90% reimbursement, after adjusting for the beneficial education subsidy and revenue sharing that would be distributed to a municipality because of the reduced valuation attributable to tree growth enrollment. This bill also establishes the recalculated reimbursement formula for the purpose of ameliorating the property tax shift in municipalities where land is enrolled in the farmland and open space tax program. The purpose of this bill is to provide a common formula of reimbursement for all current use tax programs in this State.

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

This bill is a "concept draft" that would comprehensively redesign Maine's tax code. Of particular pertinence to municipalities, this bill would apply a 3% sales tax to motor fuels effective July 1, 2002 and would allocate an additional .05% of total gas tax revenues for marine uses and an additional .13% of gas tax revenues for the Snowmobile Trail Fund; eliminate the so-called "double dip" in the Business Equipment Tax Reimbursement Program (BETR); reduce the BETR reimbursement to 60% of the property tax payment; repeal the pollution control equipment exemption; and establish a 7-member commission to develop recommended expansions to the sales and use tax, franchise taxes and excise taxes to make up the revenue lost to other elements of the proposal.

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

This bill would place a going-forward limit on the property eligible for the Business Equipment Tax Reimbursement (BETR) so that only manufacturing and research-related property would qualify.

LD 883 – An Act to Return a Percentage of Sales and Use Tax to Municipalities. (Sponsored by Sen. Lemont of York County; additional cosponsors)

This bill would set aside 10% of the sales tax revenue collected over and above the sales tax collected in FY 01 and transfer the collected funds back to the municipalities where the sales tax revenue was generated.

Transportation

LD 492 – An Act to Reimburse Communities that have Constructed Sand and Salt Sheds and are Rated Priority 1 or 2. (Sponsored by Sen. Nutting of Androscoggin County; additional cosponsors)

This bill would appropriate \$1.1 million for the purpose of reimbursing municipalities the state share of the construction of priority #1 and priority #2 sand-salt sheds.

LD 643 – An Act to Allow Municipalities to Lower Certain Speed Limits. (Sponsored by Rep. Marley of Portland; additional cosponsors)

This bill would authorize a municipality, after providing a public hearing and by the vote of its municipal officers, to reduce the speed limit of a road already posted at 25 miles per hour to 15 miles per hour.

LD 743 – An Act to Authorize Citizen-issued Citations for Violations of the Handicapped Parking Laws. (Sponsored by Rep. Clough of Scarborough; additional cosponsors)

This bill would authorize citizen-issued citations for violation of handicapped parking laws. Local law enforcement agencies would be responsible for making the citation forms available for citizen use, and a citizen must inform the local law enforcement agency upon issuing a citation and the law enforcement agency must enforce the citation.

Utilities and Energy

LD 390 – An Act to Require Telephone Utility Participation in Enhanced 9-1-1. (Sponsored by Rep. Berry of Belmont; additional cosponsors)

This bill would require every telephone utility providing local exchange service in Maine to implement enhanced E-911 and to provide the necessary subscriber information to the E-911 system in the format and frequency established by rules adopted by the Emergency Services Communication Bureau of the Department of Public Safety.

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.

Tuesday, February 20

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel. 287-1635

WORK SESSION: LD 300 – (Part I Budget) with the Joint Standing Committee on Taxation

- Administrative & Financial Services - Tony Neves
- Tax Proposals
- BETR Program Changes

Business & Economic Development
Room 208, Cross State Office Building, 1:00 p.m.
Tel. 287-1331

LD 341 – An Act to Appropriate Block Grants to Promote Regional Tourism. (Sponsor: MILLS)

Criminal Justice
Room 211, Cross State Office Building, 1:00 p.m.
Tel. 287-1122

LD 349 – An Act Concerning the Transportation of Juvenile Offenders. (Sponsor: PEAVEY)

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

LD 237 – An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit. (Sponsor: MITCHELL B)

Taxation
Room 127, State House, 1:00 p.m.
Tel. 287-1552

LD 263 – An Act to Authorize the Maine Land Use Regulation Commission to Receive Real Estate Transfer Tax Forms for Municipalities in its Jurisdiction. (Sponsor: GAGNON) (Submitted by the Department of Conservation)

LD 174 – An Act to Amend the Determination of Penalty for the Tree Growth Tax Law. (Sponsor: GOOLEY)

LD 261 – An Act to Establish the Maine Resident Homestead Property Tax Rebate Program.

(Sponsor: GOODWIN)

LD 325 – An Act to Enhance Collectibility of the Penalty for Failure to File the Municipal Valuation Tax Return. (Sponsor: MILLS)

LD 398 – An Act to Allow Municipalities to Determine the Level of Auto Excise Tax. (Sponsor: KILKELLY)

Wednesday, February 21

Education & Cultural Affairs
Room 214, Cross State Office Building, 9:00 a.m.
Tel. 287-3125

LD 337 – Resolve, to Create a Study Commission on the Programs

Created By Inadequate Funding for Special Education Services. (Sponsor: KILKELLY)

LD 215 – An Act Regarding Out-of-district Placement. (Sponsor: FERGUSON)

Judiciary
Room 438, State House, 10:00 a.m.
Tel. 287-1327

LD 307 – An Act to Clarify Arrest Powers under Certain Bench Warrants. (Sponsor: BOUFFARD)

Natural Resources
Room 437, State House, 1:30 p.m.
Tel. 287-4149

LD 239 – An Act to Amend the Laws Concerning Wetlands Use. (Sponsor: ASH)

Transportation
Room 126, State House, 1:30 p.m.
Tel. 287-4148

LD 155 – Resolve, Requiring the State to Reimburse Towns for the Construction of Salt and Sand Storage Facilities. (Sponsor: RINES)

Thursday, February 22

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel. 287-1635

WORK SESSION: LD 300 – (Part I Budget) with Joint Standing Committee on Labor

- Rehabilitation Services (with interpreter assistance)

WORK SESSION: LD 300 – (Part I Budget) with Joint Standing Committee on Education

- Governor Baxter School for the Deaf
- Education - Commissioner Albanes
- Reduction of School Subsidy Growth

WORK SESSION: LD 300 – (Part I Budget) with the Joint Standing Committee on Criminal Justice

- Corrections - Commissioner Magnusson
- Facility Funding Issues

Taxation
Room 127, State House, 1:00 p.m.
Tel. 287-1552

LD 338 – An Act to Increase Funding for Animal Welfare Programs. (Sponsor: KILKELLY)

LD 321 – An Act to Strengthen Maine's Economic Development Incentive Laws. (Sponsor: GAGNON)

Transportation
Room 126, State House, 1:30p.m.
Tel. 287-4148

WORK SESSION: LD 78 – An Act to Clarify the Authority of Counties and Municipalities to Restrict Travel Over Local Roads Based on Gross Registered Vehicle Weight. (Sponsor: PINEAU)

Utilities & Energy
Room 209, Cross State Office Building, 1:30 p.m.
Tel. 287-4148

LD 390 – An Act to Require Telephone Utility Participation in

(continued on page 8)

HEARINGS (cont'd)

Enhanced 9-1-1. (Sponsor BERRY D) (DEPARTMENT BILL)
(Submitted by the Department of Public Safety)

Friday, February 23

Appropriations & Financial Affairs
Room 228, State House, 9:00 a.m.
Tel. 287-1635

WORK SESSION: LD 300 – (Part I Budget) with Joint Standing Committee on Legal & Veterans Affairs

- Administrative & Financial Services - Ed Karass
- Closing State Liquor Stores
- Public Safety - Commissioner Kelly
- Liquor Enforcement

1:00 PM

WORK SESSION: LD 300 – (Part I Budget) with Joint Standing Committee on Labor

- Administrative & Financial Services - Jack Nicholas
- Maine State Retirement System - Kay Evan
- Retirement Unfunded Liability Amortization

WORK SESSION: LD 300 – (Part I Budget) with Joint Standing Committee on State & Local Government

- Administrative & Financial Services - Ed Karass
- Construction/Maintenance Adjustments

WORK SESSION: LD 300 – (Part I Budget)

- Other Issues to be determined

Criminal Justice

Room 211, Cross State Office Building, 9:30 a.m.

Tel. 287-1122

LD 313 – An Act Regarding Prisoner Participation on Public Work Projects or Improvements to Charitable Organizations' Property. (Sponsor: LESSARD) (BY REQUEST)

State & Local Government

Room 216, Cross State Office Building, 9:00 a.m.

Tel. 287-1330

LD 319 – An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers. (Sponsor: MCALEVEY)

LD 326 – An Act to Include a Legislator as a Voting Member of the Somerset County Budget Committee and to Eliminate the 3 Advisory Members. (Sponsor: MILLS)

Monday, February 26

Inland Fisheries & Wildlife

Room 206, Cross State Office Building, 1:30 p.m.

Tel. 287-1338

LD 227 – An Act to Amend the Laws Pertaining to the Discharge of Firearms Near Certain Buildings. (Sponsor: DUNLAP) (DEPARTMENT BILL) (Submitted by the Department of Inland Fisheries & Wildlife)

State & Local Government

Room 216, Cross State Office Building, 9:00 a.m.

Tel. 287-1330

LD 471 – An Act to Provide a Local Option on Display of the State Flag. (Sponsor: BROOKS)