

Tax Committee Kills Current Use Bill

Apparently it was “Dead on Arrival” and MMA just wasn’t savvy enough to know it, but on Monday this week the Taxation Committee voted unanimously “ought not to pass” on LD 765, *An Act to Establish a Municipal Reimbursement Formula for Current Use Taxation Programs*, a week to the day after its public hearing.

Sponsored by Rep. David Etnier (Harpwell), LD 765 would create a municipal reimbursement program for Tree Growth, Farmland and Open Space that people would understand and respect. The current reimbursement formula only applies to the Tree Growth program and by all accounts it is completely incomprehensible.

The current Tree Growth reimbursement formula purports to reimburse municipalities 90% of their lost property taxes, but it doesn’t. One of the reasons it doesn’t is because the reimbursement formula assumes that all property enrolled in the program is assessed at the lowest “undeveloped acreage” assessment rates in the town (or at county-wide average, whichever is less). High value Tree Growth land creates a financial hit to the municipalities. The other reason the formula doesn’t provide 90% reimbursement is because the formula subtracts from a town’s reimbursement the education subsidy the town allegedly receives because of the reduced municipal valuation attributable to Tree Growth enrollments. The statewide effect of this incomprehensible formulaic calculation is to reduce the so-called “90%” reimbursement by 35%, all for the pur-

pose of making sure towns don’t “profit” from Tree Growth reimbursement.

Why the Committee killed the bill is unclear. One committee member said that he understood the bill would be moving money from the north to south and to the coast. Actually, the bill wouldn’t move any money *from* anywhere. The bill would provide additional reimbursement to municipalities that are not receiving reimbursement proportionate to their actual tax loss wherever they might be located. Another Committee member said he preferred another approach to the property tax issue.

Maine Revenue Services provided a memo to the Committee which gave a ball-park estimate that LD 765 would cost the state an additional \$6 million a year and suggested that town assessors might seek to take advantage of the new system of reimbursement by “high-

balling” the value of the enrolled property to get more reimbursement than deserved.

As to whether the impact of current use taxation on communities is a high priority for the Taxation Committee, its action speaks for itself.

At the same time, LD 765 deserved the Committee’s attention even the Legislature is unwilling to financially participate in these systems of partial exemption. At the very least, the Tree Growth reimbursement formula already in law could have been reworked, along the lines of LD 765, so that the towns would understand how it worked; and perhaps gain some respect for the reimbursement system. By the Committee’s action, the irritant of an unpredictable and deceptive reimbursement scheme will remain.

Also at the same time, at least two bills are working through the legislative process to expand the completely unreimbursed Farmland and Open Space programs. The first bill (LD 13) would allow lots as small as 2 acres into the Farmland tax category. The other bill (LD 1441) would create a

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FY 02 Projected Revenue Sharing

As reported in last week’s Legislative Bulletin, the state’s Revenue Forecasting Committee has recently reprojected the sales tax revenues that are expected to accrue to the state treasury for FY 02 and FY 03. On the basis of those numbers, MMA is prepared to provide any municipality with an estimate of its revenue sharing distribution for FY 02 (running from July 1, 2001 through June 30, 2002). Although these numbers are based on the most recent projections, the erratic nature of the present economy makes these projected numbers estimates that ought to be treated conservatively as to the amount of revenue a municipality can expect to receive in FY 02. If this information would be helpful for your budget development purposes, please contact Kate Dufour at 1-800-452-8786 for your municipality’s projected share of FY 2002 Revenue Sharing I and II revenues, according to MMA estimates. (KD)

Should State Law Void Municipal Ordinances?

The first selectman from the town of Knox, the town managers from Wayne, Corinna and Exeter, the Maine Real Estate and Developers Association (MEREDA) and MMA attended a public hearing on Wednesday this week urging the Natural Resources Committee to support LD 165, *An Act to Repeal the Element of Maine's Growth Management Laws that Voids Municipal Land Use Ordinances*.

Sponsored by Rep. David Tobin (Windham), LD 165 would address the section of Maine law that on January 1, 2003 automatically "voids" and makes unenforceable all municipal land use ordinances that are not consistent with a comprehensive plan that is itself consistent with Maine's Growth Management Act.

From the municipal perspective, the "voiding" law is paternalistic, illogical, ugly, unfair and wrong. Because approximately two-thirds of the municipalities in Maine have not adopted comprehensive plans that the State Planning Office finds to be "consistent" with the Growth Management Act, the land use regulation in roughly 275 municipalities would be entirely erased by current state law. The 180 municipalities with "consistent" comprehensive plans would have to justify all of their ordinances against their plans in order to avoid the bite of this state statute. Developers and others who might not care for the way a local

ordinance applies to their land use proposal would have a field day in court challenging the ordinance's legal foundations.

At the same time LD 165 retains and actually strengthens the long-standing requirement that a *zoning ordinance* which segregates land use options and regulatory standards according to certain geographic zones in the community would have to be consistent with a local comprehensive plan. Requiring consistency with a comprehensive plan in order to provide the foundation for segregating a community into separate zones makes sense. Voiding stand-alone municipal ordinances for the purposes of crushing municipal regulation does not.

The municipal officials explained how difficult it is oftentimes to get a town meeting to adopt a comprehensive plan or implementing ordinances that restrict development options in sectors of the community in a way that satisfies the demands of the State Planning Office. They are sometimes able, however, to get some modest regulation on the books and to have state law erase those ordinances sends an extremely negative message to local government. The representative from MEREDA said that his organization

felt that from the developers' perspective, an ordinance that the State Planning Office believes is imperfect is still a better alternative than the chaos of no regulation at all.

The Director of the State Planning Office (SPO), a citizen from Scarborough, Phippsburg's comprehensive planning coordinator, the Natural Resources Council of Maine, the Maine Audubon Society and the Maine Association of Planners all spoke in opposition to LD 165.

SPO Director Evan Richert said that the concept of voiding certain municipal ordinances should be retained. Richert said that there are many ordinances on the books that prohibit affordable housing, expressly require sprawling development, and act to prohibit the ability to hunt and enjoy open space recreation. Although Richert said some changes to the law should be enacted, the concept of keeping a deadline to effectively compel comprehensive planning was a necessary element of Growth Management law. The changes to the law that SPO could support will be presented in a yet-to-be-printed bill prepared by the Planning Office that would: (1) create a "severability clause" so that an entire ordinance would not be voided by state law, but only the elements of an ordinance that were not consistent with the comprehensive plan; (2) narrow the list of land use ordinances that could be voided to allow the continued use of

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Legislative Bulletin

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



Rep. David Tobin of Windham (left) and Rep. Ted Koffman of Bar Harbor (right) take in testimony on LD 165.

Public Notice Inefficiencies

On Wednesday, March 14th the State and Local Government Committee held a public hearing on LD 1131, *An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers*, sponsored by Rep. Richard Nass (Acton). Shortly after conducting the public hearing, the Committee held its work session on the bill and voted unanimously that LD 1131 “ought not to pass”.

The bill was submitted for the municipalities, not great in number, who live on the fringe ranges of newspaper circulation. In the Town of Hiram, for example, there were reportedly 7 subscribers last year to the *Portland Press Herald* but the town has to place its legal notices in that paper at five-times the cost of advertising in the local shopper, which is mailed to all residents. Even at one-fifth the price, the shopper notices are five times as big!

Under MRSA, Title 1, section 601 municipalities are authorized to advertise legal notices in weekly newspapers (rather than dailies) provided that those weekly newspaper are mailed second class. These fringe-circulation towns maintain that the most important consideration regarding newspaper notice is the degree to which the notice is circulated throughout the community. For example, if only 5% of a municipality’s residents receive the area’s daily newspaper and 100% of the residents are mailed the local advertiser, the municipalities believe the residents of the community should have the choice to adopt a legal notice policy that would be cost effective for them without sacrificing quality of notice.

It is of course the case that the towns can place their notices in both newspapers...the newspaper that few people in town subscribe to with the expensive advertising rates, as well as the universally-distributed shopper. That’s the responsible thing to do, but it adds even more to the town’s costs.

The newspaper lobby fought the bill. The Committee’s analyst from the Office of Policy and Legal Analysis

also appeared to favor an ‘ought not to pass’ report. The analyst outlined for the Committee the concerns of the newspaper lobby but did not outline the concerns and issues raised by the testimony of the sponsor or MMA. The analyst also suggested LD 1131 was misleading, an analysis MMA could not disagree with more strongly.

LD 1131 was carefully drafted to address the publication of notices in newspapers that are circulated by third class mail. As proposed, LD 1131 required municipalities to go through a two-step process before being legally authorized to publish legal notice requirements in newspapers mailed third class. First, the municipality would have to meet three standards; 1) illustrate that the subscription rate of the newspaper of general circulation had a subscription rate of less than 25% of the residents in the municipality; 2) require that the alternative newspaper media be distributed, through the mails, to all households in the municipality; and 3) ensure that the alternative media be provided to a consumer at no

greater cost than the newspaper of general circulation. Once these three standards had been met, the municipal legislative body would have to formally adopt an alternative media publication policy. This two step process would ensure that the newspaper of general circulation was an ineffective mechanism for communicating with residents, and the ordinance process would ensure that the public was informed of where notice would be provided.

The Committee gave two reasons for rejecting LD 1131. First, the Committee believes that the issue raised in the bill was not of a statewide significance, which is true, but that doesn’t mean that its not an important issue for those municipalities affected. It is a very significant irritant to those municipalities trying to responsibly save a dollar by not buying expensive advertisements that go unread in newspapers that nobody subscribes to. Second, the Committee was concerned with the archiving of 3rd class newspapers. The Committee determined that unless a person conducting legal research could find these public notices in an archive, then the media used would be inadequate. Apparently the municipal archives do not make the grade. (KD)

MOSES Moves Forward

At its March 14th work session, the Inland Fisheries and Wildlife Committee unanimously voted that LD 675, *Resolve, to Establish Rules for On-Line Sales of Hunting and Fishing Licenses and Watercraft, Snowmobiles and All-terrain Vehicle Registrations* “ought not to pass”.

Bill sponsor, Rep. Patricia Jacobs (Turner), submitted the bill in reaction to an October, 2000 proclamation from the Department of Inland Fisheries and Wildlife (IF&W) that come January 1, 2002 all municipal agents that issue licenses and registrations would be required to use the Department’s proposed on-line system, MOSES (Maine On-line Sportsman Electronic System).

LD 675 addressed four concerns municipal clerks had raised with the program. First, the bill would require IF&W to conduct a pilot of the pro-

posed MOSES program modeled after the successful Bureau of Motor Vehicles on-line registration pilot. Second, the bill would establish a 5-year timetable for requiring municipal agents to issue licenses and registration utilizing the MOSES program. Third, the bill would require the Department to ensure that a hunting or fishing license would be printed in a fashion so that it could not be easily replicated. Fourth, the Department would be required to develop systems for the transfer of funds from municipal accounts to the Department that met the needs of both the state and the towns.

Since LD 675 was submitted in December, the Department and clerks have been working together to address all of these issues. Many clerks be-

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(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 and Forestry

LD 1547 – An Act to Amend the Animal Welfare Laws. (Sponsor: Sen. LaFountain of York County; additional cosponsors)

This bill sweeps through Animal Welfare law. Among the many proposed amendments, the bill: (1) requires all animal control officers to receive 4 hours of training each year; (2) creates the position of “ animal law enforcement officer” , which is an animal control officer that has taken the 100-hour law enforcement officer training course at the Criminal Justice Academy, and authorizes municipalities to appoint “ animal law enforcement officers” ; (3) increases the dog registration fees from \$7.50 to \$20 for dogs capable of producing young, and requires all \$12.50 of that increase to be deposited in the municipality's animal control account; (4) prohibits the municipal appointment of an animal control officer who has committed a felony or criminal violation; (5) defines “ reasonably necessary medical attention” and establishes who makes the decisions regarding an injured animal's medical attention when the owner is known and when the owner is not known; (6) clarifies when an animal is abandoned after owner notification; and (7) establishes that animal cruelty laws apply to acts of cruelty against all animals, not just dogs and cats.

Appropriations & Financial Affairs

LD 1316 – An Act Requiring Reimbursement to Counties for Courthouse Facilities. (Sponsored by Sen. Ferguson of Oxford County; additional cosponsors)

This bill would appropriate \$960,000 and provide it to the Chief Justice of the Supreme Court for the purpose of negotiating leases, contracts and other arrangements with Maine's 16 counties to pay for the use of country facilities, furnishings and equipment.

Education and Cultural Affairs

LD 1341 – An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts. (Sponsored by Rep. Glynn of South Portland; additional cosponsors)

This bill would allow the registered voters of any school administrative unit to petition their school board to adopt proposed rules or school policy and if those rules and policies are not adopted by the school board, the bill would allow the proposed rules or policies to be considered by the voters in a referendum vote. This bill would also create a “ people's veto” process for school rules or policies adopted by the school boards. The voters' authority under this bill would not include rules or policies involving staffing, personnel or budgetary matters.

LD 1580 – An Act to Fund the Implementation of Student Achievement Standards by Fulfilling the State Commitment to Fund 55% of Public Education Costs for Kindergarten to Grade 12. (Sponsor: Sen. Kilkelly of Lincoln County; additional cosponsors)

This bill would obligate the Legislature to provide a full 55% of the total allocation for K-12 Education by FY 2007, ramping up to that level of state spending in stages (49% for FY 04, 51% for FY 05; 53% for FY 06 and 55% for FY 07). This bill would also make “ Learning Results” requirements optional for any school

administrative unit unless the state was meeting the level of subsidy support designated by this bill.

Judiciary

LD 1599 – An Act to Clarify the Maine Human Rights Act Concerning Responsibility for Employment Discrimination. (Sponsor: Rep. Schneider of Durham; additional cosponsors)

This bill would amend the Maine Human Rights Act to clarify that employment discrimination claims may be brought against the employer and not against supervisory employees of the employer.

Legal & Veterans Affairs

LD 1337 – An Act to Hold Petition Circulators to the Same Standards as Political Candidates. (Sponsored by Rep LaVerdiere of Wilton; additional cosponsors) (Governor's Bill)

This bill would prohibit the circulator of a direct initiative petition from presenting that petition for voter signatures within 250 feet of the entrance to the voting place.

Natural Resources

LD 1478 – An Act to Amend Maine's Growth Management Law and Related Laws. (Sponsor: Rep. Lamoine of Old Orchard Beach; additional cosponsors)

This bill would make comprehensive changes to Maine's Growth Management law. The bill would establish two specific land use planning goals for municipalities or multi-municipal regions to achieve. First, 70% of all new residential development would have to be located in designated “ growth areas” . Second, highway access on rural arterials or major collectors would have to be managed in such a way that posted speed limits would not be reduced. Failure (without good cause) of a municipality or multi-municipal region to achieve these goals, measured over 5-year periods, would result in the imposition of certain financial penalties and regulatory restrictions, such as lack of access to certain state grants and an inability to use or enforce minimum lot size ordinances or slow growth ordinances. Exempted from these obligations would be all municipalities in Labor Market Areas that are not experiencing significant residential growth overall, except for any municipality within those Labor Market Areas that was experiencing more than 25 housing starts over a 5-year period. The obligation of a municipality or multi-municipal region to achieve these specific performance standards would also be contingent on the state providing the reasonably necessary non-property tax revenues to the municipality in order to install the necessary infrastructure to make a functioning growth area.

LD 1543 – An Act to Reduce the Release of Dioxin from Consumer Products into the Environment. (Sponsor: Sen. Treat of Kennebec County; additional cosponsors)

This bill would establish a policy of land disposal, rather than incineration, for “ dioxin-forming products” such as PVC plastics. The bill would establish an education program to inform the public about the labels, the health hazards and the disposal options of dioxin-forming products. The Department of Environmental Protection and the State Planning Office would be authorized under this bill to award grants to eligible municipalities, regional associations, sanitary and sewer districts and nonprofit organizations to provide those educational services.

LD 1643 – An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances. (Sponsor: Rep. Daigle of Arundel; additional cosponsors)

This bill would restrict municipal authority to adopt “ slow growth” or “ growth rate” ordinances by establishing the following limits on these building permit limitation ordinances. Temporary

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growth rate ordinances could not be enacted for more than a one-year period, and not more than once in any 5-year period. Permanent slow growth ordinances could not be enacted unless part of an integrated growth management strategy including a “consistent” comprehensive plan, identified strategies within the comprehensive plan identifying capacity problems and providing (through a capital improvement plan) the strategies to overcome the capacity problem, and consideration of the impact of the slow growth ordinance on affordable housing in the community and impacts on neighboring communities. The standards for employing slow growth ordinances in designated rural area would be relaxed, essentially requiring little more than consistency with a comprehensive plan.

State and Local Government

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

This bill would expand the law that requires joint planning board review whenever a proposed subdivision crosses a municipal boundary by requiring a joint review when a subdivision in one municipality abuts another, or falls within 1000 feet of the neighboring municipality, and the neighboring municipality requests the joint review because the subdivision is reasonably expected to impact that neighboring municipality.

LD 1633 – An Act to Clarify Rights of Retainage in Public Construction Contracts. (Sponsor: Sen. Mills of Somerset; additional cosponsors)

This bill would establish procedures for releasing “retained” contract payments for construction projects for “public improvements” under Title 5 M.R.S.A., which pertains to state construction projects and school construction projects. The bill would allow the “owner” (i.e., school boards for school construction projects) to retain 5% of the contract cost during the construction project until the point of substantial completion, at which time a punch list would be created by the owner and general contractor. All retained funds would have to be released except for 150% of the value of the punch list, which funds would have to be released as the punch list is completed. Issues of dispute regarding the point of substantial or final completion on the punch list would be resolved by the designer (architect).

Taxation

LD 1410 – Resolution, Proposing an Amendment to the Constitution of Maine to Repeal Constraints on the Property Tax and to Make the State Jointly Responsible with Municipalities for Equity in Education. (Sponsored by Sen. Mills of Somerset County)

This resolution would send to the voters a proposed constitutional amendment that would make the state and the municipalities both responsible for the support of the public schools, with the funding provided in such a way to ensure that each child will have access to suitable educational opportunities and to programs of uniformly high quality, and that the burden of support for public schools be equitably allocated among regions, citizens and businesses of the state. The constitution would also be amended under this resolution to repeal the provision that requires the state to pay for at least 50% of the lost tax revenues associated with any newly created property tax exemption, the provision that establishes that property taxes shall be assessed according to the property’s “just value”, and the provisions related to “current use” taxation. In short, these proposed amendments to the Constitution would repeal all references to the property tax.

LD 1570 – An Act to Update the Property Tax Exemption for Pollution Control Facilities to Promote Clean Production through Pollution Prevention and Toxics Use Reduction. (Sponsor: Rep. Cowger of Hallowell; additional cosponsors)

This bill would repeal and replace the existing pollution control equipment property tax exemption. As repealed and

replaced, the new property tax exemption provided by this bill would be for “clean production system” technology that would have to meet two standards in order to obtain the exemption: (1) the property would have to yield a 90% or greater reduction in air or water pollution generated per unit of production; and (2) the property would have to yield environmental results that are beyond mere compliance requirements with environmental law. Certain clean production systems that would be potentially able to meet these standards are listed in the bill. The bill also creates a 13-member task force to study clean production tax exemptions. Two members of the task force would represent municipal interests. Among other duties, the task force would be charged with recommending how to equitably share the tax burden of providing this benefit with respect to the population that enjoys the environmental benefits.

Transportation

LD 1626 – An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law. (Sponsor: Rep. Fisher of Brewer; additional cosponsors)

This bill would repeal transportation law regarding responsibility for bridge maintenance and repair and replace it with the following: (1) it defines a “bridge” as a structure with a span of more than 20 feet in accordance with federal regulations and defines structures of 20 feet or less as “minor spans”, (2) it places capital and maintenance responsibility for minor spans that are on state aid highways on the Department of Transportation, (3) it places capital and maintenance responsibility for all minor spans that are on town ways on municipalities, (4) it places capital responsibility for most bridges on state aid highways and town ways on the Department of Transportation, excepting low use and redundant bridges, (5) it requires that capital responsibility for low use or redundant bridges on town ways be shared by the Department of Transportation and the municipality on a 50%-50% basis, with a 1% valuation cap for low valuation municipalities, and (6) it eliminates county funding for local bridges, except when acting for unorganized townships.

Utilities and Energy

LD 1333 – An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission. (Sponsored by Rep. Savage of Buxton; additional cosponsors)

This bill would create a procedure whereby consumer-owned water utilities could become locally governed water districts that would establish their water rates and make other decisions regarding their services according to a democratic process and independently of the Public Utilities Commission. To obtain this independence, the governing body of the water utility would have to vote to become a locally governed district, and the municipal officers of the host municipality would have to approve. With respect to multi-municipal, consumer-owned water utilities, the municipal officers representing a majority of the population of the utility’s service area would have to approve. This bill also contains the procedures to follow if the locally governed water utility wishes to terminate its rights of local control.

LD 1467 – An Act to Facilitate the Implementation of the Enhanced 9-1-1 Emergency System. (Sponsor: Rep. Berry of Belmont; additional cosponsors)

This bill would amend the law governing the implementation of E-911 emergency dispatching. The bill would increase the surcharge on all residential and business telephone exchange lines from \$.32 to \$.58 per month. This bill would also provide that emergency medical dispatch is an essential component of E-911 service, and that the Bureau of Emergency Services within the Department of Public Safety is authorized to ensure that E-911 calls are answered by public safety answering points (PSAPs) should circumstances require the Bureau to provide that coverage directly.

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 " ANPHUPDATE" to the Senate Webmaster at webmaster_senate@state.me.us.

Monday, March 19

Criminal Justice

Room 209, Cross State Office Building, 9:30 a.m.

Tel. 287-1122

LD 186 – An Act to Exempt from Concealed Firearms Permit Requirements Residents of Other States Allowed to Carry Concealed Firearms. (Sponsor: Glynn)

LD 259 – An Act to Offer Reciprocity Concerning Concealed Firearms Permits. (Sponsor: Perkins)

LD 267 – An Act to Repeal the Requirement That a Person Have a Permit for Concealed Firearms. (Sponsor: Tracy)

LD 806 – An Act to Amend the Concealed Firearms Laws. (Sponsor: McAlevy)

Education & Cultural Affairs

Room 214, Cross State Office Building, 9:00 a.m.

Tel. 287-3125

LD 720 – An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000. (Sponsor: Fisher)

LD 1359 – An Act to Ensure Safe and Healthy Schools. (Sponsor: Treat)

LD 1557 – An Act to Exempt the City of Waterville, the Town of Winslow and School Administrative District 49 from Lease Limitations on Educational Structures. (Sponsor: Tessier)

LD 1312 – An Act to Eliminate the \$1,000,000 Cap Eligibility Requirement for the School Revolving Renovation Fund. (Sponsor: Mitchell, B.)

LD 1636 – An Act to Increase Funding Alternatives for Small School Construction Projects. (Sponsor: Rotundo)

LD 627 – An Act to Expand the Definition of School Construction to Include the Renovation and Expansion of Existing Facilities. (Sponsor: Marrache)

LD 1377 – An Act to Credit a Town for Payment from Local Funds for School Construction. (Sponsor: Longley)

Judiciary

Room 438, State House, 10:00 a.m.

Tel. 287-1327

LD 242 – An Act to Amend the Freedom of Access Laws. (Sponsor: Chick)

LD 849 – An Act Regarding Social Security Numbers Used for Identification Purposes. (Sponsor: Tracy)

Taxation

Room 127, State House, 9:30 a.m.

Tel. 287-1552

LD 1056 – An Act to Enforce the Taxation of Building Materials and Modular Homes. (Sponsor: Pro Tem Bennett)

LD 1196 – An Act to Promote Equitable Distribution of Motorboat Gas Tax Revenues to the Department of Marine Resources and the Boating Facility Fund. (Sponsor: Kilkelly)

Transportation

Room 126, State House, 9:00 a.m.

Tel. 287-4148

LD 656 – An Act to Require a Continuing Review of Regional Transportation Problems in Northern York County and Southern Cumberland County. (Sponsor: Savage, W.)

LD 744 – An Act to Allow Private Maintenance of Public Easements. (Sponsor: McKee)

LD 826 – Resolve, to Restore the Steel Bridge in New Sharon. (Sponsor: Pineau)

1:30 p.m.

LD 1414 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003. (Emergency) (Sponsor: Savage, C.) (Governor's Bill)

LD 1285 – An Act to Make Supplemental Highway Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003. (Emergency) (Sponsor: Savage, C.) (Governor's Bill)

Tuesday, March 20

Natural Resources

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

Tel. 287-4149

LD 290 – An Act to Amend the Mercury Discharge Law. (Sponsor: Clark)

LD 1308 – An Act to Implement the Recommendations of the Department of Environmental Protection on Ambient Water Quality Criteria for Mercury. (Emergency) (Submitted by the Joint Standing Committee on Natural Resources)

LD 1045 – An Act to Ban the Permitting or Expansion of Existing Sewage Outfalls into the Ocean. (Sponsor: Murphy, E.)

Wednesday, March 21

Education & Cultural Affairs

Room 214, Cross State Office Building, 1:00 p.m.

Tel. 287-3125

LD 1100 – An Act to Allow Municipal Officers to Negotiate Employment Contracts with School Employees. (Sponsor: Schneider)

LD 1301 – An Act to Implement Changes in Cost-sharing Agreements in School Districts. (Sponsor: Richard)

LD 1341 – An Act to Permit the Submission of Citizens' Initiatives and Citizens Vetoes to School Districts. (Sponsor: Glynn)

LD 1403 – Resolve, to Establish the Task Force on School Governance. (Emergency) (Sponsor: Rosen)

Natural Resources

Room 437, State House, 2:00 p.m.

Tel. 287-4149

LD 589 – An Act to Amend the Invasive Aquatic Plant Laws.

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(Emergency) (Sponsor: Treat)

LD 1192 – An Act to Establish a Permanent Interagency Task Force on Aquatic and Terrestrial Invasive and Exotic Species. (Sponsor: Savage)

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

LD 1155 – An Act to Protect Maine Lakes from Milfoil and Other Invasive Plants. (Emergency) (Sponsor: McKee)

Transportation

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

Tel. 287-4148

LD 643 – An Act to Allow Municipalities to Lower Certain Speed Limits. (Sponsor: Marley)

Thursday, March 22

Criminal Justice

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

Tel. 287-1122

LD 1315 – An Act to Expand the Crime of Assault on a Law Enforcement Officer. (Sponsor: McAlevey)

Labor

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

Tel. 287-1333

LD 1247 – An Act to Increase the Minimum Wage in Maine. (Sponsor: Matthews)

Taxation

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

Tel. 287-1337

LD 1260 – An Act to Require Accountability for Tax Expenditures Invested on Behalf of Taxpayers. (Sponsor: Hawes)

LD 944 – An Act to Provide Equity in the Payment of Excise Tax on Rented Equipment. (Sponsor: Bumps)

LD 1052 – An Act to Prorate Excise Tax on Commercial Vehicles that are Rented. (Sponsor: McAlevey)

LD 1248 – An Act to Bring Equity to the Vehicle Excise Tax. (Sponsor: Gooley)

LD 1200 – An Act to Direct that a Percentage of Revenue That the State Receives Be Allocated to Community Forestry. (Sponsor: Gagnon)

LD 1206 – An Act to Adjust Taxation for Fire Suppression. (Sponsor: Nutting, J.)

LD 632 – Resolution, Proposing an Amendment to the Constitution of Maine to Allow Municipalities the Option of Exempting Personal Property from Taxation if no Property Owner in the Municipality Owns More than 2% of the Taxable Property in the Municipality. (Sponsor: Brooks)

Utilities & Energy

Room 209, Cross State Office Building, 1:30 p.m.

Tel. 287-4143

LD 884 – An Act to Revise the Charter of the Ogunquit Sewer District. (Sponsor: Lemont)

LD 808 – An Act to Amend the Laws Governing the Service Territory of Kennebunk Light and Power District. (Sponsor: LaFountain)

Friday, March 23

Appropriations & Financial Affairs

Room 228, State House, 9:00 a.m.

Tel. 287-1635

LD 39 – An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Purchase School Busses for Public

Schools. (Sponsor: McAlevey)

LD 1135 – An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Testing of Marine Dredge Spoils and the Proper Disposal of Spoils that are Special Hazardous Waste. (Sponsor: Norbert)

LD 1319 – An Act to Authorize a General Fund Bond Issue in the Amount of \$28,000,000 to Provide Funds for Public School Renovations. (Sponsor: President Michaud)

1:00 p.m.

LD 1166 – An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Fund a Cost Sharing Program for the Construction of Parking Garages in Regional Service Center Communities. (Sponsor: Sawyer)

LD 1440 – An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Provide Adequate Facilities for Business Expansion or Relocation in the State. (Sponsor: President Michaud)

With Joint Standing Committee on Transportation

LD 1504 – An Act to Authorize Department of Transportation Bond Issues in the Amount of \$61,000,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports, Public Transit and Ferry Facilities; Development of Rail, Trail, and Marine Infrastructure; and Improvements to Intermodal Facilities Statewide. (Sponsor: President Michaud) (Governor's Bill)

Labor

Room 220, Cross State Office Building, 9:30 a.m.

Tel. 287-1333

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. (Sponsor: Fuller)

LD 1314 – An Act to Remove the Penalty for Education Retirees Who Work After Retirement. (Sponsor: Mitchell, B.)

LD 1197 – An Act to Amend the Limits on Earnable Compensation for State Employee Retirement. (Sponsor: Gagnon)

LD 1255 – An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service. (Sponsor: Matthews)

Natural Resources

Room 437, State House, 8:30 a.m.

Tel. 287-4149

LD 907 – An Act to Address Sludge-spreading Licenses. (Sponsor: Douglas) (By Request)

LD 1449 – An Act to Ensure Municipal Authority over Sludge and Septage Land Spreading Sites. (Sponsor: Cowger)

State & Local Government

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

Tel. 287-1330

LD 985 – Resolve, Creating a Governance System for Unorganized Towns. (Sponsor: Kasprzak)

LD 1287 – An Act Concerning the Administration of County Government. (Sponsor: Davis, P.)

LD 1177 – An Act to Amend the Laws Governing Election of Somerset County Commissioners. (Sponsor: McGlocklin)

LD 1218 – An Act to Amend the Calculation for Annual County Tax Assessments. (Sponsor: Dorr)

ORDINANCES (cont'd)

some stand-alone ordinances (e.g., junkyard ordinances); and (3) move the deadline to a later date for any town that has requested but not received a planning grant or implementation grant from the state.

The Natural Resources Council of Maine (NRCM) urged the Committee to wait for, and ultimately adopt, the SPO approach rather than LD 165, which NRCM described as "radical".

David Green, a citizen from Scarborough, told the Committee it was very important to make sure state law voided inconsistent ordinances. He said he owned a 20 acre lot in Scarborough which he split into a 2-acre residential lot and an 18 acre open space lot. When he inquired about building a greenhouse on the open space lot, he was told that the zoning ordinance did not allow an accessory structure on a vacant lot. He claimed that such a provision was contrary to the town's comprehensive plan and therefore, as a matter of public policy, Scarborough's zoning ordinance should be made void by state law.

If you are concerned about the state voiding the town's land use ordinances because the town hasn't entirely passed muster with the State Planning Office, you should contact your legislators and ask them to make sure LD 165 gets enacted. (GH)

MOSES (cont'd)

lieve that these issues have been substantively addressed. From the municipal officers' perspective, the last remaining issue is the mandate that municipal agents will be required to use the MOSES program. In response, the Department has drafted rules that would require as of January 1, 2002 that only those municipalities that sell more than 500 license annually would be required to use the MOSES program. The Department's rules would also allow an exception for a community that has a "good cause" reason not to get up to speed on MOSES on time.

Based on the resolution of these concerns and the fact that the Department is undergoing the rulemaking process, the Committee felt that the bill was unnecessary.

MMA will be submitting comments on the Department's proposed rules. If any municipal official is interested in reviewing the rules and submitting comments, please contact MMA's Laura Veilleux at 1-800-452-8786 for a copy. Comments on the proposed MOSES rules are due to the Department by April 6, 2001. (KD)

CURRENT USE (cont'd)

new category in the Open Space program for "wildlife habitat" open space, which would generate an additional 25% reduction from that property's just value. LD 1441, however, seeks to expand the Tree Growth-type reimbursement system to the Farmland and Open Space programs.

Maine Revenue Services has provided a town-by-town spreadsheet demonstrating how its convoluted Tree Growth reimbursement formula is applied in each community for the last fiscal year. Anyone interested in obtaining a copy of that spreadsheet should contact Laura Veilleux at 1-800-452-8786. Good luck in trying to understand it. (GH)