

Second Bite at the Municipal Service Districts Apple

The purpose of the Fund for the Efficient Delivery of Local and Regional Services (Efficiency Fund) — created and capitalized as part of the School Finance and Tax Reform Act enacted by the people in June 2004 (“Question 1A”) — was to provide municipal officials access to a revenue source to promote, develop and implement mechanisms for providing municipal and regional services more efficiently and effectively. Under the program, as least as envisioned by Question 1A’s authors and supporters, municipalities would *compete*, openly and fairly, for available funds on the merits of their proposals. The revenue from the Efficiency Fund would come from a 2% set-aside of the Revenue Sharing funds provided to municipalities, which would generate approximately \$2 million per year for the Fund.

On Friday last week, the State and Local Government Committee held a public hearing on LD 1127, *Resolve, to Establish a Pilot Project to Assist Towns Interested in Multitown Cooperation and Governance*. As proposed, the bill directs the State Planning Office to develop a competitive process to select two groups of municipalities to participate in a pilot project to create “municipal service districts”. The bill would provide General Fund revenues to fund the project as well as require that revenue from the Efficiency Fund be used to create these municipal service districts. Through this bill, the open competition for creative, bottom-up approaches to more efficient service delivery systems is replaced by efficiency models prescribed by the State Planning Office.

Although the State Planning Office (SPO) provided testimony “neither for

nor against” LD 1127, SPO Deputy Director Sue Inches reasserted the Administration’s support for municipal service districts. In her testimony, Inches stated that the Efficiency Fund enacted as part of Question 1A would be the right mechanism for establishing the municipal service districts program rather than any General Fund appropriation. SPO is so supportive of the idea of using the revenue sharing funds to promote municipal service districts, Inches suggested that the bill be amended to direct the use of these municipal revenue sharing resources for that purpose.

(Note: LD 1 specifically directed the Department of Administration and Fi-

ancial Services to present the State and Local Government Committee with a bill that structures the management and administration of the Efficiency Fund by March 1, 2005. That bill has just now been submitted to the Revisor’s Office, and should be available for review next week.)

On hand to support LD 1127 was former SPO Director Evan Richert, the architect of municipal service districts. While Richert admits that the communities have engaged in meaningful conversations to provide municipal services more efficiently and the funds that have been available have assisted those efforts, he does not believe that there exists any room in the existing funding mechanisms to support “big” ideas. Some projects, such as municipal service districts, will need multi-year funding. For

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Teachers Salaries and LD 1 . . . Spending The Same Dollar Twice

The primary purpose of both Question 1A (adopted by the voters on June 8, 2004) and LD 1 (the phased-in, four-year implementation of Question 1A enacted by the Legislature on January 20th) was to secure meaningful property tax relief by infusing more state resources into the financing of Maine’s public schools.

That property tax relief is going to be hard to find in the regions of Maine that will receive no significant increase in school funding in FY 06 under the terms of LD 1, and may experience a reduction in revenue sharing, as a result of both LD 1 (which changed the distribution formula) and the recently-enacted budget bill that will reduce FY 06 revenue sharing by approximately \$4.5 million.

That property tax relief is also going

to be hard to find in the communities that will receive increases in school aid but are currently providing their educational services below the levels designated by the essential programs and services funding model (EPS). To the degree EPS might act to constrain school budgets that are significantly over the modeled school budgets, it sends an equally powerful message to school systems that are currently spending below the EPS model that they should be spending more, at least to the EPs levels.

In addition, several legislative initiatives have been submitted that would suggest that increased state support for education should be used for other purposes. As previously reported in the *Leg-*

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Return of Retroactivity

The signs of spring are all around us. The snow has melted, the tulips are sprouting, the grass is getting green...the season is moving forward but the State and Local Government Committee is addressing the role of retroactivity in the citizen initiative process.

The ability of the general public to enact retroactive land use ordinances has been a subject of discussion for several years. The issue at hand is at what point in time is a development project subject to changes in a land use ordinance. Currently, case law determines that rights have been vested in projects for which final permits have been issued and construction of the development has been substantially started. Under this definition of vested rights, if the project has been approved and the developer has started building the project under one set of rules, the developer's property rights have been "vested", and the municipality would have to purchase the property if it wanted to stop the development.

At its April 15th public hearing, the State and Local Government Committee was asked to amend the definition of vested rights through the enactment of LD 1481, *An Act to Amend the Laws Governing the Enactment Procedures for Ordinances*. The bill, sponsored by Sen. Lynn Bromley of Cumberland County and Rep. Ted Koffman of Bar Harbor on behalf of the Community Preservation Advisory Committee (CPAC), proposes to significantly expand the definition of vested rights to include a

project for which a developer has provided written notice of an intent to file an application.

Under LD 1481, if a developer merely states that a project will be undertaken at some future date, then the developer's property rights would be vested and the land use ordinances in place at that time would apply to that development. Under this definition, a developer's rights in a conceptual development would be vested even before the development review process. There would be no limitation on when the developer would receive permits and begin construction. A citizen-initiated change to an ordinance would have no impact on these potential future developments.

The printed version of LD 1481 was poorly constructed. A number of amendments to the printed bill were made available at the public hearing by the real estate developers supporting the bill. As printed, the bill would have: (1) grandfathered illegal uses of property; (2) created confusion by developing a separate citizen initiative process for the enactment of land use ordinances that conflicts with the process already created in Title 30-A, section 2528; and (3) created an unnecessary citizen's veto process to suspend the actions of the councils and boards of selectmen. Although it is certain that the bill will be amended to address many of the concerns raised by both the proponents and opponents of LD 1481, at this time the wording of that amendment is unknown. What is known is that the amendment will include a provision to expand the definition of a developer's property rights, thereby placing additional limits on the citizen initiative process to adopt and amend existing local ordinances retroactively.

Last week's debate over LD 1481 essentially pitted developers against citizen activists, and challenged the State and Local Government Committee to find the right balance between providing developers a level of predictability in the rules and ordinances used to moni-

tor development, and the rights of the people to enact law directly, acting as their own legislature. On the one hand, the developers are seeking a reasonable assurance that they will be able to develop projects under existing rules free from the uncertainty that those rules could be changed at any time through a retroactive citizen initiative. On the other hand, the citizen activists do not believe that the Legislature should hinder the rights of the citizens to challenge and make retroactive changes to the decisions made by local leaders.

Since MMA's Legislative Policy Committee will not have an opportunity to take a position on the bill until after the State and Local Committee works and votes on the issue, MMA provided testimony "neither for nor against" LD 1481. Historically municipal officials have supported proposals to change the definition of vested rights, and they have also opposed proposals that go too far. The type of proposals the LPC has supported in the past would have changed the definition of a vested right to include projects for which final approval has been awarded and all permits have been issued. The LPC has supported this approach to amending the definition of vested rights because it represents a middle ground between the definition in existing case law and definitions that have gone too far, such as by creating a property right in a mere "intention" to develop.

That being said, when the LPC meets on April 28th municipal officials will be asked to weigh in on two issues regarding retroactivity. First, the LPC will be asked whether they believe that any limits should be placed on the use of the citizen initiative to retroactively impact existing development proposals or implement new land use ordinances. Second, the LPC will be asked whether a limit on retroactive changes should apply to the changes made by local or state legislatures, as well as the changes promoted through a citizen initiative. As municipal officials learned this session with the retroactive enactment of LD 1, municipalities are not immune from the impacts of retroactive legislation. The state Legislature regularly uses the tool of retroactive legislation to accomplish its goals.

Legislative Bulletin

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SPENDING (cont'd)

islative Bulletin, one bill (LD 423) would have increased all school's Unemployment Insurance (UI) costs by making school food workers eligible for UI during the school's summer vacation. LD 423 was predicted to increase the overall costs of K-12 education by over \$2 million in FY 06. That bill has been voted "ought not to pass" in both House and Senate, but another version of the same concept is now working through the Legislature. LD 1353, *An Act to Allow Certain School Employees to Collect Unemployment*, would provide summer-time UI benefits to school bus drivers and janitorial workers.

Bills to increase teachers' salaries are also being considered, which would have an exponentially greater financial impact on the costs of public education. On April 13th, two bills designed to increase teachers' pay were presented to the Education Committee. One bill (LD 1061) sponsored by Sen. Peter Mills (Somerset Cty.) would establish the minimum salary paid to any school teacher as 150% of the federal poverty level for a household of three, with a \$2,000 surcharge for a first-year teacher with a Master's degree. A second bill (LD 1381), sponsored by Sen. Elizabeth Mitchell (Kennebec Cty.), would set the minimum teacher salary at \$30,000 a year and recalibrate the entire teacher salary matrix within the Essential Programs and Services (EPS) school funding model on the basis of that minimum salary. The current EPS salary matrix starts with a statewide average base teacher's salary of \$26,700.

MMA submitted testimony in opposition to both bills. Municipal officials are concerned about the impact of mandated minimum teachers' salaries on the overall costs of K-12 education and the property tax effort that must be expended to support those costs.

First of all, municipal officials have some faith that the collective bargaining process generally works to establish fairly negotiated teacher salaries that are commensurate with wage and salary rates that are otherwise provided throughout Maine.

Second, by mandating a base salary of \$30,000, as proposed in LD 1381,

there would be a "ripple-effect" teacher salary expansion throughout the entire salary matrix in every school system. To the degree that "ripple effect" would be codified in the EPS salary matrix, as proposed in LD 1381, the result would be a very significant increase in the EPS-derived per-pupil allocation for every school system. An increase in the allocation level of this magnitude would lead to substantial increases in school costs for both the state and local governments. Municipal officials are very concerned that whatever property tax relief might be provided through the implementation of LD 1 will become even more unavailable with these mandatory increases in school costs.

It is MMA's understanding that an alternative proposal is also being developed, which would increase the base salary without otherwise changing the EPS matrix. The effect of this approach would be to cause the teacher salary increase to go into effect without changing in an appreciable way the EPS allocation, either on a statewide basis or on the school system level. In the real world, creating a mandatory minimum teacher's salary that is more than \$3,000 over the current statewide average will expand the local teacher salary system – at all steps in the matrix — in hundreds of school systems throughout Maine.

Whether the EPS matrix realistically represents the effect of increasing the base teachers' salary throughout all the potential steps, or only recognizes the effects of increasing the base salary, and then artificially compresses the impacts of that base increase on all the subsequent steps, the result is the same...sharply increased costs of K-12 education. The only difference is which taxpayers absorb the brunt of the increase...the property taxpayers under the yet-to-be seen alternative approach, or both the property taxpayers and the state's General Fund under the terms of LD 1381.

Either way, the property tax relief of LD 1 becomes significantly diminished.

SECOND BITE (cont'd)

this reason, Richert believes it is only appropriate that the Legislature direct

some of the Efficiency Fund revenue to fund municipal service districts.

Diane Brandon, representing the KEYS region coalition, also provided testimony in support of the bill. The KEYS region coalition includes the towns of Kittery, Eliot, York and South Berwick. The municipal and civic leaders from these four communities have been meeting for some time to find a way for the communities to provide some services collaboratively without losing community identity. Ms. Brandon believes that LD 1127 helps the KEYS region coalition meet that goal by providing multi-year funding for the group to implement their plans.

While municipal officials do not oppose the efforts of the KEYS region coalition or the use of the Efficiency Funds for this type of program, they do oppose the state's unilateral mechanism for ensuring that those projects receive preferential treatment in the Efficiency Fund process. Unfortunately, the bill's sponsor, Sen. Mary Black Andrews of York County and her constituents who support the bill are caught within the crossfire.

Although it was not the intent of the sponsor, the unintended consequence of LD 1127 will be to signal to the group managing the Efficiency Fund that municipal service districts should receive priority funding before any other project, because that project will have received pre-approval by the Legislature, the State Planning Office and Evan Richert. Although the mechanism for creating the fund has not even been presented to the Committee, much less enacted, the Administration and the SPO have already determined that municipal service districts are the best ideas.

This process for providing preferential treatment to one idea over any of the others that might be in the running for Efficiency Fund revenue is unacceptable to municipal officials who fought for the enactment of Question 1A. If municipal service districts are worthy of funding, then the open, competitive process to secure support from the Efficiency Fund should be no threat, and specially-guaranteed funding with these revenue sharing dollars should not be necessary.

Rate of Growth Ordinances Threatened

The New England Environmental Finance Center is a joint venture of the federal Environmental Protection Agency and the Muskie School of Public Service. In 2003, it published a 100 page document entitled "Model State Land Use Legislation for New England." ("Muskie Report") This document has had, and continues to have, legislative implications in Maine.

Thus far, the most notable element of the Muskie Report was section 2, "A Proposal For the Creation of Municipal Service Districts" authored by Evan Richert, formerly director of the State Planning Office. This municipal service district idea was a central part of the Governor's proposed competing measure to Question 1A, the Citizens' Initiative dealing with school finance, which was adopted by the people in June, 2004 over the objections of the Governor.

Basically, Mr. Richert's idea flowed from his assertion that Maine's property tax woes were the result of Maine having "too many" towns. Maine communities were inefficient. The solution, replace town governance with "municipal service districts."

Much ink has been spilt on the pages of the *Maine Townsman* debating the merits of the research underpinning the assertion that municipal service districts could actually save property taxpayer dollars. This idea, which was abandoned by the Governor shortly after it was floated in 2003, has reemerged this legislative session. In an ironic twist, this concept, which was initially used as a tool to defeat Question 1A, is now seeking special treatment from the regionalism funds that were established by Question 1A. See the related article in this edition of the *Bulletin*.

Other ideas from the Muskie Report are starting to see the legislative light of day. They are likely to have a similar amount of appeal to municipal government. On Tuesday, April 26th, the Natural Resources Committee will hear testimony on LD 1535 "An Act Making Improvements to the Laws Regarding Local Land use Ordinances." Despite the editorialized title of the bill, it does not

represent an improvement to land use laws.

This bill is excerpted from section 4 of the Muskie Report. According to the report, Section 4 was primarily authored by Professor Orlando Delogu of the University of Southern Maine School of Law. Professor Delogu is a well-known figure in the arena of Portland politics and policy. He became more well-known to the municipal community of Maine when he earned \$12,000 as a consultant to the Palesky tax cap campaign.

In addition to adopting a position that Ms. Palesky had a good idea, Professor Delogu was strident in his criticism on municipal officials who attempted to participate in the public dialogue about Palesky. Delogu wrote the following about municipal participation in the Palesky campaign:

"[My] article will attempt to lay out many, if not all of the errors, the half truths, the areas of incomplete, unfair, and unbalanced information that is being put out (in speeches, in the printed press, on the internet, and on radio and television) by many government officials and elected officials designed to foster the idea that passage of the 'tax cap' will inevitably lead to harm. This sowing of information and 'fear' as a strategy to influence the people's vote is widespread today in Maine, and it is a disservice to the Democratic principles we espouse. More importantly, it cannot be argued with a straight face that misinformation and creating a climate of 'fear' is protected free speech, or part of a legitimate effort to 'educate the voters.'" Maine Law Review, 2004.

Professor Delogu went on to request that the Attorney General formally challenge municipal efforts to 'educate the voters.' The Professor's request was rejected by the Attorney General as unfounded.

Shortly after Professor Delogu published these rather hostile statements about elected officials, his 30+ page self-titled "Omnibus Model State-Level Land Use Control Legislation" was being offered for introduction as legislation in Maine.

The Community Preservation Advisory Committee (CPAC) made a cursory review of the massive legislative proposal, but decided to pursue only a few pieces of the whole. Some of those pieces are in LD 1535. Even these pieces were changed. However, legislation is sometimes enacted piecemeal if the whole is too difficult to accept all at once. In fact, Professor Delogu's introduction to his legislative proposal states that "it should be viewed as an inter-related whole." So, an understanding of the broader goals of Professor Delogu should be helpful to policy makers and municipal officials as they review this legislation.

The work has 10 parts covering everything from findings and purposes, and definitions, to rate of growth ordinances, comprehensive plans, and state level administrative review of municipal decisions.

From the very beginning to the very end of his work, Mr. Delogu reinforces his negative view of municipal government. He states on the first two pages that state guidelines and limitations on local land use are needed "to assure that local regulatory powers will be exercised in a manner that achieves statewide consistency, fairness, and equal treatment of property owners and developers subject to these controls." Muskie Report, p. 69-70.

At the end of his work and after 30 pages of statutory revisions limiting municipal authority, overturning various Supreme Judicial Court decisions, and further empowering the State Planning Office and other state agencies at the expense of municipalities, Professor Delogu establishes what can only be described as the Home Depot protection board.

This state board would provide developers the opportunity to appeal local decisions. The board would be empowered to overrule "unreasonable" and "irrational" local ordinances. "If no reasonable basis for a local determination can be provided, state review can and should over turn it, allowing the developer to

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Automobile Hobbyists

The Natural Resources Committee took action last Friday on LD 1268, *An Act To Amend the Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses*. As reported in the April 8, 2005 *Legislative Bulletin*, this legislation is a follow-up bill to last session's major revisions to the Junkyard statutes. While one element of the bill proved to be quite controversial, the Committee unanimously voted on compromise language that appears to satisfy both sides.

Section 1 of the bill would have eliminated an exemption from the Junkyard statutes for automobile hobbyists. Currently, hobbyists are exempt from various elements of the Junkyard statutes. The policy rationale for the exemption being that hobbyists are not businesses and should not be regulated as such.

However, the exemption does not include criteria which would allow a code enforcement officer to distinguish between a genuine hobbyist who is actively engaged in the rehabilitation of automobiles and a bogus hobbyist who is simply storing cars on his yard and letting them rot. While common sense would enable most CEOs to tell the difference, it is something else altogether to spend money prosecuting a civil action when there are no clear standards in the law. This is not a theoretical problem. CEOs have reported difficulties with individuals who are claiming to be "hobbyists" and essentially daring the town to spend the time and money proving that they are not hobbyists.

The Committee understood this problem but was wary of trying to define in statute what constitutes a "genuine" hobbyist. Instead, the Committee decided to keep the hobbyist exemption as is, but require hobbyists to meet two operating standards demanded of others.

The first operating standard that hobbyists will now be obligated to meet is the visual screening requirement in the law. The screening requirement states that hobbyist activity must be conducted in a manner that is "entirely screened from ordinary view from the highway at

all times by natural objects, plantings or fences." The statute goes on to define what the screening entails.

The second operating standard relates to fluids management. The Committee decided to require hobbyists to meet most, but not all, of the existing fluids management requirements for automobile graveyards. The standards the hobbyists will have to meet include: (i) preventing automobile fluids from leaking into the ground, (ii) keeping all vehicles more than 100 feet away from a body of water or freshwater wetland, and (iii) not placing or storing autos or their parts in or on the banks of inland or tidal waters.

This revised exemption from the Junkyard statute is still only available for hobbyists. Non-hobbyists are not exempted, even if they meet the above two operating standards. Although this compromise does not definitively resolve who is or is not a hobbyist, it ensures a screening requirement for all, as well as base-level environmental protection.

ORDINANCES (cont'd)

proceed free of the unreasonable constraint." He goes on "Acting reasonably is a small price to pay for retaining [local] control." Muskie Report, p. 92-93. The current appeals process which has been in place since the advent of zoning would seem to be enough protection for developers, but not for Delogu.

The myriad of proposals made in between the bookends of such anti-municipal rhetoric are not much different. Nevertheless, LD 1535 will receive a public hearing. The bill has three elements. The first element (sections 1-3 of the bill) redefine some land use terms such as "impact fee," "implementation program," and "moratorium". The second element revises the "findings" section of the Growth Management Act to further empower the state and limit municipal involvement. The last element of the bill deals with municipal rate of growth ordinances.

The first and second elements makes little sense without the broader context

of the full proposal and should be rejected unless the full proposal is brought forward.

The final element dealing with rate of growth ordinances is also flawed in its details but actually helpful in its design. The issue of rate of growth ordinances is important and the Legislature needs to take action this session on this topic.

LD 1535, which is based upon Professor Delogu's work, is 1,000 words of tedious and mind-numbing state regulation. For example, on the issue of how long these ordinances may remain in effect, the proposal states:

"A municipalitywide rate of growth ordinance may be put in place for up to 5 years. If predicated on infrastructure needs that are being remedied by new construction that is in progress but not yet complete, the rate of growth ordinance may be phased out over a period of up to an additional 3 years, with the allowable number of building permits increasing by 1/3 per year. A rate of growth ordinance may not be in place for a period longer than 8 consecutive years. A municipality may not have a rate of growth ordinance in place for more than 8 years in any 15-year period."

Does the state not have better things to do than to determine how many years in a 15 year period a municipality may have a rate of growth ordinance? What's more telling is that this element of the bill was much more strict in the original Muskie Report. On page 77 of the Report, Professor Delogu expressed his view that "Under no circumstances may a rate of growth ordinance be in place for a period longer than three years."

The context of Professor Delogu's views are necessary to get an understanding of this proposal. In the Muskie Report, he stated that Rate of Growth Ordinances are "extreme measures" that "impinge significantly on property owners..." and "are susceptible to being used merely to exclude people and/or development activities a community does not like." Muskie Report p. 78.

This second claim, that rate of growth ordinances are "susceptible" to being used to discriminate is an inflammatory statement. The Muskie Report makes no effort to substantiate that this is actually

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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 the Legislature's web site at <http://www.state.me.us/legis/senate/Documents/hearing/ANPHFrame.htm>. If you wish to have updates to the Hearing Schedules e-mailed directly to you, sign up on the ANPH homepage listed above. Work Session schedules and hearing updates are available at the Legislative Information page at <http://janus.state.me.us/legis/session/>.

Monday, April 25

Criminal Justice & Public Safety
Room 436, State House, 10:00 a.m.
Tel: 287-1122

LD 1447 – An Act To Increase Civil and Criminal Penalties for Animal Cruelty. (Sponsored by Rep. Thompson of China; additional cosponsors.)

Health & Human Services
Room 209, Cross State Office Building, 9:00 a.m.
Tel: 287-1317

LD 1036 – An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons. (Sponsored by Sen. Mayo of Sagadahoc Cty; additional cosponsors.)

Legal & Veterans Affairs
Room 437, State House, 1:15 p.m.
Tel: 287-1310

LD 1099 – Resolution, Proposing an Amendment to the Constitution of Maine To Ensure Statewide Participation in Initiating a Referendum by Requiring 10% of the Total Vote by County. (Sponsored by Rep. Saviello of Windham; additional cosponsors.)

LD 1281 – An Act To Ensure That Direct Initiatives Have Local Support. (Sponsored by Rep. Clough of Scarborough; additional cosponsors.)

Taxation
Room 127, State House, 9:00 a.m.
Tel: 287-1552

LD 1343 – An Act To Simplify Rent and Property Tax Relief. (Sponsored by Rep. Eder of Portland; additional cosponsors.)

LD 1462 – An Act To Make Minor Substantive Changes to the Tax Laws. (Sponsored by Rep. Woodbury of Yarmouth; additional cosponsor.)

LD 1546 – An Act Concerning Technical Changes to the Tax Laws. (Sponsored by Rep. Woodbury of Yarmouth; additional cosponsors.)

LD 1552 – An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption. (Sponsored by Rep. Crosby of Topsham; additional cosponsors.)

LD 1564 – An Act To Include Intangible Assets when Determining the Value of Property. (After Deadline) (Sponsored by Rep. Ash of Belfast; additional cosponsors.)

Transportation
Room 126, State House, 9:00 a.m.
Tel: 287-4143

LD 1544 – An Act To Exempt Vehicles Hauling Equipment Used for Timber Harvesting from Certain Restrictions Posted on Roads. (Sponsored by Rep. Jackson of Fort Kent; additional cosponsors.)

Utilities & Energy
Room 211, Cross State Office Building, 10:00 a.m.
Tel: 287-4143

LD 407 – An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety. (Sponsored by Sen. Hobbins of York Cty; additional cosponsors for the Department of Public Safety)

LD 1081 – Resolve, Directing the Department of Public Safety and the Public Utilities Commission To Review the E-9-1-1 System. (Sponsored by Rep. Seavey of Kennebunkport; additional cosponsor.)

LD 1373 – An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls. (Sponsored by Rep. Adams of Portland; additional cosponsors.)

Tuesday, April 26

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

LD 1339 – An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority. (Sponsored by Sen. Raye of Washington Cty; additional cosponsors.)

Natural Resources
Room 214, Cross State Office Building, 1:30 p.m.
Tel: 287-4149

LD 625 – Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection. (Emergency) (Reported by Rep. Koffman of Bar Harbor for the Department of Environmental Protection.)

LD 1558 – An Act Concerning Storm Water Management (Sponsored by Sen. Cowger of Kennebec Cty; additional cosponsors.)

LD 608 – An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors.)

LD 1535 – An Act Making Improvements to the Laws Regarding Local Land Use Ordinances. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors.)

LD 577 – An Act To Amend the Law Governing Rate of Growth Ordinances. (Sponsored by Sen. Bromley of Cumberland Cty; additional cosponsors.)

LD 582 – An Act To Change the Effect of Local Ordinances on the State. (Sponsored by Sen. Bromley of Cumberland Cty; additional cosponsors.)

LD 1574 – An Act To Assist Towns with the Implementation of the Laws Governing Growth Management. (Sponsored by Sen. Edmonds of Cumberland Cty; additional cosponsors.)

Wednesday, April 27

Agriculture, Conservation & Forestry
Room 206, Cross State Office Building, 1:00 p.m.
Tel: 287-1312

LD 204 – An Act To Protect Dogs That Are Left Outside. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors.)

LD 967 – An Act To Amend the Laws Governing Dogs at Large. (Sponsored by Rep. Bryant of Windham.) (By Request)

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LD 1309 – An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances. (Sponsored by Rep. Trahan of Waldoboro.)

LD 1473 – An Act To Strengthen the Animal Welfare Laws. (Sponsored by Rep. Piotti of Unity; additional cosponsors.)

Criminal Justice & Public Safety
Room 436, State House, 9:30 a.m.
Tel: 287-1122

LD 1521 – An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents. (Sponsored by Rep. Duplessie of Westbrook; additional cosponsors.)

LD 1550 – An Act To Establish the Arsonist Registration Act. (After Deadline) (Sponsored by Rep. Mazurek of Rockland; additional cosponsors.)

Judiciary
Room 438, State House, 1:00 p.m.
Tel: 287-1327

LD 301 – An Act To Implement the Recommendations of the Committee To Study Compliance with Maine’s Freedom of Access Laws. (Reported by Rep. Koffman of Bar Harbor for the Committee to Study Compliance with Maine’s Freedom of Access Laws.)

LD 466 – An Act To Implement the Recommendations of the Committee To Study Compliance with Maine’s Freedom of Access Laws Concerning Attorney’s Fees. (Reported by Rep. Koffman of Bar Harbor for the Committee To Study Compliance with Maine’s Freedom of Access Laws.)

LD 467 – An Act To Implement the Recommendations of the Committee To Study Compliance with Maine’s Freedom of Access Laws Concerning Personal Contact Information. (Reported by Rep. Koffman of Bar Harbor for the Committee To Study Compliance with Maine’s Freedom of Access Laws.)

LD 1455 – An Act To Codify Public Records Exceptions. (Reported by Rep. Koffman of Bar Harbor for the Committee to Study Compliance with Maine’s Freedom of Access Laws.)

LD 1275 – An Act To Protect Certain Private Information Submitted to Municipalities. (Sponsored by Rep. Bierman of Sorrento; additional cosponsors.)

LD 1202 – Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records. (Sponsored by Sen. Brennan of Cumberland Cty; additional cosponsors.)

LD 1115 – An Act To Facilitate Voting by Participants in the Address Confidentiality Program. (Sponsored by Rep. Canavan of Waterville; additional cosponsors.)

State & Local Government
Room 216, Cross State Office Building, 12:00 p.m.
Tel: 287-1330

LD 44 – An Act To Reform County Government. (Sponsored by Rep. Barstow of Gorham; additional cosponsor.)

LD 121 – An Act To Improve Communication, Cooperation and Efficiencies in State Government. (Sponsored by Rep. Barstow of Gorham; additional cosponsors.)

LD 1246 – An Act To Amend the Laws Governing the State Planning Office. (Sponsored by Rep. Hutton of Bowdoinham; additional cosponsors.)

LD 1431 – An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro. (Sponsored by Rep. Merrill of Appleton; additional cosponsors.)

LD 1491 – An Act Requiring a Municipality To Provide Proof of Ownership before Selling Acquired Property. (Sponsored by Rep. Jackson of Fort Kent; additional cosponsors.)

Utilities & Energy
Room 211, Cross State Office Building, 10:00 a.m.
Tel: 287-4143

LD 1282 – An Act To Clarify the Process To Enforce Dig Safe Requirements. (Sponsored by Rep. Bliss of South Portland; additional cosponsor.)

Thursday, April 28

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

LD 1403 – An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing. (Sponsored by Sen. Cowger of Kennebec Cty; additional cosponsors.)

LD 1445 – An Act to Protect the Integrity of Maine State Housing Authority Funds. (After Deadline) (Sponsored by Rep. Adams of Portland.)

LD 1508 – An Act To Regulate Fire Alarm Contractors. (Sponsored by Sen. Nass of York Cty.)

LD 1509 – An Act To Amend the Laws Governing the Manufactured Housing Board. (Sponsored by Sen. Hastings of Oxford Cty; additional cosponsors.)

Education & Cultural Affairs
Room 202, Cross State Office Building, 1:00 p.m.
Tel: 287-3125

LD 1334 – An Act To Allow School Board Members To Perform Certain Functions in the School. (Sponsored by Sen. Savage of Knox County.) (By Request)

LD 1527 – Resolve, To Allow School Administrative District 16 To Sell a School in Anticipation of Closure. (After Deadline) (Sponsored by Sen. Cowger of Kennebec; additional cosponsor.)

LD 1397 – An Act Regarding the Wells-Ogunquit Community School District. (Sponsored by Sen. Andrews of York Cty; additional cosponsor.)

Labor
Room 220, Cross State Office Building, 1:00 p.m.
Tel: 287-1333

LD 1214 – An Act To Require Inspectors from the Department of Labor, Bureau of Labor Standards To Provide Advance Notice of Inspections. (Sponsored by Rep. Clark of Millinocket.)

LD 1361 – An Act To Enhance Workplace Safety and health through Substance Abuse Testing and Treatment. (Sponsored by Rep. Perry of Calais; additional cosponsors.)

Friday, April 29

Judiciary
Room 438, State House, 9:30 a.m.
Tel: 287-1327

LD 1045 – An Act Regarding Contract Indemnification. (Sponsored by Sen. Hobbins of York Cty; additional cosponsors.)

LD 1405 – An Act To Prepare Maine for Public Health Emergencies. (Sponsored by Sen. Mayo of Sagadahoc Cty; additional cosponsors.)

LD 1409 – An Act To Assist in the Investigation and Prosecution of Theft Offenses. (Sponsored by Rep. Rosen of Bucksport; additional cosponsors.)

LD 1559 – An Act To Adopt the Uniform Environmental Covenants Act. (Sponsored by Sen. Hobbins of York Cty; additional cosponsors.)

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HEARINGS (cont'd)

Natural Resources

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

Tel: 287-4149

LD 1076 – Resolve, To Recognize Alton as a Host Community with Regard to the West Old Town Landfill. (Sponsored by Rep. Duchesne of Hudson; additional cosponsors.)

LD 141 – An Act To Ensure Proper Disposal of Debris and Protection of the Environment. (Sponsored by Sen. Martin of Aroostook Cty; additional cosponsors.)

LD 597 – An Act To Amend the Solid Waste Landfill Laws. (Sponsored by Rep. Twomey of Biddeford; additional cosponsors.)

LD 880 – An Act To Prohibit Municipal Landfill Dumping. (Sponsored by Sen. Strimling of Cumberland County.)

(No LD Number) – An Act Regarding Disposal of Dredged Materials.

(No LD Number) – An Act to Expand Benefits to Communities that Host Privately Owned Incineration Facilities.

ORDINANCES (cont'd)

occurring in Maine. In fact, rate of growth ordinances are typically silent as to who may get the permit and what type of housing the permit may be used for. To the extent this issue is discussed in an ordinance, low-income and elderly housing is specially protected, not discriminated against. To drop the discrimination policy-bomb in the middle of a Report without any substantiation is truly unfair.

Professor Delogu's work does have a silver lining in that it appropriately asks the Legislature to clarify the circumstances under which a rate of growth ordinance is appropriate. Towns agree that some legislative assistance in this area is needed. In the past five years there have been at least three lawsuits challenging these ordinances on various grounds. The Legislature could do municipalities a great service by providing clear, concrete rules that would give all parties better guidance and avoid unnecessary litigation.