

School Consolidation Laws Lining up in the Queue

Anyone following the effort to fix the school consolidation law of 2007 has every right to be confused.

There are now three bills with that purpose in the queue. Why the fix-up legislation is being split up into pieces doesn't make much sense anymore. The original idea was to enact the most important fix-up legislation immediately, in January, and take a little more time with the somewhat less pressing changes. Nothing has been enacted as of yet, and some of the most pressing changes are found in bills that sit farther back in line.

The first bill is LD 1932, which is tabled in the Senate. The majority report of LD 1932 would:

- **Flexible cost sharing.** Open up the cost sharing arrangements for newly created school districts to local determination rather than the fixed (and often unworkable) statutory formula;

- **Authorize limited local autonomy for municipal schools.** More clearly define the role for local school boards operating within a larger new school district so that schools that up until now have been municipal schools could still have some autonomy within a larger school district; specifically:

- The ability through a local school board and town meeting to supplement the educational programs for the local school as supported by the larger school district; and

- The ability to retain municipal ownership of the municipal school property rather than relinquish title to the larger school district;

- **Delay mandatory referendum voting.** Delay until 2009 the mandate that all school budgets be adopted

through a “budget validation” referendum process; and

- Several technical amendments.

LD 1932 has a minority report that

would authorize a school union approach to school reorganization.

It is fair to say that the politics surrounding LD 1932 are all over the place. That fact doesn't necessarily explain why the Legislature is taking so long to debate this emergency bill.

The second and third school con-

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Committee Commences Corrections Consolidation Conversation

On Monday and Tuesday this week, the members of the Criminal Justice Committee convened work sessions to review the progress being made by the group of county and state officials negotiating the proposed corrections unification plan. To date, the team has presented the elements of the plan that would create a statewide Board of Corrections and a corrections working group.

The proposed purpose of the Board of Corrections (BOC) is to plan for and implement a corrections system that demonstrates sound fiscal management, achieves efficiencies, reduces the number of people returning to prison after being released, and ensures the safety and security of correctional officers, inmates and surrounding communities.

Of significant municipal interest is the membership makeup of the Board. As crafted by the state and county negotiations team, the nine-member Board will be represented by one sheriff, one county commissioner, two state government officials (with at least one representing the Department of Corrections) and five members of the public, all appointed by the Governor. One of the

public members must be selected from a list provided by the county commissioners. For reasons that are not clear, the negotiation team's proposal prohibits an elected state, county or municipal official from being appointed as a member of the BOC. In other words, the draft proposal ensures that a currently elected municipal official cannot be appointed to the BOC. Only a retired local government official would qualify for appointment, provided the Governor agrees.

According to the latest county spending reports generated as a result of the LD 1 surveys, the 16 counties assessed the property taxpayers \$113 million in 2006. In 2007, the total statewide county assessment was \$120 million, a 6% increase in property tax assessments over twelve-month period. According to information made available to the Office of Fiscal and Program Review, in 2007 the counties statewide spent over \$77 million on jail operation and debt service costs, representing 64% of the county taxes assessed against property taxpayers. (Verifying this \$77 million figure is essential tax of the negotiations team.)

Considering that the property tax-

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SCHOOL (cont'd)

consolidation “fix-up” bills are scheduled to have their public hearing before the Education Committee on Wednesday, Feb. 13th. Both of these bills have developed by the Education Committee, have no LD number as of yet, and their language is not yet finalized.

The second bill is designed as the purely technical or otherwise non-controversial bill that in theory would face no obstacle to passage. This bill focuses on voting procedures, both with respect to the referendum votes to approve a proposed school reorganization plan and the mandatory referendum process to approve school budgets. This bill would:

- **Reorganization plan voting.** Remove the requirement that certain statutorily-worded “explanation” language be included on the ballot to approve a proposed school reorganization. By the nature of its content, the “explanation” language required by the 2007 law would have led most un-informed voters to a ‘yes’ vote by stressing directly on the ballot only the financial penalties for not reorganizing and excluding from the ballot any other financial or governance consequences.

- **Reorganization plan voting.** Extend the absolute deadline for approving a school consolidation plan at referendum from November 4, 2008 to January 16, 2009.

- **Budget validation voting.** Clarify the scheduling of the “budget validation” referendum vote to allow it to occur any working day within 14 calendar days after the adoption of the school budget at the open (or council) meeting.

- **Budget validation voting.** Remove the requirement that the absentee

ballots include certain “explanation” language that would vary depending on whether the provisionally-adopted school budget is over or under the EPS allocation for that school system. This change allows for one common absentee ballot that can be prepared in advance.

- **Budget validation voting.** Establish that the warrant and absentee ballots for the budget validation vote be delivered and made available the day after the school budget is provisionally adopted at open (or council) meeting, rather than 7 days before that meeting as required under current law.

- **Budget validation voting.** Authorize the municipalities governing municipal school systems to commit their property taxes even if the school budget has not been finally adopted by the voters by July 1 of any year, with the commitment based on the last proposed budget submitted by the school board.

The third “committee bill” in the queue includes “fix-up” proposals that are less technical, more substantive and therefore potentially more controversial in nature. Of the three bills, this legislation has the least chance of being enacted.

As it has been developed thus far, this third bill would:

- **Penalties.** Amend the law governing the financial penalties for failing to consolidate. One of the penalties under current law is the so-called “53.86%” penalty, which works through a complicated formula to increase the minimum mill rate requirement that must be levied by any noncompliant school system. This penalty is extremely difficult to explain to a regular citizen and impossible to calculate with any precision in advance of the fiscal year when the penalty would apply without knowing exactly which school systems throughout the entire state would be exposed to the penalty and which would not. The inexplicable nature of the penalty puts great power in the bureaucracy that administers it.

(In fact, a potentially little-known fact about the “53.86% penalty is that the full scope of the penalty cannot be calculated until all the penalized school systems are identified because their financial penalties are effectively collected and given over to the school systems that either consolidated or are exempt from

consolidating because they are already serving 2,500 students or are “efficient, high-performing” school systems. Because those larger, urban or “efficient” school systems are the recipients of the penalty funds, their required mill rate efforts are lowered, thereby effectively increasing the mill rate gap between the compliant and non-compliant school systems.)

Specifically, this bill would convert the nearly inexplicable 53.86% penalty to a more straightforward 2%-of-mill rate penalty, whereby the non-consolidating school system would have to levy a local-share mill rate that is 2% greater than the mill rate effort generally required. For example, if the generally required mill rate effort was 7 mills, the mill rate effort for the non-compliant school systems would be 7.14 mills. This system would also aggregate the penalty revenue and use it to reduce the mill rate effort of the “compliant” school systems, thereby making the gap between the compliant and non-compliant mill rate requirements more than .14 mills (in this example), but how much more is impossible to know until all non-compliant school systems are identified.

[Note: The discussion on this issue before the Committee included a print-out prepared by the Department of Education that attempts to calculate the penalty under current law for each school system. If that information would be helpful to you, please feel free to contact MMA’s Laura Veilleux at 1-800-452-8786 or lveilleux@memun.org.]

- **Budget validation exemption.** This bill would exempt municipalities that have adopted a charter that vests the authority to adopt a school budget in a town or city council from the school budget validation process.

- **Budget validation exemption.** This bill would exempt school systems that adopt budgets that are not greater than 5% over the EPS model from the school budget validation referendum process.

- **“Efficient, high-performing” expansion.** This bill would expand the definition of “efficient, high-performing” school system so that schools systems beyond the current four will be eligible for the exemption from the consolidation process.

Legislative Bulletin

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Cable TV Update

The Utilities and Energy Committee held its first work session regarding LD2133, *An Act To Establish Consistent Consumer Protections for Cable and Video Programming Customers*, sponsored by Rep. Larry Bliss (South Portland). It has three primary benefits for municipalities.

1. The bill makes clear that consumer protections with respect to television service apply to any corporate entity, not just “cable” companies.

2. The bill seeks the creation of a model franchise agreement.

3. The bill amends various consumer protection statutes related to television service.

The sticking point appears to be the model franchise agreement. The proponents argue that municipalities and the cable and telephone companies providing TV services would benefit from a model contract. Municipalities would benefit since they will not have to spend money on legal fees drafting franchise provisions which are (or should be) fairly consistent and non-negotiable. The model should similarly help the private sector by creating a predictable and consistent regulatory field as opposed to a “patchwork” of different franchise obligations from town-to-town. A well-drafted model agreement will allow the parties to spend their time negotiating the truly negotiable and important provisions.

Several industry representatives have objected to the model franchise for a variety of reasons. The first objection is that the municipalities or others could develop a model franchise on their own. While true, a model developed by one party to a negotiation will probably not be viewed by the other party as entirely neutral. The strength of the legislation’s proposal to develop the model franchise is the process that is called for in the bill – PUC rulemaking. A rulemaking process by an neutral, third-party with utility expertise and with all the formality of public notice and hearings will produce a model franchise that is much more difficult for either municipalities or industry to reject than models developed

by either the municipalities or the industry on their own.

The second objection is that even if the PUC produces a respectable model franchise, its no benefit since it is not mandatory – its only a model. To that, MMA would urge the Legislature to proceed by taking steps, not leaps. It is better policy development to create the model and then see whether it serves to streamline the negotiation process or not. If not, the problem could be the model or it could be the obstinacy of either of the parties. It is always better to see how the parties react in a non-coercive environment before the Legislature acts once-and-for-all.

The third objection is that the PUC shouldn’t be using its resources for the rulemaking. PUC estimates that the rulemaking would cost about \$10,000 for the development of the model franchise and that it could absorb these costs within current resources. Some object to that cost because those resources are provided by electric and telephone rate payers, not TV consumers. They say it is wrong to siphon off these revenues for cable TV purposes. This objection appears to have some merit at first blush. However, recently the state utilized the PUC’s resources to develop a widely praised broadband expansion program – the Connect ME Authority – even though the internet is not regulated by the PUC and internet access is not taxed by the PUC.

A final objection is that including the PUC in the process of developing a model franchise agreement – which is essentially a regulatory document in that it spells out the obligations of a cable company with respect to its provision of services – is a step toward turning cable TV into a “regulated utility” such as telephone or electricity. This objection greatly overstates the effect of a model franchise. The central element of electric utility regulation is rate making – that is, setting the cost that the companies can charge consumers for the service. Ratemaking (or price-capping) cable TV service is expressly prohibited by federal law. So is the regulation of content.

That is, neither states nor municipalities may regulate what channels or programs a cable company may, or may not, provide to consumers.

The only real regulation that is allowed on cable companies is consumer protection and cable access support. Neither type of regulation is new for cable television providers. Maine’s statutes have an outline of consumer protection provisions specifically for cable TV already. Furthermore, franchise agreements across the state flesh out these protections in greater detail. In fact, federal law obligates municipalities to go through the process of negotiating a franchise and providing consumer protections. The purpose of the bill is to streamline the process of determining consumer protections and unifying them across the state.

In Maine, there is essentially one provider of cable services – Time Warner. Comcast provides services to a small number of municipalities in the mid-coast region, but they may not remain in the state for long since this pocket of customers in Maine is isolated from their customers elsewhere in the country. It does not appear that another cable company will be coming to Maine to compete with Time Warner. Therefore, Time Warner has a virtual monopoly (except for satellite).

The hope for competition in the cable TV market rests with telephone companies. The traditional cable companies (Time Warner, etc.) and the traditional telephone companies (Verizon, etc.) have been competing for some time over internet consumers. The big telecom giants have also begun offering all three services in a bundle – internet, cable and telephone. Thus, cable TV companies are signing-up telephone (telephony) consumers and telephone companies are signing-up cable TV consumers.

However, for a variety of reasons, Verizon has not been rolling out this “triple-play” package in Maine. In fact, the only telephone company that currently provides TV services is Oxford Networks in the Lewiston-Auburn area. One of the complaints that Verizon has historically made to both state and federal policy makers is the burden of hav-

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Changing the Assessed Owner of Record in Mid-Year

LD2140, *An Act to Protect Sellers in Residential Real Estate Transactions*, would require municipal assessors and tax collectors to formally change the record owner of residential real estate whenever during the course of the year the municipality is notified that residential property has been sold and the taxes are not completely paid up at the time of sale. That seemingly simple requirement triggers a significant amount of administrative change throughout the entire tax assessment and tax collection system.

Sponsored by Rep. Larry Sirois of Turner, LD 2140 would require all municipalities to establish a method by which real estate agents, “settlement agents” (which could be the lending institution) or the actual seller of real estate could formally contact the municipality to record the name of the buyer in any residential real estate transaction if the taxes were not paid in full at the time of closing. Upon receiving that information, the municipality would have to shift the tax collection process from the assessed owner of record to the buyer.

At issue is the circumstance where: (1) residential property is sold; (2) a proration contract is executed between the seller and buyer to apportion the property tax burden for that tax year; (3) the buyer violates the contract by not paying the buyer’s share of the taxes in a timely manner; (4) the seller for some reason doesn’t respond to the required 30-day notice formally informing the seller that a tax lien will be filed; (5) the lien is filed in the registry; and (6) the seller gets a negative credit report because the lien is filed in the seller’s name.

LD 2140 seeks to shield the seller from any credit reporting risk and shift the risk to the buyer.

LD2140 was presented for its public hearing on Tuesday this week. According to the testimony provided, the current scope of the problem is unclear. Even though the tax assessing and collection process has been operating under essentially the same rules in Maine and elsewhere since colonial times, the

“seller’s risk” problem seems to have arisen only in the last decade, with the advent of aggressive credit reporting systems. Three or four bills similar to LD 2140 have been submitted to state lawmakers over the last 10 years. Because the solutions to the issue have always impinged in some way on the real estate industry or banking interests – and because of the significant complexities involved in restructuring property tax assessing and collection law — none of those bills were enacted.

Will Lund, the Superintendent of the Maine Bureau of Consumer Credit Protection spoke in support of LD 2140 (which apparently he helped craft) on the basis of the several complaints he gets each year from sellers with damaged credit ratings.

A resident of Sanford also testified in favor of the legislation, explaining that he is in the business of buying, restoring, renting and selling residential properties. In 2005 he sold a home to his neighbor who failed to honor the proration agreement and the tax lien was eventually filed in the seller’s name, damaging his credit score. It is unclear how the seller missed the 30-day lien filing notice, and he said that he never has spoken to his neighbor about honoring the contract or paying the property taxes because the enforcement of tax collection is the municipality’s job.

The Maine Association of Realtors, the real estate section of the Maine Bar Association, the New England Financial Services Association (representing banking interests) and MMA testified in opposition to LD 2140.

The Maine Association of Realtors suggested that the number of sellers being tripped up by the credit scoring problem is diminishing because of increased education, increased efforts by municipal tax collectors to make sure the buyers as well as the sellers are aware of the tax bills (when the municipality is aware the transfer has occurred), and the increased propensity of lenders to require an encroaching of the tax obligation.

MMA’s testimony attempted to first explain how any seller of real estate is in a very strong position to protect him or herself from the credit reporting risks by requiring the taxes to be paid as a condition of sale, and there are completely effective ways to accomplish that result. In addition, the seller currently receives as a matter of law a notice of any impending lien filing, so no lien is filed in the seller’s name without the seller’s knowledge.

In addition, MMA attempted to explain how the idea of shifting the “assessed owner of record” from the seller to the buyer in the middle of any tax year creates a very complicated administrative challenge. It seems as though the proponents of these bills believe that a single sentence that shifts the legal obligation in mid-year is enough to completely restructure the integrated, multi-year system of tax assessing and tax collection, which depends on both a universal date of assessment (April 1) and a fixed “assessed owner of record”.

Since very nearly every sale of residential real estate takes place on a day other than April 1, LD 2140 would require municipalities to respond in some administrative way — depending on the time of year — each time the town is notified that property has sold. An incomplete list of administrative duties that might be affected by LD 2140 include: (1) issuing the so-called §706 notice; (2) developing the final “true and perfect list” on the basis of which the property tax is committed; (3) determining the correct person to receive the next tax lien notice; (4) reissuing the tax lien notice if the sale occurs after the notice is first issued; (5) determining who has standing to present tax abatements and seek tax appeals; (6) completing title searches where encumbrances are recorded in a third-party’s name; (7) the filing of municipal liens other than property tax liens (e.g., malfunctioning wastewater system liens or General Assistance liens); (8) whether the municipal ability

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Committee Votes to Increase Municipal Liability for Transfer Stations

Last Thursday, the Judiciary Committee held a work session on LD 2036, *An Act to Clarify Governmental Liability with Respect to Transfer Stations*, which is sponsored by Rep. Janet Mills (Farmington). A slightly amended version of the bill was voted “ought to pass” by a majority of the Judiciary Committee members present at the work session.

As explained in more detail in the January 18th *Legislative Bulletin*, the Maine Tort Claims Act (MTCA) grants to governments limited immunity from any liability that would otherwise exist for personal injuries caused by government negligence. The basis for limited immunity is that governments provide services that are dangerous (police and fire services) and are responsible for facilities that are implicated in thousands of personal injury cases (roads, sidewalks, etc.). If there were not some limit to the potential liability of government, personal injury attorneys would have a treasure trove of opportunities to sue government and receive awards ultimately funded by the taxpayers.

Exceptions to immunity have been created for very broad categories that are equally applicable to all levels of government. For example, there is liability for the negligent operation of a motor vehicle – regardless of which level of government operates the motor vehicle. Similarly for the negligent ownership or maintenance of a “building” – regardless of which level of government operates the building.

The supporters of the bill seemed frustrated that a recent Law Court case which rejected (by a 5-1 vote) a claim of municipal liability by the estate of a person who fell into a solid waste bin at a transfer station as that person attempted to dispose of a TV. The frustration was amplified by the fact that a similar injury, when it occurs inside a building, would allow the injured citizen to sue.

Legislating, at its most basic level, is the process of drawing policy lines.

Wherever you draw a line, someone can criticize you for it. Should the drinking age be 21 or 22? Should the speed limit be 55 or 65? These lines have to be drawn every day.

The current policy line regarding transfer stations is rational, reasonable and clear. The current policy line is literally the distinction between being indoors or outdoors. If the injury at a transfer station occurs inside a building, liability attaches; if outside, no liability. There is an increased requirement for people to be responsible for their own safety in the outdoor environment.

While people are free to criticize the decades-old distinction between injuries which occur indoors versus those that occur outdoors, that distinction is simply the most rational. Indoor environments are within the control of the building owner; everything from lighting on the ceilings to cracks in the floors. Insurance for buildings is readily available. And, the governments’ ownership and operation of buildings is not significantly different from the ownership of buildings by the rest of society.

Outdoors at a transfer station on a Saturday morning is anything but a controlled environment: it is crowded, the weather in Maine is uncooperative, heavy objects and metal waste are being trucked and dumped, and handling large pieces of waste near open dumpsters is dangerous. Unfortunately, people will get hurt.

Without a significant expenditure, municipalities cannot operate transfer stations in such a way that each resident’s solid waste contributions can be disposed of by trained staff.

The handling of solid waste is an unfunded mandate. Municipalities don’t have a choice; they have to provide this service. The only realistic way for municipalities to offer this service is to essentially allow citizens to dispose of their waste themselves. Accordingly, there will be injuries at transfer stations.

This is the very reason to have a tort claims act. This is the very reason every state and the federal government provide themselves immunity in certain circumstances. Without some rational limits – such as the clear “buildings, machinery and equipment” limits in the current law — governments simply could not provide the services they do if made subject to an endless string of lawsuits.

This is probably why not one Maine citizen testified in favor of this bill at the public hearing. The only supporter for the bill (other than the sponsor) was the lobbyist for the Maine Trial Lawyers Association.

MMA strongly urges the full legislature to reject LD 2036.

CHANGING (cont’d)

to enforce property tax collections in court with respect to the April 1 “assessed owner of record” is impaired by LD 2041...the list of administrative questions is a long one.

In response to the testimony on both sides of the bill, the Taxation Committee formed a subcommittee of its membership for the purpose of working with the various stakeholders to see how state law should be amended, if at all, to protect the interests of the seller in real estate transactions. That subcommittee has met once and appears to be forming a two-pronged “increased education” strategy.

Although the details of language haven’t been worked out yet, the first strategy would require some clear information to be a part of every property tax proration agreement explaining how the property tax obligation for that year will remain with the seller and that if the taxes become delinquent and are not paid, the seller’s credit score could be impaired.

Second, similar wording would be included in the 30-day notice sent to the April 1 owner before the lien is filed so that he or she would be clearly informed that even if the property has been sold, the seller is still legally responsible to pay the tax in order to avert the lien and avoid negative credit score implications.

The subcommittees full recommendations should be presented back to the Taxation Committee within the next two weeks.

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the Legislative Bulletin to describe. 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.)

Criminal Justice & Public Safety

LD 2187 – An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations. (Sponsored by Rep. Tardy of Newport; additional cosponsor.)

This bill allows a law enforcement organization to solicit funds for a law enforcement officer suffering from a catastrophic illness provided approval of the solicitation is first obtained from the municipal officers of the municipality where the solicitation will take place or the county commissioners if the solicitation will encompass an entire county. Approval must also be obtained from the manager (if any) of the municipality where the solicitation will take place and the Attorney General.

Judiciary

LD 2198 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials. (Emergency) (Reported by Rep. Simpson of Auburn for the Joint Standing Committee on Judiciary.)

This bill amends a law enacted in 2007 that requires all elected governmental officials in Maine to meet certain training requirements

regarding Maine's "Right to Know" law. Specifically, the bill establishes that the training requirement is met if the official conducts a review of information on the Right to Know topic made specially available on the state's website and makes a written or electronic record attesting to the fact the review was conducted. That record must be kept by the individual or filed with the public entity to which the official was elected. The bill also clarifies the elected local officials to which the requirement applies, including on the municipal level all selectmen and councilors, clerks, treasurers and budget committee members.

State & Local Government

LD 2201 – An Act To Require a Municipality To Move a Body Buried in the Wrong Grave. (Emergency) (Sponsored by Rep. Piotti of Unity; additional cosponsor.)

This bill retroactively provides that if any human body or human remains have been or will be interred after January 1, 1998 in an improper location by a municipality or an agent of a municipality, under the direction of a municipality or in reliance upon the advice of a municipality, that municipality must exhume the body or remains and re-inter them in a proper location at the municipality's expense.

Taxation

LD 2202 – An Act To Allow the Town of Kittery To Implement a Program To Abate Taxes for Senior Citizens in Exchange for Public Service. (Sponsored by Rep. Walter Wheeler of Kittery; additional cosponsors.)

This bill authorizes the Town of Kittery to implement a program that allows residents 60 years of age or older to volunteer to provide services to the town in exchange for a reduction in the volunteers' real property tax obligations to the town.

Opt-Out Provision Stopped Short by Committee

On Wednesday this week, the State and Local Government Committee held a work session on LD 1962, *An Act to Amend the Informed Growth Act*.

As enacted by the Legislature in 2007, the Informed Growth Act (IGA) requires that any single retail development over 75,000 square feet undergo an independent economic impact assessment, paid by the developer, to determine the economic impact the proposed development will have within the municipality and the region. Based on the information provided in the report, the municipality's planning board makes a determination as to whether or not the proposed development will have an "undue adverse" economic impact on the community and the region.

The bill, sponsored by Sen. David Hastings of Oxford, would have enabled a municipality to opt-out of implementing the IGA locally. As proposed in LD 1962, the decision of a municipality's

legislative body (i.e., council or town meeting) to opt-out of the IGA would need to be validated at a municipal-wide referendum.

Representative Stephen Beaudette of Biddeford led off the Committee's discussion on LD 1962 by making an "ought not to pass" motion. While Rep. Beaudette believes that the IGA is a good tool for monitoring growth in Maine, he did admit that there is room for improving on some elements of the existing law. Of interest, is the provision of the law that grants municipalities an exemption from the IGA. The exemption is provided to communities that have adopted economic and community impact review processes for large-scale retail developments. The problem with that exemption provided for in the current law is that it does not provide any guidance to communities as to what is and is not an acceptable local ordinance. In other words, as enacted municipal officials

believe that in order to qualify for the exemption, they must adopt locally an ordinance that is identical to the state's IGA, thereby making the exemption process ineffective.

To address that problem, Rep. Beaudette suggested that interested parties, including MMA, State Planning Office and the Maine Association of Planners, work to develop legislation, to be submitted next session, to further define the exemption process.

After much discussion on the bill, the Committee voted "ought not to pass" by a margin of 6 to 5. The minority "ought to pass as amended" report simply allows the local legislative body (without the referendum process) to vote to opt-out of the IGA. The minority report was supported by Representatives David Cotta (China), Philip Curtis (Madison), Terry Hayes (Buckfield), Henry Joy (Crystal) and Windol Weaver (York).

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://www.state.me.us/legisl/>.

Monday, February 11

Agriculture, Conservation & Forestry

Room 206, Cross State Office Building, 1:00 p.m.

Tel: 287-1312

LD 2171 – An Act To Amend the Animal Welfare Laws.

Tuesday, February 12

Business, Research & Economic Development

Room 208, Cross State Office Building, 1:00 p.m.

Tel: 287-1331

LD 2159 – An Act To Advance the Maine Economy.

LD 1038 – An Act To License Home Building and Improvement Contractors.

Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.

Tel: 287-3125

LD 2062 – An Act Regarding Education Laws.

LD 2123 – Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education.

Natural Resources

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

Tel: 287-4149

LD 2119 – An Act To Amend Certain Laws Related to Environmental Protection.

LD 2169 – An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management.

LD 1964 – Resolve, To Determine Appropriate Buffer Zones for Landfill Construction and Expansion.

LD 1983 – An Act To Protect Public Safety, Provide for the Prudent Use of Landfill Capacity and Save Taxpayers Money.

Taxation

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

Tel: 287-1552

LD 1972 – An Act To Provide Property Tax Relief.

LD 2008 – An Act To Provide Ongoing Funding for the Historic Preservation Tax Credit.

Transportation

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

Tel: 287-4148

LD 2165 – Resolve, Regarding Legislative Review of Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation.

Utilities & Energy

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

Tel: 287-4143

LD 2149 – An Act To Lower Energy Costs and Increase Renewable Energy in Maine.

Wednesday, February 13

Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.

Tel: 287-3125

LR 3490 (No printed LD yet) – An Act to Clarify and Improve the Laws Governing the Formation of Regional School Units.

LR 3491 (No printed LD yet – An Act to Fully Implement the School Administrative Unit Reorganization Law.

LR 3492 – An Act to Facilitate the Reorganization of School Administrative Units.

JAIL (cont'd)

payers fund a significant portion of the county jail costs and that under the unified corrections proposal, the property taxpayers will continue to contribute funds (apparently to be capped at the 2008 level) toward the maintenance and operations of the correctional system, municipal officials should have a voice at the Board level. Municipal officials assess, collect and remit the property taxes on behalf of the counties and should have a seat on the BOC to ensure that those funds are appropriately invested. Municipal officials are the closest governmental link to the property taxpayers and have a vested interest in making sure that all promised property tax relief is provided.

On Tuesday, the Criminal Justice Committee held a quick second work session on the state/county jail consolidation effort. Tuesday's work session focused on the creation of a corrections working group charged, on a short-term basis, with assisting the counties and the state to transition into a unified system and tasked, on a long-term basis, with monitoring the daily operations of the unified jail system.

At that work session, Waldo County sheriff, Scott Story, reported the negotiations team was starting to amend the BOC language to incorporate the Criminal Justice Committee's recommendations. Although several members of the Committee had expressed an interest in having some level of municipal representation on the Board, Sheriff Story did

not mention if the negotiations team had considered adding a municipal representative to the Board of Corrections.

The Criminal Justice Committee will resume its discussion of the state/county corrections unifications proposal next Monday, February 11th. As directed by the Committee, the state/county negotiations team will be unveiling its financing package on Monday. Among other proposals, it is anticipated that the financing package will include an element to freeze municipal tax assessments for county jail maintenance and operations to the 2008 assessment and a plan for shifting existing and future county debt costs onto the state.

It is expected that this element of the proposal will consume much of the Committee's time and effort next week.

CABLE (cont'd)

ing to negotiate and execute franchise agreements with thousands of municipalities across the country. While a model franchise agreement does not provide them everything they want (e.g. one single federal franchise or state-level franchises) it does provide them a great headstart on navigating the franchise bureaucracy.

Rep. Larry Bliss, who is both committee chairman for the Utilities and Energy Committee and the lead-sponsor of the legislation, asked the parties to see if they can come to some agreement that will produce a quality model franchise that could benefit both sides of the negotiating table. The parties will have the next week or two before the Committee does its second (and likely final) work session on the bill.

Stay tuned.