

# Legislative BULLETIN

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## Supplemental Highway Fund Budget

On Tuesday of this week, the Transportation Committee received the news that FY 07 Highway Fund budget revenue was \$8.6 million short of the original projection. The funding shortfall came as a result of the December 2006 decision of the Revenue Forecasting Committee to make a downward adjustment in anticipated fuel tax revenue. As a result, the Governor submitted a supplemental Highway Fund Budget (LD 327), which would cut \$14.2 million in the highway and bridge improvement account to offset the \$8.6 million funding shortfall as well as to reallocate \$5.6 million to the state agencies receiving Highway Fund revenue to cover unexpected increases in petroleum-based products.

The state agencies that receive Highway Fund revenue, including the Department Administration and Financial Services (DAFS), Department of Public Safety (DPS), Secretary of State (SOS) and Department of Transportation (DOT), all provided testimony in favor of the bill. DAFS requested an additional \$130,000 to cover increased heating fuel costs. DPS requested \$60,000 for increased vehicle fuel and maintenance costs. SOS requested \$190,000 for its share of maintaining the state's computer mainframe. DOT requested \$4.4 million for increases in fuel, diesel, salt and steel costs.

John Melrose provided testimony in opposition to LD 327 on behalf of Maine Better Transportation Association. Melrose criticized the Governor's budget for once again resolving the Highway Fund shortfall by making cuts to DOT's road and bridge improvement account. Melrose urged the Committee to apply the necessary cuts equally

among all the state agencies receiving Highway Fund revenue, rather than further deplete the state's transportation infrastructure improvements budget.

Intermingled in Melrose's testimony on the FY 07 supplemental budget was a preview of the Highway Fund revenue legislation being submitted by the Maine Better Transportation Association (MBTA). The goal of the legislation is to provide alternative revenue sources to better sustain state bridge and road infrastructure funding. According to Melrose, one element of the MBTA plan would take a portion of the motor vehicle excise tax, which is collected and used by municipalities

to offset property tax burden, and use it to help fund the state's highway and bridge improvement budget.

Melrose justified the "taking" of municipal excise tax on the basis of an illogical mathematical formula. According to Melrose, municipalities use only 10% of the excise tax revenue collected to maintain and repair local roads, thereby concluding that the state should feel free to use some of the motor vehicle excise tax revenue for state projects. This assertion that you use only 10% of excise taxes on roads probably doesn't pass the straight face test in your town.

Since Melrose did not submit any

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## The Supplemental FY 07 Budget

Before the Appropriations Committee settles down to review Governor Baldacci's proposed biennial budget covering the next two-year period, it is first dealing with the supplemental budget to adjust the various state accounts for the current fiscal year (FY 07). The bill's number is LD 215. Supplemental state budgets are not unusual at this time of year to make minor adjustments as the fiscal year draws to a close. This particular supplemental budget is also prompted by a December 2006 re-projection of state revenue. Until the re-projection, the anticipated state revenue for FY 07 was \$2.934 billion. After the re-projection, the anticipated state revenue for the year jumped \$86 million to \$3.02 billion.

The biggest single appropriation in the supplemental budget is a \$50 mil-

lion installment payment to pay past debts owed to hospitals for care provided in 2003 and 2004 and to increase the budget for payments to hospitals to more accurately reflect weekly MaineCare patient utilization.

Compared to that appropriation, the municipal issues in the supplemental budget are small and routine. LD 215:

- Appropriates \$166,000, presumably from the Local Government Fund, to supplement the \$500,000 originally budgeted for the purpose of providing municipal grants under the Fund for the Efficient Delivery of Local and Regional Services.

- Deappropriates \$2 million from the \$31 million originally appropriated

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# MMA's Media Watch

John Porter, editorial page editor for the *Portland Press Herald* ("PPH"), observed that his "advocacy for less local government in Maine" was finally being heard. ("Augusta debate turns to a stark choice", *Portland Press Herald*, January 21, 2007.)

The focus of his column was the Governor's proposal to change Maine's system of K-12 administration with the goal of reducing costs. As Porter noted, there is little disagreement that some reform and cost saving is possible.

Not only has the Governor submitted a proposal on this topic, but so has a coalition of groups including the Maine Municipal Association, the Maine Education Association, the Maine State Chamber of Commerce, the Maine Hospital Association and the Maine Service Center Coalition. ("Coalition"). There are clear differences between the approach taken by the Governor and that taken by the Coalition in how efficiencies will be achieved. But, some of the goals are similar.

Each of these proposals follows on the heels of a multitude of reports which document the need for change. Reports by the State Board of Education, the Maine Children's Alliance, and research by the Maine Spending Research Group which was cited in the Brookings Report all analyze the inefficiency in K-12 administration.

In the case of K-12 administration, proposals for pursuing efficiencies followed research.

What was unfortunate about Porter's editorial is that he once again

lashes out at municipal government in general. He cites no support for this attack. In fact, the Brookings Institution report on Maine ("Charting the Maine Course") which was released a few months ago found that local government was generally "frugal".

Nevertheless, Porter stated in his editorial: "The way to lower taxes while maintaining essential services would be to consolidate towns, cities and school districts into regional bodies." He went on, "most of our tax money is tied up in education and other local services." Porter alleges that a "powerful constituency" of local officials would fight change because these local officials may lose their jobs.

The problem with Porter's editorial is that he pushes both the consolidation of local government and regional service delivery. These are quite different policies. Furthermore, he casually lumps together education and "other local services" as if they were a single issue. They are not.

The Brookings Institution commissioned research looking at the expenditures of all levels of government in Maine and to compare spending in Maine to a set of ten peer states and the national average. The data used in the report was from the U.S. Census. The comparison looked at both "payroll" costs (e.g., bureaucracy) and "expenditure" data (e.g., programs).

This analysis, approximately 65 pages in length with another 65 pages of tables and data, cast a relatively harsh light on some of the expenditure patterns in Maine. Especially singled out were school costs and certain areas of state spending.

The research repeatedly observes that Maine's high number of local governments does not produce inefficiencies. That is, taxes are not high because we have many local governments. In fact, local government spending in Maine is often below average, with the noticeable exception of public education.

Regardless of whether spending is over or under relevant averages, the fact that Maine has many municipalities is not a cost burden.

Here are direct quotes from the report:

**On Fire Services:** "Comparison to the other rural states also reveals that the number of fire departments per capita does not appear to have an important influence on the cost of fire protection."

**On Sewerage:** "The relatively high number of local governments providing this service in Maine, and in other rural states, does not appear to create a noticeable disadvantage."

**On Solid Waste:** "Maine has the highest number of local governments providing [this service] suggesting that there could be unnecessary duplication. The payroll and employment data, however, do not suggest excess costs or unnecessary duplication in providing this service."

**On Parks and Recreation:** "Maine has the nation's third lowest parks and recreation expenditure relative to income. Having a relatively high number of governments evidently does not cause high costs for this service."

**On Libraries:** "Evidently, having a high number of governments providing this service does not lead to high costs for this service...Indeed, Maine has relatively low costs in this service category."

**On Transportation:** "Despite most of the measures suggesting that Maine might have higher-than-necessary costs in providing highway services, apparently this is mostly a consequence of Maine's winter weather."

**On Financial Administration:** "Despite having a relatively high number of local governments with financial administration, Maine's relatively high level of financial administration occurs at the state-government level and not in local governments."

**On General Government Administration:** "There does not appear to be a cost disadvantage in having a high number of local governments per capita."

**On Public Building Costs:** "Maine's relatively high general public buildings expenditure is not due to being rural. Nor is it due to Maine having a high number of general-purpose governments."

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## Legislative Bulletin

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## **MEDIA WATCH (cont'd)**

Even with respect to schools, where Maine's expenditure levels were found to be above-average, the research showed "*the number of local governments per capita is not correlated with net expenditure relative to income.*" That is, lots of local school units are not the cause for higher school spending.

The research is pretty clear.

This is not to suggest that Maine municipalities were found to be necessarily efficient or low-spenders in these categories. The quotes simply make the point that having many units of local government is not a contributor to inefficiency or high spending from a national or peer average.

The Brookings research mirrored other recent work in this area. The Federal Reserve Bank of Boston had a similar finding regarding New England as a whole in 2005. "New England employs relatively fewer public employees per capita than the nation...This result is somewhat surprising, since New England has a greater number of local governments per capita."

In fact, the economist featured in the Maine Sunday Telegram made this same finding over two years ago. "For local government, education is the 800-pound gorilla...fully 74 percent [of local government employees] were in education." He concluded, "In short, the question of property tax reform in Maine is really a question of commitment to education?" (Maine Sunday Telegram, July 25, 2004.)

Porter will undoubtedly maintain his quest for the holy grail of municipal consolidation. Too bad he appears unwilling to even acknowledge the actual research and analysis on the topic.

## **HIGHWAY FUND (cont'd)**

written testimony it's difficult to replicate his math. However, based on his statements and the fact that he used the three-year-old data found in MMA's 2004 Fiscal Survey to calculate the impact, we've attempted to piece to-

gether the methodology. According to the 2004 data, municipalities collected \$1.7 billion in both property and excise tax revenue. In that same year, it is estimated that municipalities statewide spent nearly \$160 million on local roads. Local road spending in FY 04 is estimated to have accounted for nearly 10% of total property and excise tax revenue (\$160 million / \$1.7 billion).

These data lead Melrose to assert that of the \$190 million municipalities collected in excise taxes, only 10%, or \$19 million, was used to fund road projects. The remaining \$141 million in road expenditures were funded with property tax revenue, according to the Melrose analysis.

The Melrose methodology is severely flawed and if taken out of context could lead members of the Legislature, media and the general public to believe that communities statewide only spent \$19 million to maintain local roads. As a matter of fact, in most communities the excise tax revenues collected do not cover the cost of the local road budget. Case in point, the town of Ripley. According to Transportation Committee member Rep. Doug Thomas, the town of Ripley spends more on local roads than it collects in excise tax. In 2006, the town of Ripley collected \$73,000 in excise tax revenue and \$24,000 in state aid (URIP) for a total of \$97,000 and spent \$105,000 on summer and winter road maintenance and repairs.

In addition to being flawed, the Melrose methodology is unfair. Of the \$1.5 billion in property tax revenue collected in FY 04, \$1.0 billion was collected to fund school appropriations and assessments and \$92 million collected to pay the county tax assessments. When taking the school and county obligations into account, only \$623 million in FY 04 property and excise tax revenue remained available to fund municipal services, including public safety, general administration, roads, solid waste and other public works, code enforcement and public welfare. Using this figure, local spending on local roads accounted for 25% of the available property and excise tax revenue.

While MMA understands the need of MBTA to explore avenues for securing additional Highway Fund revenues for state road and bridge projects, we do not appreciate the use of unrelated mathematical calculations to prove the point. We believe it is entirely unfair for Melrose to assert that all property and excise tax revenues should be available to fund local road improvements, especially when most of the revenue is collected on behalf of other levels of government.

It is, most of all, imperative that all highway funding decisions are based on a rational fiscal impact analysis. To assert that only 10% of municipal excise taxes are actually used on roads is simply false.

## **FY 07 BUDGET (cont'd)**

for the purpose of reimbursing municipalities for 50% of the \$13,000 Homestead property tax exemption. Apparently the legislators, legislative staff, and folks from Maine Revenue Services who designed the new homestead reimbursement program that was enacted as part of LD 1 overestimated the amount of reimbursement that would be necessary

- Deappropriates \$150,000 from the roughly \$900,000 appropriated to cover the veterans' property tax exemption reimbursement, reflecting a decline in the number of veterans claiming the exemption.

- Appropriates \$1.836 million to provide the funding needed to cover the state's share of disaster assistance for flooding on June 29, 2005 and May 25, 2006.

- Appropriates \$90,000 so the State Police can reimburse the affected municipalities who covered the cost of training law enforcement officers at the Maine Criminal Justice Academy who ultimately were hired as State Troopers.

- Appropriates \$270,000 from a special revenue fund for the purpose of properly reimbursing municipalities under the Municipal Excise Tax Reimbursement Fund, which covers municipalities for the difference between the sticker-price excise tax and the sales-price excise tax for certain commercial trucks that are excised at the sales-price base.

# County Jails Topic of Public Hearings

On Monday of this week, the Criminal Justice Committee held public hearings on two bills seeking to relieve some of the burden county jail-related costs place on property taxpayers. One bill encourages the development of regional county jails, while the other proposes to amend the process for determining whether an inmate will be housed in a county or state facility.

**Regional Jails** - LD 32, *An Act to Create a Regional Jail System*, sponsored by Rep. Lance Weddel of Frankfort, was introduced as a concept draft. The problem with concept draft legislation is that the merits of the bill must be determined on the basis of a brief description of the sponsor's intent, rather than on the details of the proposal. Unfortunately, the information provided in the LD 32 bill summary did not completely describe the intent of the bill's proponents.

The description on the printed bill would have required counties to build regional jails for the purpose of housing convicted inmates, while maintaining and using existing county jails for housing persons waiting for trial. As drafted, the bill description suggested that rather than regionalizing existing facilities, a new layer of county jail bureaucracy would be created. That description was the driving factor behind the testimony provided by the opponents of LD 32, including MMA.

However, the proponents of the bill, including Stockton Springs town manager, Joseph Hayes, Searsport selectman, Dick Desmarais, and Prospect selectman, Bill Sneed, did a great job setting the record straight. LD 32 was submitted at the request of Stockton Springs in an effort to find a way to encourage counties to "think out side of the box" when it comes to building and operating new county jails.

According to the testimony provided by the municipal officials, the Waldo County jail facility is overcrowded. The jail, which was built to accommodate 19 inmates, is currently housing 32. The authority to operate over capacity is provided to counties by the Department of Corrections on a

case-by-case basis. According to the proponents, however, that over-capacity authority will soon end, resulting in the need for the county to board inmates in other county facilities. While the cost for housing an inmate in a county's own facility is approximately \$60/day, the cost for boarding an inmate in another county's jail jumps to approximately \$100/day. That \$40/day increase is exacerbated by the cost associated with transporting the inmate from facility to facility and to District Court. It is inevitable that Waldo County will have to build a new facility at a projected cost of \$18 million.

The proponents of LD 32 want the Legislature to require counties to conduct two cost benefit analyses as part of the process for building a new facility. One analysis would examine the cost and benefits associated with building a single county facility, while the other would measure the cost and benefits associated with building a multi-county facility. The proponents are also seeking amendments to any state law that prevents counties from working together on regional projects.

**Placement of Inmates** - LD 67, *An Act to Reduce the Cost of the Operation of County Jails*, sponsored by Rep. Patsy Crockett of Augusta, would require all persons convicted of a Class A, B, C, or D crime and sentenced to serve six or more months to serve that time in a state facility rather than a county facility. Current law puts all offenders sentenced to terms of nine months in county lock-ups. The change from the six-month to nine-month sentence threshold was enacted in 1989 in an effort to address a looming state budget shortfall. Unfortunately, the relief provided to the state came at the expense of the property taxpayers as the cost of county jails grew to accommodate the new inmate population. It is that shift to the property taxpayers that prompted Rep. Crockett to submit the legislation.

Several county officials representing Kennebec and Somerset County provided testimony in favor of the leg-

islation citing overcrowding, property taxpayer burden and the mix of inmate population (i.e., mixing low risk offenders with higher risk offenders) as the reasons for supporting the change. Some of the proponents admitted however, that making changes to the pre-sentencing process could also help alleviate some of the overcrowding issues. In many of the county jails, the number of persons waiting for a trial outnumbers the inmates serving their sentences. On average, over 60% of the county jail population is waiting for a day in court.

MMA also provided testimony in support of LD 67. Municipal officials believe that the change proposed in the bill would appropriately shift some of the costs of housing and rehabilitating inmates back to the state, where prior to 1989 this group of offenders was housed. While municipal officials understand that the state system is facing its own funding and overcrowding challenges, the state's near abandonment of the county system not the answer either.

There is much the state could have done over the last 18 years to help mitigate the post-1989 cost shift to county governments, including investing more state revenues into the Community Based Corrections program. Although since 1989 state investments in the fund have increased from \$1.9 million to \$5.8 million, over the last ten years funding for the program has been flat at an average of \$5.3 million annually. To put the state's contribution into perspective, in 2003 \$40 million was spent on county jails. In 2007, the cost of county jails are projected to climb to \$55 million, a 38% cost increase over that four-year period. In 2003, state funding for jails was \$5.1 million. In 2007, the state investment in county jails was projected at \$5.8 million, a 12% increase in state aid over a four-year period.

Department of Corrections Commissioner, Marty Magnusson, provided testimony citing the state's inmate

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## JAILS (cont'd)

overcrowding crisis as the primary reason for the state's opposition to LD 67. According to Commissioner Magnusson, the state system has 200 more prisoners than beds, while counties have 150 open beds statewide. Magnusson acknowledged, however some of the county facilities are overcrowded.

One of the more significant consequences associated with overcrowding is that it places strains on the rehabilitation services and programs provided by the state to ensure that inmates do not become repeat offenders. Many of the rehab programs offered by the state correctional system are currently at capacity. Adding more inmates to the system will result in an increase in program registration, which at best will cause programs and classes to become overcrowded or at worst prevent inmates from participating in a class. In addition to the overcrowding classroom challenges, the programs are designed to run over a course of a year or more. The state would have to tailor the existing programs for inmates with shorter stays.

Magnusson also questioned whether a person receiving a nine month sentence is really a high risk inmate needing to be housed in a state facility.

**Corrections Alternative Advisory Committee.** A common theme throughout the public hearings on both bills was the work of the 11-member Corrections Alternative Advisory Committee (CAAC), which includes representatives from the judicial system, state agencies, counties and municipalities.

The CAAC report makes seven recommendations for achieving the goals of increasing efficiencies in state prison and county jail operations and improving the working relationship between the state and county systems. Several of the recommendations would appear to resolve some of the issues raised in the testimony on LD 32 and LD 67. For example, the recommendations to reform the bail system and improve the pretrial case process, would help to address the county overcrowding issues.

Of particular interest to municipal officials is the recommendation to increase financial support for community corrections programs. Found on page 31 of the report are three proposals for increasing the state's financial commitment to the county jail system. The first recommendation creates a \$2-\$3 million incentive fund to provide competitive grants to counties to expand regional programs and improve the efficiency and effectiveness of the correctional system. The second recommendation calls for increased funding for community-based programs.

The final county funding recommendation would amend the process currently used to calculate the per diem reimbursement rate provided to counties for housing inmates charged with Class A, B or C crimes and sentenced to serve less than nine months. The existing formula reimburses each county a prorated amount based on a county's

share of the 1997 state appropriation for community corrections. The CACC recommendation requires the reimbursement to be based on the most current data available. In addition, all counties would be "held harmless", meaning that if the subsidy calculated for the current year resulted in a reduction in state funding from the previous year, then the previous year's funding level would be met.

The detailed 72-page report is posted on the Department of Corrections website at the link listed below. MMA also has paper copies of the report available. If you are interested in receiving a paper copy of the CAAC report, please contact MMA's Laura Veilleux at 1-800-452-8786. (<http://www.maine.gov/corrections/caac/CAACFinalReport.doc>)

Work sessions for these bills have not been scheduled.

## Mandatory Drug & Alcohol Testing

The Criminal Justice Committee held a public hearing on Wednesday of this week on LD 96, *An Act to Require a Test of Operating Under the Influence of a Driver Involved in an Accident that Caused Bodily Injury*.

The bill, sponsored by Rep. Jim Schatz of Blue Hill, proposes to require the alcohol and drug testing of any driver involved in an accident resulting in bodily injury. (Currently, automatic testing is mandated only if the accident results in a death.) As defined by Maine statutes, "bodily injury" includes physical pain, physical illness or any impairment of physical condition.

Rep. Schatz submitted the bill on behalf of a constituent whose wife was involved in an automobile accident that resulted in serious bodily injury. According to the testimony of the proponents, although the young man who caused the head-on collision admitted to drinking prior to the accident, the responding deputy sheriff did not require the driver to submit to alcohol test.

Based on this experience, the proponents believe that LD 96 is neces-

sary to enhance public safety. This testing requirement will guarantee that the information necessary to properly prosecute impaired drivers will be collected at the scene of the accident.

The opponents to LD 96 included the Department of Public Safety, Bureau of Motor Vehicles, Kennebec/Somerset County district attorney and MMA. The testimony provided by the opponents focused on two concerns: 1) the potential increased cost associated with mandatory testing; and 2) the strain the requirement would place on the law enforcement resources.

According to the Department of Public Safety, had the bill been in effect in 2005 state, county and municipal law enforcement agencies would have been required to cause 13,500 additional tests to be administered. Generally, the opponents believe that the well-trained officer at the scene of the accident is best qualified to determine whether or not a test should be administered.

The Committee is scheduled to debate the merits of LD 96 at its February 7<sup>th</sup> work session.

### Appropriations & Financial Affairs

LD 355 – Resolve, To Establish a Committee to Examine Issues Relating to the Administration and Distribution of Municipal Revenue Sharing. (Emergency) (Sponsored by Rep. Browne of Vassalboro; additional cosponsors.)

This resolve establishes a municipal revenue sharing committee to examine a number of issues related to the recent negative volatility of revenue sharing distributions. The committee's findings and recommendations must be reported back to the Legislature no later than December 15, 2007.

### Criminal Justice & Public Safety

LD 294 – An Act Concerning Posting the Registry of Convicted Sex Offenders. (Sponsored by Rep. Knight; additional cosponsors.)

This bill requires local police departments and local town offices in towns without police departments to prominently post the most current sex offender registry of registrants who are domiciled, reside, are employed or attend college or school within the municipality.

LD 329 – An Act To Provide Equity in County Jail Maximum Sentences. (Sponsored by Rep. Fletcher of Winslow; additional cosponsors.)

This bill requires prisoners who are sentenced for terms of six months or more to be incarcerated in state prisons rather than county jails. Current law establishes that standard at sentences of more than nine months (see LD 67).

LD 351 – An Act To Allow Municipalities To Designate Safe Zones to Protect Children from Sex Offenders. (Sponsored by Rep. Richardson of Warren; additional cosponsors.)

This bill requires municipalities to designate safe zones within the municipal boundaries to protect minors from drug-related offenses and sexual offenses. The bill also requires the courts to treat the commission of sexual offenses or drug-related offenses within the boundaries of a municipally-designated safe zone as an aggravating factor with respect to sentencing.

### Education & Cultural Affairs

LD 346 – An Act To Increase State Funding of Public Education. (Sponsored by Rep. Cressey of Cornish; additional cosponsors.)

This bill increases the state's obligation to finance K-12 public education, as that cost is measured by the Essential Programs and Services (EPS) funding model, from 55% to 60%.

LD 370 – Resolve, To Reduce the Number of School Administrative Units and Gain Administrative Efficiencies. (Sponsored by Sen. Turner of Cumberland Cty; additional cosponsors.)

This resolve establishes an 11-member Committee to Consolidate School Administration, made up of a former school official and the former CEO of one publicly traded company headquartered in the state. The Committee is charged with developing a plan that must: (1) abolish all existing school boards and school systems; and (2) recreate new school districts that have between 2,000 and 2,200 students. The plan must be submitted to the Legislature by December 3, 2007, and the plan must be fully implemented by June 30, 2008. In June, 2008, the new school boards for all the newly created school districts would be elected. The resolve also requires that all debt associated with any school systems abolished by the Committee's plan must be assumed by the municipality or municipalities where the abolished school is located.

### Judiciary

LD 254 – An Act To Restrict Takings under Eminent Domain. (Sponsored by Rep. Annis of Dover-Foxcroft; additional cosponsors.)

This bill makes two changes to Maine's eminent domain law: (1) it prohibits the taking from a business of any more land than is absolutely necessary for the purpose for which the condemnation is being made; and (2) it stipulates that the former owner of land taken by eminent domain has an option to repurchase the property for the taking price if the governmental entity does not ultimately use the property. Current law stipulates that the repurchase price is the taking price adjusted by the value of any improvements made after the taking.

LD 296 – An Act To Amend the Laws Governing Indemnification Agreements. (Sponsored by Rep. Wheeler of Kittery; additional cosponsors.)

This bill prohibits certain indemnification agreements in contracts, such as construction contracts, when the agreement would indemnify or hold harmless one party to the contract from any liability arising out of any intentional act or omission by either party to the contract or that party's agents.

### Labor

LD 375 – An Act To Amend the Family Medical Leave Laws. (Sponsored by Sen. Damon of Hancock Cty; additional cosponsors.)

This bill expands the Family Medical Leave Act to include domestic partners in the list of family members that employees may use family medical leave to take care of.

### Legal & Veterans Affairs

LD 287 – An Act To Limit Campaigning at Polling Places. (Sponsored by Rep. Savage of Falmouth; additional cosponsors.)

This bill restricts to just one the number of people who can represent a candidate within the polling place on election day.

LD 310 – An Act To Ensure the Integrity of Maine's Electoral Process by Requiring Physical Ballots. (Sponsored by Rep. Burns of Berwick; additional cosponsors.)

This bill requires all voting machines to provide a physical ballot that is at least equivalent to a hand-cast ballot and clearly reflects the intent of the voter.

### Natural Resources

LD 258 – An Act To Amend the Laws Governing Setbacks under the Natural Resource Protection Laws. (Sponsored by Rep. Emery of Cutler; additional cosponsors.)

This bill reduces the no-development setback from vernal pools, waterfowl and wading bird habitat, and shorebird nesting, feeding and staging areas from 250 feet to 100 feet.

LD 326 – An Act To Enhance Implementation of the Significant Wildlife Habitat Rules. (Emergency) (Sponsored by Rep. Fletcher of Winslow; additional cosponsors.)

This bill creates an exemption with respect to the legislation enacted last legislative session approving new rules regarding building setbacks from vernal pools. Specifically, the bill exempts from the rules any building lot whose existing boundaries were recorded in a deed on or before September 1, 2007. The bill also establishes any rules regarding significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas as "major substantive rules", thereby requiring final legislative approval before adoption.

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## **HOPPER (cont'd)**

LD 345 – An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances. (Sponsored by Rep. Koffman of Bar Harbor.)

This bill amends recently enacted law regarding local rate of growth ordinances. The bill seeks to clarify that the local building permit allowances must be based on a certain percentage of the number of building permits issued for new residential dwellings over the past 10 years rather than on the number of all building permits issued, such as for minor construction projects.

LD 359 – An Act To Link Sewer Extension Funding to Comprehensive Planning. (Reported by Rep. Koffman of Bar Harbor for the Community Preservation Advisory Committee.)

This bill would prohibit the state from making an investment in a sewer line unless the extension is consistent with the municipality's comprehensive plan.

### **State & Local Government**

LD 312 – An Act To Allow Residents of a Township in

the Unorganized Territory To Enact a Noise Ordinance for That Township. (Sponsored by Rep. Jackson of Allagash; additional cosponsors.)

This bill allows the voters in an unincorporated township to place a noise ordinance on the ballot for the township voters in the next statewide election. The petition to require that vote would have to be signed by at least 25 residents of the township or 10% of the recorded number of residents, whichever is less.

LD 353 – Resolution, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee. (Sponsored by Rep. Cressey of Cornish; additional cosponsors.)

This bill would send out to the voters a proposed constitutional amendment to require a two-thirds vote of the Legislature in order to enact any new or increased tax or license fee.

### **Taxation**

LD 261 – An Act To Define More Clearly Procedures by Which a Municipality Assesses Property. (Sponsored by

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## **LEGISLATIVE HEARINGS**

### **Monday, January 29**

#### **Criminal Justice & Public Safety**

**Rm. 436, State House, 9:30 a.m.**

**Tel: 287-1122**

LD 239 – An Act To Provide a Felony Penalty for Assault on a Firefighter. (Sponsored by Rep. Duchesne of Hudson; additional cosponsors.)

### **Tuesday, January 30**

#### **Natural Resources**

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

**Tel: 287-4149**

LD 78 – An Act to Protect Neighborhoods from Scrap Metal Pollution. (Emergency) (Sponsored by Rep. Harlow of Portland; additional cosponsors.)

LD 109 – An Act To Require a Model Radon Standard for New Residential Construction. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors.)

#### **Utilities & Energy**

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

**Tel: 287-4143**

LD 36 – An Act To Transfer the Administration of the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission. (Sponsored by Rep. Bliss of South Portland; additional cosponsor.)

### **Wednesday, January 31**

#### **Legal & Veterans Affairs**

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

**Tel: 287-1310**

LD 27 – An Act To Clarify Election Laws Concerning Election Clerks' Qualifications. (Emergency) (Sponsored by Rep. Barstow of Gorham.)

LD 203 – An Act Concerning Student Voter Registration. (Sponsored by Rep. Knight of Livermore Falls; additional cosponsors.)

#### **State & Local Government**

**Room 216, Cross State Office Building, 10:00 a.m.**

**Tel: 287-1330**

LD 129 – An Act To Provide for the Nonpartisan Election of County Commissioners. (Sponsored by Rep. Hotham of Dixfield; additional cosponsors.)

LD 130 – An Act To Allow County Commissioners To Appoint Registers of Deeds. (Sponsored by Rep. Hotham of Dixfield; additional cosponsors.)

### **Thursday, February 1**

#### **Judiciary**

**Room 438, State House, 1:00 p.m.**

**Tel: 287-1327**

LD 199 – An Act To Improve the Lien Process. (Sponsored by Rep. Fletcher of Winslow; additional cosponsors.)

LD 223 – An Act To Amend the Maine Tort Claims Act. (Sponsored by Rep. Plummer of Windham; additional cosponsors.)

#### **Taxation**

**Room 127, State House, 1:00 p.m.**

**Tel: 287-1552**

LD 81 – An Act To Update the Property Tax Exemption for Parsonages. (Sponsored by Rep. Farrington of Gorham; additional cosponsors.)

LD 82 – Resolve, To Create a Study Commission To Evaluate the County Tax Structure. (Sponsored by Rep. Robinson of Raymond; additional cosponsors.)

LD 227 – An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases. (Sponsored by Rep. Holman of Fayette; additional cosponsors.)

#### **Transportation**

**Room 126, State House, 1:00 p.m.**

**Tel: 287-4148**

LD 7 – Resolve, To Require the Department of Transportation to Accept a Traffic Light in Portland. (Sponsored by Rep. Marley of Portland.)

LD 17 – Resolve, To Transfer the Cliff Island Wharf from the City of Portland to the Department of Transportation. (Sponsored by Rep. Marley of Portland.)

## **HOPPER (cont'd)**

Rep. Tuttle of Sanford; additional cosponsors.)

This bill prohibits a municipal assessor from reviewing the value of a section of the municipality or certain classes of property unless all real and personal property is also being reviewed at the same time. The bill also creates a 9-member Property Tax Assessment Review Committee entirely made up of legislators for the purpose of reviewing statutory and constitutional assessing requirements, determining the various methods of assessing used by municipalities, and making recommendations for improvement in property tax valuation and assessment practices.

**LD 263 – An Act To Reduce the Property Tax Burden.** (Sponsored by Rep. Rand of Portland; additional cosponsors.)

This bill increases the meals and lodging sales tax rate from 7% to 9%, requires that 10% of all meals and lodging sales tax revenue be set aside into the Meals and Lodging Property Tax Relief Fund, and returns that collected revenue to the municipalities where the meals and lodging tax revenue was collected. The bill requires that the municipalities receiving that revenue must use it for property tax relief.

**LD 276 – Resolution, Proposing an Amendment to the Constitution of Maine To Require the Legislature To Freeze the Valuation of Maine Primary Residence Land.** (Governor's Bill) (Sponsored by Sen. Perry of Penobscot Cty; additional cosponsors.)

This resolution would send to the voters a proposed amendment to the Constitution directing the Legislature to implement a system that freezes the valuation of primary residence land, adjusted by the rate of inflation. Presumably, the frozen valuation would rebound to market value at the time of sale, and the resolution calls for "certain

transfers" of property to be subject to a withdrawal penalty parallel to the minimum 'five-year-back-taxes' penalty that applies to Tree Growth, Farmland and Open Space withdrawals. The resolution also requires the municipality's state valuation to be unaffected by the frozen valuation system.

**LD 288 – An Act To Increase the State Share of the Homestead Exemption to 70%.** (Sponsored by Rep. Flood of Winthrop; additional cosponsors.)

This bill increases the rate at which the state would reimburse municipalities for the \$13,000 property tax homestead exemption from 50% to 70%.

**LD 313 – An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing.** (Sponsored by Rep. Cain of Orono; additional cosponsors.)

This bill extends the property tax exemption for certain veterans to otherwise qualified veterans (or their families) who are living in cooperative housing communities. The bill would grant the exemption to the cooperative housing organization and require the cooperative to provide the actual benefit to the eligible veteran or the veteran's family.

### **Utilities & Energy**

**LD 352 – An Act To Provide an Appeal Process Regarding Rate Increases of Certain Quasi-municipal Districts and Corporations.** (Sponsored by Rep. Tuttle of Sanford; additional cosponsors.)

This bill provides a process for consumers of water or wastewater utility services that are provided by a utility district and serving a single municipality to appeal any rate increase approved by the district to the municipal officers. The bill further provides a process for the consumers to take the appeal to a referendum vote in the municipality if the municipal officers do not amend the rate increase.