

Legislative BULLETIN

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Governor Explains BETR Proposal

Governor Angus King convened a meeting on Tuesday of this week with some members of his senior staff, MMA's Executive Committee, and a representative of MMA's Legislative Policy Committee (LPC) for the purpose of further explaining his three-pronged proposal in the biennial budget with respect to the Business Equipment Tax Reimbursement Program (BETR).

As was explained in the January 12th issue of the *Legislative Bulletin*, the Governor's proposal to stabilize the BETR Program rests on three legs. First, the reimbursements made by the state to the businesses after they pay their property taxes would occur just once a year at the conclusion of each calendar year, rather than every time the business might make a partial property tax payment, as is the entitlement under current law. This proposal carries obvious administrative efficiencies.

Second, the Governor's proposed amendment to BETR law would discontinue going-forward eligibility for certain types of property. The narrowing or refinement of the scope of BETR is an effort to curb the rate of the program's growth and reduce the sense of instability that is generated around BETR because of its increasingly aggressive competition for funding among many other important state programs.

The precise details of the types of personal property that would no longer be eligible for BETR reimbursement are apparently still being refined by the Governor's office, but as printed in the budget bill, the proposal would do the following.



Governor Angus King met on January 31 with the Governor's Municipal Advisory Council and some invited municipal officials to discuss his proposed changes to the BETR program.

It should be noted that no existing BETR arrangements would be broken or changed, all the changes being discussed would only affect property for which a first time application was being made beginning with the tax year starting April 1, 2001.

The first type of property no longer eligible for BETR reimbursement would be property used by retail facilities. Retail facilities are buildings that are being used for the primary purpose of providing goods and services "at retail" to customers who are physically present.

The other new exclusion to the BETR Program in the budget proposal is property used for the provision of services, as the general rule, but there is a laundry list of "qualified services"

that would still be able to tap into the program notwithstanding the general exclusion on service-related businesses. That laundry list includes production services, fabrication services, construction services, financial services (banking, credit union, insurance), printing establishments and electronic technology services.

The third element of the BETR proposal, and the one most troubling to municipalities, would create a special fund from which to pay out the business reimbursements by transferring state sales and income tax revenues that would otherwise go into the General Fund into a separate account. The way that transfer would be accomplished in

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Tax Exempt Bill Flawed

The Taxation Committee turned its attention this week to LD 124, *An Act to Allow for a Prorated Application of Property Tax Exemptions for Charitable and Benevolent Institutions*.

LD 124 would overturn the current legal standard regarding the property tax exemption for charitable organizations and the “literary and scientific” institutions (private colleges and prep schools) which requires those organizations to use the tax exempt property “solely” or exclusively for their charitable (or educational) purposes.

Under the terms of this bill, property owned by charitable institutions (or the colleges) could have mixed uses – some of the property would be used by the charitable organization and some of the property would be used by non-charitable non-profits or for-profit businesses. The municipal assessors would be tasked with evaluating what percentage of the each property deserved the “charitable” (or “literary and scientific”) exemption, and what percentage did not. The standard of sole or exclusive use would be replaced with a standard of proration.

The sponsor of LD 124, Rep. Art Mayo (Bath) presented his bill to the Taxation Committee with the reminder that this legislation has been introduced at least once before, ever since Maine’s Law Court ruled in 1996, in *The City of Lewiston v. Marcotte Congregate Housing*, that Maine’s tax code does, indeed, require sole or exclusive charitable use

of a property in order to be eligible for the tax exemption. A charitable/non-charitable mixed use results in the property being entirely taxable.

Rep. Mayo suggested that municipal practice, prior to the *Marcotte* decision accommodated a proration approach, and that a return to the proration system would be fair to the entities that are, for example, 95% charitable and 5% for-profit, but 100% taxable under the law.

A lobbyist for the Maine Association of Mental Health Services spoke in favor of LD 124, claiming the bill was nothing more than a “clarification” of existing law, which is not true. The exclusivity requirement in current law could not be more well-settled.

The bill was also supported by a lobbyist for the Maine Association of Community Action Agencies, who said that some of the eleven CAP agencies he represents are being forced to pay taxes on some of their properties because they share them with other, non-charitable non-profit agencies.

MMA and the assessors for the cities of Westbrook and Waterville, Jean Jessen and Paul Castonguay, testified in opposition to LD 124, Ms. Jessen on behalf of the Association of Assessing Officers. The municipalities have long believed that Maine’s law governing the charitable exemption is almost entirely lacking in standards. The sole-use provision is about the only real standard left in the law. Without any measurable standards to judge the degree any of these non-profit organizations (some which are among the largest private corporations in the state) actually perform charitable work, dissolving the last clear standard in exemption law in favor of a proration scheme would be playing the cruelest joke on municipalities who have to deal with 100% of the financial impacts of the Legislature’s exemptions. We have witnessed first hand, in a case before the State Board of Property Tax Review last summer (*Town of Falmouth v. Maine Medical Center*) the extraordi-

nary degree complex charitable organizations will go to take full advantage of the tax exemption law. Under the proration scheme in LD 124, it would even be possible for for-profit corporations to spin off some non-profit subsidiary corporations to oversee their “pro bono” work, and get a prorated tax exemption for their businesses.

On the flip side, if there were clear, measurable standards of eligibility for the charitable exemption, then it could be possible to implement a proration system. The measurable standards employed in some other states most typically measure charity as a ratio of the value of uncompensated services to net operating income or total operating expenses, as well as the provision of totally uncompensated or deeply-subsidized services provided to a certain minimum percentage of the beneficiary population.

Whether it would be possible to craft a deal whereby measurable standards would be combined with a proration system is hard to say. The Legislature’s resistance to measurable standards is fairly deeply ingrained. On that point, however, the Taxation Committee wanted to know if adopting the proration system would constitute enacting a new exemption, such that the municipalities would have to be reimbursed 50% of any lost tax revenue pursuant to the Constitutional protection clause adopted by the voters of Maine in 1978. Waterville’s City Assessor, Paul Castonguay, said that the proration system would clearly result in lost tax revenue for the City because there are many properties that are currently taxable because they are not being used “solely” for charitable purposes and there seem to be few properties that are currently totally exempt that would suddenly open up some of their unused space for taxable purposes.

MMA is asking any assessors reading this article that have more information to share about the financial impact of adopting a proration system to contact Geoff Herman at 1-800-452-8786 or gberman@memun.org at your earliest convenience. The Taxation Committee has scheduled the work session on LD 124 for the afternoon of Tuesday, February 6. (GH)

Legislative Bulletin

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

Bill Would Allow Reduced Lot Size for Farmland

On Tuesday of this week, the Taxation Committee took up two bills that would give tax breaks to Maine's growers of flowers, seedlings and ornamental shrubs. One bill (LD 36 – *An Act to Amend the Definition of "Commercial Agricultural Production" in the Laws*) would provide the horticultural industry with a sales tax break. The other bill is designed to provide the industry with a property tax break.

LD 13, *An Act to Amend the Definition of Agricultural Land for Taxation at its Current Use*, would amend the state's "Farmland" current use taxation program. Under the present law, a threshold standard of enrollment to qualify agricultural land for the partial property tax exemption is that the parcel is at least 5 acres in size. LD 13 would allow parcels as small as 2 acres to be enrolled as "Farmland" and given the preferential property tax treatment.

Representative Bonnie Green (Monmouth) is the sponsor of the legislation. LD 13 is part of a package of proposals she has supported for the horticultural industry for several years. Rep. Green presented the bill to the Tax Committee as a vital element in the state's strategy to combat sprawl, modernize state agricultural policy to recognize the growth of the ornamental horticulture industry, and help Maine to regain its position as an agricultural leader in the nation. According to Rep. Green, the Department of Agriculture has identified 115 commercial agricultural concerns in Maine operating on less than 5 acres of land, including cranberry operations, small greenhouse businesses, seedling producers and perennial and annual florist suppliers.

The Maine Farm Bureau spoke in favor of LD 13. The Farm Bureau thanked the Legislature for totally relaxing the "early withdrawal" penalties for removing farmland from the preferential tax program last year, and suggested that this bill, if enacted, would support small niche farms and by so-

doing, contribute greatly to strengthening the agriculture industry in Maine.

Terry Skillin of Skillin's Nurseries in Brunswick and Jeff O'Donal of O'Donal's Nurseries in Gorham spoke in favor of LD 13, claiming that the bill would provide needed tax breaks to the horticultural industry and put horticulture in the same league of preferential tax treatment as is enjoyed by mainstream agriculture. Both businessmen typically own parcels to grow their crops on that are much larger than the 5-acre threshold, although each one or two sub-5 acre lots in the complex of their total land holdings.

MMA testified in sharp opposition to LD 13. It is too easy for the Legislature to grant these partial property tax exemptions...the Legislature, after all, bears none of the financial consequences. The roomful of proponents of LD 13 would doubtlessly be very grateful to the Legislature if LD 13 is enacted, but the people who pay for the tax break granted to the horticultural industry are the other property taxpayers who pay full-freight taxation because there is no one to champion their cause. The full-freight property taxpayers are the sponge that absorbs all the unreimbursed, special-interest property tax breaks the Legislature can concoct.

The municipalities want that dynamic to stop. If creating 2-acre "Farmland" lots and bequeathing them a special property tax status is such an important idea for the viability of agriculture in Maine, then the Legislature can jolly well financially participate in order to off-set the local property tax consequences.

Beyond the broad tax policy issues, the municipalities are also very concerned about the creation of 2-acre parcels under the Farmland taxation category. The only meaningful standards governing the farmland program are the minimum acreage threshold and the almost meaningless income pro-

duction standard. Because of recent changes to farmland tax breaks, the landowner now only has to show that the parcel to be enrolled "contributes" to the production of \$2,000 in annual income, and the landowner's "home use" production can be counted in that calculation. Accordingly, under the terms of LD 13, a person owning a lot in a 3-acre subdivision could apply for the farmland tax classification for 2 acres of that parcel merely on a showing of "contribution" toward \$2,000 worth of home use value of garden production.

By driving down the minimum requirement to two acres and removing any significant penalties for withdrawing farmland property from the preferential taxation category, the municipalities anticipate receiving applications of enrollment by backyard gardeners in subdivision lots with creative accounting of the value of this home-use consumption.

That's not what we thought the Farmland program was all about.

The work session on LD 13 is scheduled for Tuesday, February 6. (GH)

BETR (cont'd)

the Governor's proposal would have the effect of removing \$60 million a year from the total pool of sales and income tax revenues from which municipal revenue sharing, at the rate of 5.1%, is derived. Everything else being equal, this new system to fund BETR reimbursement would reduce the revenue sharing distribution by a little more than \$3 million a year when fully implemented, and that number would then grow proportionately with the growth of the program.

On January 25, 2001, MMA's Legislative Policy Committee (LPC) reviewed the Governor's proposal and established the following positions. The LPC supported the once a year reimbursement schedule. The details of the eligibility changes for retail and service establishments were a little too murky to form a definite position, although the LPC indicated it had little

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Municipal Eminent Domain Process Challenged

On Wednesday, the State and Local Government Committee held a public hearing on LD 103, *An Act to Amend Eminent Domain Powers*. As proposed, the bill amends the eminent domain process of Title 30-A, subsection 3101 by creating a new process for returning condemned property back to the original landowner.

Currently a municipality through eminent domain can acquire a piece of property for a municipal purpose, such as a local park, fire station or highway by-pass. If at any time the municipality decides that the property will not be used for the purpose for which it was taken, the municipality is not barred from selling the parcel to any willing buyer for its fair market value. The changes proposed in LD 103 would require that if the municipality does not begin to develop the property within five years, then the original landowner or the landowners' heirs may repurchase that property from the municipality at the price originally paid when the municipality acquired the property.

The sponsor of LD 103, Rep. Charles LaVerdiere (Wilton), testified that he introduced the bill because of his constituents' concerns over the Maine Supreme Court decision upholding the eminent domain actions of the City of South Portland. He is concerned that if the changes proposed in LD 103 are not enacted then the South Portland example will become the norm and government agencies will be allowed to make a profit by taking a person's property.

In 1968, South Portland through eminent domain took property from a resident for the purpose of building a West-End fire station. The city paid \$7,300, which was the fair market value at the time. In 1995 the City determined, due to development patterns, the originally proposed location for the fire station was no longer adequate. South Portland offered to sell the prop-

erty back to the original owner for its 1995 fair market value of \$250,000. Although efforts were made to negotiate a fair price, an agreement was not reached and the issue was left to the courts to decide. The plaintiffs in the case argued that since Maine statutes state that "land taken for the purpose described shall not be used for purposes other than those for which originally taken", then a statutory right to a reconveyance of the property existed. Justice Alexander determined that since the Legislature could have enacted a law establishing a procedure for returning land acquired through eminent domain to the original owner, and decided not to do so, that there exist no reversionary rights.

Although MMA's Legislative Policy Committee (LPC) believes that the purpose of a public taking should be adhered to, the LPC voted at its January 25th meeting to oppose the bill for three reasons; the time limit, repurchase price and applicability. First, the five-year time limit proposed in the bill is problematic especially for large highway or by-pass projects. These types of projects can be costly to a municipality and involve the acquisition of many parcels of property, which may not be achieved in the timeframe proposed in LD 103. It is possible that by the time a municipality raises the funds to purchase the last parcel, the five-year limit could easily be exceeded and the municipality would have to renegotiate for the first parcel. This concern is especially true in municipalities experiencing population growth because those municipalities must plan years in advance to ensure that resources are available to meet public demands, such as open space, highway by-passes, etc.

Second, the LPC is concerned with the repurchase price. The bill would limit the repurchase price to the price originally paid for the condemned land. Therefore if a municipality acquired a

piece of property for \$50,000 in 2001 and its fair market value five years later is \$100,000, the municipality would be required to sell the property back to the owner for \$50,000. This fixed sales price becomes increasingly inequitable when improvements have been made to the condemned property.

Third, LD 103 is directly targeted at municipalities and not the state, pipeline owners or other governmental and private entities with eminent domain authority. The LPC believes that if the policy of eminent domain should change, it should change for all.

Others testifying in opposition to bill included the Department of Transportation, Maine Turnpike Authority and Maine Wastewater Association.

The work session for LD 103 is scheduled for February 12 at 9:00 AM in room 216 of the State Office Building. (KD)

BETR (cont'd)

problem with removing the property of retail establishments from BETR eligibility, and needed more clarification with respect to the "services" that would be excluded and the "qualified services" that would not. The LPC was solidly opposed to the proposed method for paying out the business tax reimbursements for two reasons, the financial impact to the municipal revenue sharing was very troubling, as was the new precedent of avoiding a revenue sharing transfer by simply establishing a new "special revenue account". If that can be done for this particular state appropriation, the municipalities ask, why couldn't it be done and why wouldn't it be done for any other appropriation of a significant size whenever the Legislature wants to avoid a revenue sharing contribution?

At the meeting with MMA's Executive Committee, the Governor asked the municipalities to take a broader view. Governor King insisted that it was never his motive to avoid a revenue sharing contribution when he established this concept of the special revenue account. He said he was motivated only to protect the stability of

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BETR (cont'd)

the BETR Program, and he asked the municipalities to assist him in that effort. According to the Governor, the capital acquisitions made by business over the last five years that would not have been made *but for* the BETR Program have provided a level of support to municipalities that far outweighs the financial impact of his proposal on the Revenue Sharing program. Restructuring the BETR reimbursement so that it is an "allocation" from a special fund rather than an "appropriation" from the General Fund would have the effect of quieting, at least to some degree, the perennial legislative initiatives to narrow the program or adjust its benefits to businesses in significant ways. According to the Governor, these legislative initiatives have caused at least one major national corporation to completely discount the effect of BETR in its calculations of establishing its business activities in Maine on the theory that the program may be dissolved by the Legislature at any time, which is perceived to be somewhat ambivalent or fickle with respect to the program.

The municipal representatives at the meeting listened carefully to the Governor's presentation, and his salesmanship skills are legend, but the municipal concerns about the method of funding BETR remain strong.

Would shifting the BETR reimbursement account to an automatically funded reserve really reduce the Legislature's scrutiny of the program? Where is it written that the BETR "Special Revenue" account must step in front of municipal revenue sharing, and why could it not be as easily created without interfering with the long-standing revenue sharing program? Why don't the other tax break reimbursement programs (Homestead Exemption, Tree Growth, Veterans' Exemption, etc.) have their own "special revenue accounts"? What other large, \$60 million-plus special revenue accounts (other than the revenue sharing system itself) have been created with General Fund revenues? What is the impact of a \$3 million reduction to the

Local Government Fund on the fledgling Revenue Sharing II program that was adopted as policy during the last legislative session, but only funded with a one-time appropriation?

These are the questions municipalities are asking. Maine's towns and cities believe that the relatively auto-

matic redistribution of broad-based state tax revenues to local governments is an appropriate public policy, particularly given Maine's heavy reliance on the property tax. They are less convinced that an automatic system of sharing revenue between the public and the private sector is the way to go.

MMA Seeks To Add MSRP To Vehicle Title Document

On Wednesday, January 31st, the Transportation Committee held a public hearing on LD 74, *An Act to List the Manufacturer's Suggested Retail Price on the Certificate of Title*. LD 74, sponsored by Rep. Irvin Belanger (Caribou) was the first of MMA's initiated bills to receive a public hearing this session.

Rep. Irvin Belanger introduced the bill by providing testimony explaining how including the manufacturer's suggested retail price (MSRP) on the title document would bring equity and administrative efficiency to the excise tax process.

Currently, a problem exists at the municipal level when a car is sold to a second owner. In most circumstances the original document with MSRP information has been discarded and an interview process between the municipal excise clerk and the new owner is necessary. As the clerk flips through the endless pages of the blue book, she is asking whether or not the car has a CD player, automatic windows, heated seats, etc. The new owner of the car, knowing that the answers to those questions will impact the amount of excise tax paid, is put in the awkward position of being penalized for honesty.

LD 74 proposes to change that process by requiring the MRSP to be included as part of the title document. The title document is passed on from owner to owner and follows the motor vehicle over its lifetime. By including the manufacturer's suggested retail price on the title document, the guesswork of determining the original value of the motor vehicle is eliminated.

Paul Labrecque, Lewiston Tax

Collector and Treasurer, provided testimony in support of LD 74. According to Labrecque, the proposed change is a logical step for ensuring excise taxpayer equity and uniformity. By including the MRSP on the title, regardless of where you register a motor vehicle, the excise tax calculation will be the same.

In response to a concern raised by committee member Rep. Deborah McNeil (Rockland), Labrecque also mentioned that the bill could be amended to include an appeals process. Rep. McNeil raised a concern that by including the original sticker price on the title an assumption is made that motor vehicle "extras" such as heated seats or air conditioning hold their original value, whether or not they are still working several years later. Labrecque mentioned that it is currently at the discretion of the excise tax clerk whether or not those items, if no longer working, will be discounted. "A thousand dollar item such as air conditioning on a seven year vehicle is worth \$4 dollars to the municipality. That amount is inconsequential", Labrecque said.

Deputy Secretary of State, Becky Wyke, provided testimony neither for nor against LD 74. She suggested to the Committee that the intent and the language of the bill do not coincide. As written, the bill would require the MSRP to be included on new title documents and not on subsequent title documents prepared as result of the sale of the automobile. According to Wyke, the fiscal note for the bill as written is approximately \$7,500. (KD)

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

Appropriations and Financial Affairs

LD 481 – An Act to Modify the Dam Repair and Reconstruction Fund. (Sponsored by Rep. Winsor of Norway; additional cosponsors)

This bill would repeal the Dam Repair and Reconstruction Fund, which is a fund established to provide grants to municipalities and other dam owners with respect to dams that control the flow of water and are breached in such a way as to cause a lowering of the water level. The Fund is administered by the Department of Environmental Protection. This bill would recreate a fund of the same name, to be administered by the Department of Defense, Veterans and Emergency Management, which would provide low-interest loans to municipalities for engineering, legal and construction costs involved in acquiring title to, and establishing a long-term management plan for, the repair and reconstruction of a dam.

Criminal Justice

LD 313 – An Act Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property. (Sponsored by Rep. Lessard of Topsham; additional cosponsors)

This bill would shift from the courts to the county sheriffs the authority to make decisions concerning county prisoner employment, prisoner participation in public works projects, and participation in electronic monitoring and intensive supervision outside the jail.

LD 349 – An Act Concerning the Transportation of Juvenile Offenders. (Sponsored by Rep. Peavey of Woolwich; additional cosponsors)

Under current law, the county sheriffs are responsible for all court-ordered and court-related transportation of juvenile offenders. This bill would limit that responsibility to just transportation between a juvenile correctional facility and a courthouse.

Education and Cultural Affairs

LD 337 – Resolve, to Create a Study Commission on the Problems Created By Inadequate Funding for Special Education Services. (Sponsored by Sen. Kilkelly of Lincoln; additional cosponsors)

This resolve is a “concept draft” that would create a study commission to examine the impact that inadequate funding levels for special education services at both the state and federal levels have on students, families and communities.

Inland Fisheries and Wildlife

LD 335 – An Act to Change the Snowmobile Registration Laws. (Sponsored by Sen. Kilkelly of Lincoln; additional cosponsors)

Under current law, nonresidents using their snowmobiles in Maine may register their snowmobiles in their state of residence if that state allows Maine residents a reciprocal privilege. This bill would require all nonresidents who snowmobile in Maine to register their snowmobiles in Maine, with an exception for snowmobiles and grooming equipment registered to snowmobile clubs, municipalities or counties and engaged in trail grooming activities.

Judiciary

LD 307 – An Act to Clarify Arrest Powers under Certain Bench Warrants. (Sponsored by Rep. Bouffard of Lewiston; additional cosponsors)

This bill would require police officers to verify within 24 hours of the execution of a bench warrant issued for an unpaid fine related to a Class D or Class E offence that the fine is still unpaid or the arrested person must be released.

Labor

LD 380 – An Act to Restore an Injured Employee's Right to Sue an Employer for Damages. (Sponsored by Rep. Pineau of Jay; additional cosponsors)

This bill would amend Workers Compensation law to allow an employee to sue the employer for damages if the injury to the employee is due to the gross negligence or illegal act of the employer.

LD 442 – An Act to Repeal the Limitation on Certain Income that Maine State Retirement System Retirees May Earn Without Incurring a Reduction in Benefits. (Sponsored by Rep. Fuller of Manchester; additional cosponsors)

This bill eliminates the limitation on earnings of Maine State Retirement System retirees who have reached normal retirement age and have returned to work in public school systems, state government, municipalities and other public entities.

State and Local Government

LD 319 – An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers. (Sponsored by Sen. McAlevy of York; additional cosponsors)

This bill would allow municipalities to publish legal notices in local weekly newspapers, rather than local daily newspapers, to satisfy notice requirements.

LD 346 – An Act to Provide Clarification on the Use of Impact Fees. (Sponsored by Rep. Tobin of Windham; additional cosponsors)

This bill would clarify that municipalities belonging to a school district may deposit the proceeds of school impact fees in a trust fund to be used to pay the municipality's proportionate share of anticipated school capital costs.

LD 358 – Resolution, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee. (Sponsored by Rep. Waterhouse of Bridgton; additional cosponsors)

This resolution would send to the voters a proposed Constitutional amendment that would require that the Legislature obtain at least a “super majority” two-thirds vote in order to enact or impose any state tax, state tax increase, license fee or license fee increase.

LD 372 – An Act to Clarify Municipal Authority Over Cable Television Franchises. (Sponsored by Rep. Berry of Belmont; additional cosponsors)

Under current law cable television ordinances and the granting of cable television franchises are adopted or granted by the municipal officers of a municipality rather than the municipal legislative body. This bill would retain that general system except provide for a citizen initiative and referendum process with respect to those ordinances and franchise agreements.

LD 471 – An Act to Provide a Local Option on Display of the State Flag. (Sponsored by Rep. Brooks of Winterport; additional cosponsors)

Without changing the rules governing the flying of the United

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LEGISLATIVE HEARINGS

NOTE: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules and supplements are available at the Senate Office at the State House and at the Legislature's web site at <http://janus.state.me.us/legis>. If you would like to be notified by e-mail of updates to the schedule and web page, send your name, e-mail address, and a message that includes " ANPH UPDATE" to the Senate Webmaster at webmaster_senate@state.me.us.

Monday, February 5

Appropriations & Financial Affairs
Room 228, State House
Tel: 287-1635

The Joint Standing Committee on Appropriations and Financial Affairs has scheduled public hearings in Room 228 of the State House on the Governor's " Current Services" budget proposals for the 2002-2003 biennium.

9:00 a.m. with the Joint Standing Committee on Criminal Justice — includes a review of County Jail Reimbursement

3:00 p.m. with the Joint Standing Committee on Taxation — on Dept. of Administrative and Financial Services budget:

- Personal Property Tax Reform – BETR
- Homestead Property Tax Exemption - Mandate Reimbursement
- Homestead Property Tax Exemption Reimbursement
- Maine Resident's Property Tax Program
- Bureau of Revenue Services
- Tree Growth Tax Reimbursement
- Veterans' Tax Reimbursement
- Waste Facility Tax Reimbursement

State & Local Government

Room 216, Cross State Office Building, 9:00 a.m.
Tel: 287-1330

LD 61 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities (Sponsor: PERKINS)

Tuesday, February 6

Agriculture, Conservation & Forestry
Room 206, Cross State Office Building, 1:30 p.m.
Tel: 287-1312

LD 16 - An Act to Eliminate Fees for the Use of State Parks by Residents of the Municipalities in Which Those Parks Are Located. (Sponsor: PINKHAM)

LD 38 - An Act to Increase the Fine for Allowing a Dog to Roam at Large. (Sponsor: DAVIS P)

LD 139 - An Act to Amend the Animal Trespass Laws. (Sponsor: MCGLOCKLIN)

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

The Joint Standing Committee on Appropriations and Financial Affairs, in conjunction with the Joint Standing Committee on Business and Economic Development, has scheduled public hearings in Room 228 of the State House on the Governor's

" Current Services" budget proposals for the 2002-2003 biennium.

Criminal Justice

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

LD 130 - An Act to Amend the Law Pertaining to the Maine Community Policing Institute Surcharge Fund. (Emergency) (Sponsor: MCALEVEY)

Labor

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

LD 152 - An Act to Require the State to Pay Medicare Costs for Retired Employees, Retired Teachers and Retirees in Participating Local Districts. (Sponsor: FULLER)

Wednesday, February 7

Appropriations & Financial Affairs
Room 228, State House
Tel: 287-1635

The Joint Standing Committee on Appropriations and Financial Affairs has scheduled public hearings in Room 228 of the State House on the Governor's " Current Services" budget proposals for the 2002-2003 biennium.

9:00 a.m. with the Legislative Council

11:00 a.m. with the Joint Standing Committee on Transportation

1:00 p.m. with the Joint Standing Committee on State and Local Government

Judiciary

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

LD 56 - An Act to Provide the Right to a Jury Trial in Civil Actions for Civil Rights Violations. (Sponsor: SAVAGE)

Thursday, February 8

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

The Joint Standing Committee on Appropriations and Financial Affairs, in conjunction with the Joint Standing Committee on Labor has scheduled public hearings in Room 228 of the State House on the Governor's " Current Services" budget proposals for the 2002-2003 biennium.

Taxation

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

LD 134 - An Act to Amend the Laws Governing the Reporting Provisions Regarding Gasoline Consumption by Recreational Vehicles. (Sponsor: KILKELLY)

Monday, February 12

State & Local Government
Room 216, Cross State Office Building, 9:00 a.m.
Tel: 287-1330

LD 184 - An Act to Expand Contract Zoning Authority for Municipalities. (Sponsor: O' NEIL)

LD 241 - An Act to Change the Fiscal Year of Sagadahoc County. (Sponsor: PEAVEY)

HOPPER (cont'd)

States flag at half mast, which can only be ordered by the President or the Governor, this bill would allow the Governor, the county commissioners, the governing body of a municipality and the Maine Land Use Regulation Commission to order the Maine State Flag to be flown at half-mast with respect to their various jurisdictions.

Taxation

LD 325 – An Act to Enhance Collectibility of the Penalty for Failure to File the Municipal Valuation Tax Return. (Sponsored by Sen. Mills of Somerset)

Under current law, the per-diem financial penalty applied against a municipality for failing to file the municipal valuation return according to the statutory timeframes is subtracted from that municipality's Tree Growth reimbursement and cannot exceed the total value of the reimbursement due the municipality. This bill would subtract any accrued penalty from any state reimbursement due the municipality and remove the cap on the size of the financial penalty.

LD 338 – An Act to Increase Funding for Animal Welfare Programs. (Sponsored by Sen. Kilkelly of Lincoln; additional cosponsors)

This bill would create a voluntary income tax check-off and earmark those funds to the Animal Welfare Fund, administered by the Department of Agriculture, to support animal welfare programs.

LD 398 – An Act to Allow Municipalities to Determine the Level of Auto Excise Tax. (Sponsored by Sen. Kilkelly of Lincoln; additional cosponsors)

This bill would provide a "local option" for municipalities to adopt their own motor vehicle excise tax rates as long as those local option rates do not exceed the rates established in state law.

LD 406 – An Act to Reduce Tree Growth Tax Benefits to Landowners Who Ship Raw Timber Outside the Country. (Sponsored by Rep. Clark of Millinocket; additional cosponsors)

This bill would require the assessment and collection of a penalty against owners of land enrolled in the Tree Growth current use taxation program if raw timber harvested off that land is shipped outside of the United States. The penalty is equal to 25% of the property taxes that are assessed under the Tree Growth program for the year that the out-of-country shipment takes place.

Transportation

LD 378 – An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge. (Sponsored by Rep. Andrews of York; additional cosponsors)

This bill would allow any vehicle with valid disability registration plates or placards to park at parking meters free of charge.

Utilities and Energy

LD 483 – An Act to Revise the Sewer Lien Laws. (Sponsored by Rep. Winsor of Norway; additional cosponsors)

This bill would amend the law governing the process of enforcing sewer liens in two ways. First, it would establish that in the circumstance where the user of the sewer lives in a mobile home but does not own the land upon which the mobile home sits, the lien can only be placed on the mobile home and not on the underlying land. Second, this bill would establish the final foreclosure notice procedure that is part of the property tax lien foreclosure process, which would require the municipality or sewer district to send out a final notice of impending foreclosure by certified mail within 30-45 days of the date of foreclosure, which occurs 18 months after the initial filing of the certificate of foreclosure in the registry of deeds.