

The Street Lights Go Out: Killing LD 493

On Thursday, March 31st, the Energy, Utilities and Technology Committee held another work session on LD 493, *An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way*.

Recap. Three weeks ago, the Energy, Utilities and Technology Committee held a public hearing regarding LD 493. This bill authorizes a municipality’s board of municipal officers, at the conclusion of any existing street light contract, to order the owner of a utility pole located within a traveled municipal right of way to rent pole space to the municipality for the purpose of attaching municipally-owned street lights. The bill directs the Public Utilities Commission (PUC) to: (1) establish the installation fees that the regulated utility may charge for the service of installing the municipally-owned street lights; and (2) explore the issue of whether licensed electricians not under the direct employment or control of the regulated public utility should be allowed to conduct the installations if credentialed according to standards established through rule-making.

MMA and several individual municipalities testified in favor of LD 493. Central Maine Power Company (CMP) was the chief opponent.

Two weeks ago a work session was held on this bill. MMA provided a summary about legal interests of rights-of-way as prepared by its Legal Services department. In addition, MMA supplied a report to the Committee members, which at the public hearing was referenced by LD 493 proponent Nathan Poore, the Town Manager of Falmouth. This report was prepared by the New York State Comptroller’s Office and is entitled, “Street Light Cost Containment”. The Comptroller’s objective when preparing the report was

to determine if municipalities can reduce street lighting costs if they acquire and maintain their street lighting systems from their local utility companies. The answer, as detailed in the report, was a resounding ‘yes’.

Additional materials distributed at the work session were: (1) a memo from Efficiency Maine Trust identifying its ability to provide funding for changing out municipal street lights in order to

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Hammering Down on SPO

The State and Local Government Committee convened this week to make recommendations on several elements of the Governor’s proposed 2012-2013 biennial General Fund budget. One of those elements, Part FF, would abolish the State Planning Office (SPO).

As described in detail in the March 25th edition of the *Legislative Bulletin*, Part FF abolishes the SPO and directs a nine-member “working group”, represented

by state agency commissioners, to draft a proposal for shifting SPO responsibilities to other state agencies. The dismantling of the SPO would take final effect on January 1, 2012.

At Monday’s work session, Committee member Brad Moulton, State Representative from York, offered an amendment to Part FF for discussion. In addition to establishing the proposed nine-member

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Committee Rejects Any Adjustment to Tax Exemption “Standards”

An article in last week’s *Legislative Bulletin* described the five hour public hearing held on March 21st by the Taxation Committee over three bills that in very different ways tried to address some serious issues, at least from the municipal perspective, with Maine’s overly generous, overly broad and somewhat unqualified policy governing tax exempt institutions.

- One of those bills, LD 238, dealt with the narrow issue of the motor vehicle excise tax exemption that is gratuitously provided to those exempt institutions over and above their blanket real estate tax exemptions.
- One of those bills, LD 149, provided an authority for municipalities, at local option, to impose limited service charges on the exempt institutions to cover some of the costs of the municipal services they directly receive.
- One of the bills, LD 405, would incorporate into Maine statute, for the first time in its history, a meaningful definition of what “charity” is.

It is hard to imagine how a broader array of public policy options to deal with this issue could be provided the Committee to work with.

The Committee wasn’t interested, however. On Monday morning this week, the Tax panel quickly and unanimously voted “ought not to pass” on all three bills. It is apparently the case that from the Legislature’s perspective the state’s policy on tax exempt institutions, such as it is, deserves no change whatsoever.

Creating Another Avenue to Sue Governmental Entities

On Tuesday, March 29th, the Judiciary Committee held a public hearing on LD 573, *An Act To Protect the Civil Rights of Citizens*. This bill would allow a person to bring a civil action for a violation of the person's constitutional rights against a person acting "under the color" of a statute, ordinance, rule, regulation, custom or usage of the State or a political subdivision of the State. Furthermore, LD 573 removes some longstanding protections in law that prevent governments from being over-sued or made ineffective by litigation or the threat of litigation.

Discovery. LD 573's sponsor, Senator Lois Snowe-Mellow of Auburn, introduced the bill to the Committee members. Senator Snowe-Mellow indicated that she agreed to sponsor this legislation in order for individuals to make a case that state laws should mirror federal laws as they relate to constitutional matters and civil rights. The Senator felt the legislation needed to be introduced after discussions she had with a resident of Gray and her belief that he had a strong argument concerning why this bill was necessary.

The Plaintiffs. The resident of Gray that had the ear of Senator Snowe-Mello started things off by notifying the Committee that he had been a council member and planning board member in that town in the past. While acting in these capacities, this individual told

Committee members he observed abuses of power on many occasions. He went on to say that through discussions with other municipalities and individuals, he discovered that planning boards are notorious for abusing power and extortion was a common practice. He said this doesn't stop with planning boards and it can be witnessed at all levels of government. He then went on to provide an example of this common practice of abuse of power by mentioning a particular board in his community that exercised legislative powers without the proper authority as a judicial board by interpreting an ordinance so as to effectively legislate a new standard.

This supporter believes LD 573 will draw attention to the oath of office certain municipal employees take for the position they hold.

The Maine Civil Liberties Union also supported LD 573. The MCLU representative thought LD 573 would fill a longstanding and unintentional gap in current civil rights law. According to this supporter of the bill, many other states have this type of law already on the books and she felt Maine should as well.

The Defendants. The Governor's chief legal counsel, Dan Billings, and MMA testified in opposition to the bill. The primary concern was that this bill would open up state, county and local government employees to a myriad of lawsuits filed against them for doing nothing more than carrying out their public duties. Mr. Billings felt problems with the bill started with the very first sentence of the legislation. That sentence creates a new exposure to governmental entities, including municipalities, for certain civil rights law suits. The bill also creates an express cause of action against governmental employees, at least in certain circumstances, for carrying out their duties.

Both MMA and the Governor's Office made the following points.

At the state level, individuals are protected under the Maine Human Rights Act and the Maine Civil Rights Act when they feel their constitutional

rights have been violated. The Human Rights Act provides for corrective action on discriminatory practices. The Civil Rights Act allows an aggrieved party to sue anyone in the public or private sector when they feel they have been deprived of their civil rights through force or violence, damage to property and trespass.

The Maine Tort Claims Act (MTCA) describes the municipal activities for which there is potential liability under State law. A certain amount of balance is provided with respect to alleged violations of state laws through the MTCA by capping the liability of both municipal employees and the municipality itself in order to protect the ongoing functionality of the governmental system. LD 573 would appear to remove these protections with respect to the particular cause of action it creates.

MMA made one additional comment regarding federal law. Individual municipal officials are immune from personal liability as long as they have acted in good faith, meaning they did not and should not have known that their action violated a person's federally protected rights. This "qualified immunity" is recognized by federal courts and allows a municipal employee to focus on the job at hand without worry of a lawsuit. It appears that LD 573 would not recognize this "qualified immunity."

The Impartial. A representative from the Attorney General's Office testified neither for nor against the bill, but reinforced many elements of the testimony of the Governor's chief legal counsel and MMA; namely, there are already protections in place at both the federal and state level. Additionally, LD 573 doesn't provide any enhanced protection for individual's rights, and the bill would likely increase costs associated with defending and insuring government employees.

The Verdict. The Committee asked that the Attorney General provide an opinion as to LD 573's constitutionality for the work session. The work session on this bill has not been scheduled.

Legislative Bulletin

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Size Matters: The Site Law Bill LD 159

On Wednesday of this week, the Environment and Natural Resources Committee heard testimony on LD 159, *An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management*. LD 159 makes a number of changes to the laws governing the state's Site Location of Development Act (Site Law). Most pertinent to municipalities, the bill changes the size-of-subdivision threshold that triggers subdivision review by the Department of Environmental Protection (DEP). Currently, for subdivisions that are creating nothing other than single-family, detached residential house lots (perhaps with common areas or open space), the size threshold that triggers Site Law review by DEP is 15 lots involving an aggregate land area in excess of 30 acres. Those thresholds would be increased to 30 lots and over 60 acres under this bill.

For other types of subdivisions (e.g., multifamily housing or commercial/industrial subdivisions) that include an aggregate land area of over 20 acres, the current size threshold to trigger Site Law review is 5 lots. Under LD 159, the threshold to trigger DEP review would be doubled to 10 or more lots involving an aggregate acreage of 40 or more acres.

LD 159 also changes the threshold triggering Site Law review regarding structural, non-subdivision development. Under current law, development activity covering 3 acres falls under Site Law. Under LD 159, that threshold would increase to development covering 10 acres.

Other sections of LD 159 would: (1) elevate DEP's Site Law rule changes to "major substantive" rather than "routine technical" status; and (2) provide consistency between Site Law and the Natural Resources Protection Act (NRPA) in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources.

The Plan. The bill's sponsor, Committee Chair Senator Tom Saviello of Franklin County, introduced the bill to the Committee members. During the introduction, the Senator referred to Site Law as one of the best laws in the State

in that it makes you really pay attention to many things. The reason for the bill being introduced is to address a common request heard from developers and other interested parties throughout the State, which is to "provide a single set of rules that needs to be followed".

The Development. Proponents of Senator Saviello's bill included the Commissioner of DEP, the lobbyist for Maine Real Estate & Development Association, the Vice President of Real Estate for Webber Energy, a representative from the Maine Association of Realtors, a consulting engineer, and a concerned citizen.

Their unified message was that this bill is necessary to: (1) ensure that standards applied to projects as they are reviewed under the Site Law are the same standards already developed under NRPA; (2) raise the thresholds triggering Site Law review process; and (3) ensure that substantive Site Law rule changes are categorized as "major, substantive" that require final approval by the Legislature.

By increasing the thresholds triggering Site Law review of projects, a reduction in unnecessary duplication of effort and administrative burdens on developers would be realized. According to the bill's proponents, municipalities have far greater ability to regulate projects today than they did previously and because of this, duplication occurs between the DEP's review and the municipality's review.

Finally, by defining substantive rules as "major, substantive" and including the Legislature in the reviewing of these rules, an appropriate check and balance on the rulemaking process would be realized.

The Impact. Opponents of the bill included representatives from the Maine Association of Planners, Maine Municipal Association, Cobbossee Watershed District, the Natural Resources Council of Maine, and Maine Rivers. In addition, the former head of the DEP's Bureau of Land and Water Quality, a retired wildlife biologist for the State, and a DEP employee testifying as a private citizen spoke at the public hearing.

A common set of concerns related to this bill were expressed by these individu-

als and organizations.

Some of the concerns included poorer planning for large-scale development, pollution of surface and ground water and harm to wildlife habitat. According to testimony, there are a large number of key findings that relate to water quality and the natural environment that DEP needs to make before large-scale development projects can proceed, such as determining that the development does not harm protected natural resources. DEP must also find that the development will meet standards in the storm water law, is built on appropriate soils, will not harm ground water, has made adequate provisions to deal with sewage, and will not cause flooding.

Concern was expressed that if LD 159 is enacted, although DEP may still retain some jurisdiction over storm water through storm water law, the agency will not be able to make findings on these other important factors for many large development projects and the regulatory burden could shift to municipalities. These environmental findings are complicated to make and a lot of municipalities do not have the capacity to do the research and field work necessary to make them. DEP has scientists, engineers, and geologists on staff or access to professionals in other states agencies who can perform this work. Many municipalities depend on DEP to make these findings. Without DEP's assistance on these matters through Site Law, Maine will likely see more large scale developments that will have the potential of damaging water bodies through polluted runoff, challenging the adequacy of sewage systems and harming wildlife habitat more than necessary. Additionally, if municipalities choose to pick up the slack left by DEP, they will need to adopt or amend ordinances to match DEP's regulations and this would require significant time to accomplish, allowing larger-scale development to avoid evaluation in the process.

One individual from GrowSmart Maine (GSM) testified neither for nor against LD 159. GSM identified two issues with the current Site Law. One has

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Using Property Tax Revenue to Collect Fees for the State

On Monday this week, the Inland Fisheries and Wildlife Committee held a public hearing on LD 289, *An Act to Amend the Laws Governing Municipal Recreational Vehicle Registration and License Agent Fees*.

The bill, sponsored by Rep. Alan Casavant of Biddeford on behalf of the Maine Municipal Tax Collectors and Treasurers Association (MMTCTA), proposes an increase to the fees municipalities can charge for registering recreational vehicles (i.e., watercraft, snowmobiles and ATVs). As proposed, the fee for new registrations would increase from \$2 to \$4 and from \$1 to \$3 for renewals.

In his testimony on LD 289, Rep. Casavant stressed the importance of the recreational vehicle registration services municipalities provide on behalf of the state. Rather than having to travel to regional offices, resident and non-resident recreational vehicle owners can conduct

necessary business closer to home. Rep. Casavant also expressed concerns that since the agent fees currently collected and retained by the municipalities do not cover the cost for providing the service, the cost of the service is borne by the property taxpayers rather than the users of the service.

Bangor Tax Collector, David Little, provided testimony in favor of LD 289 on behalf of MMTCTA. Mr. Little reported that an increase in the fees assessed were long overdue, as the agent fee collected for new registrations has not been increased for 10 years and the fee for a renewal has not been increased for a quarter of a century. Mr. Little also noted that there are many costs to the community for providing the service, including, supplies, salaries, managing sticker inventory, and accounting for and remitting revenues to the State. The costs of providing these administrative services easily exceed the

revenue generated by the existing agent fee schedule.

MMA submitted written testimony in support of LD 289, echoing much of the comments provided by the proponents and urging the Committee to keep in mind that municipalities are providing services on behalf of the state during times when financial resources to municipalities are being sharply cut, some by the direct actions of the Legislature.

Bill Swan from the Department of Inland Fisheries and Wildlife was the only other person to provide testimony on LD 289. In his “neither for nor against” testimony, Mr. Swan expressed his appreciation for the service provided at the local level and an understanding for the requested fee increase. With that said, he did raise a concern that registrants would not be able to differentiate between the agent fee increase and an increase in registration fees, which could lead to customer dissatisfaction problems for the state agency.

The Committee will be deciding the fate of LD 289 next Monday, April 4th at 9 a.m.

SPO (cont'd)

working group and abolishing SPO, Rep. Moulton’s amendment would build a legislative review into the process by requiring the Governor’s working group to submit recommended legislation to the four legislative committees—Agriculture, Conservation and Forestry; Energy, Utilities and Technology; Environment and Natural Resources; and State and Local Government – that currently review SPO functions. Rep. Moulton’s amendment would also postpone the effective date of the abolishment to 90 days after the adjournment of the 2nd Session of the 125th Legislature, sometime in the late summer or early fall of 2012.

During ensuing discussion, the “hammer” analogy quickly took hold, as the Committee’s debate focused on which branch of government, the executive branch or legislative branch, should finally determine if, when and how the hammer falls and the SPO is abolished.

As presented by Rep. Moulton, the executive branch would possess the hammer. Under this proposal, unless otherwise

repealed by a future act of the Legislature, the SPO would be effectively abolished 90 days after the final adjournment of the 125th Legislature in 2012.

When the Committee asked for the Governor’s reason for including the predetermined abolishment date, Jonathan Nass, a legislative liaison for the Governor’s Office, stated that the deadline provided an appropriate incentive for ensuring that members of the executive and legislative branches work as expeditiously and cooperatively as possible to accomplish the end goal of either abolishing or reorganizing the Planning Office.

In response, a few members of the Committee offered an amendment to the amendment to give members of the legislative branch more authority over this policy issue. As proposed by Rep. Andrea Boland of Sanford, the elements of the bill abolishing the Planning Office would be struck out. Without the predetermined abolishment, Rep. Boland believes the working group created by the Governor’s proposal would be more inclined to develop recommendations that pass legislative muster.

At the end debate on the matter, the Committee vote split evenly along party lines. The five Republicans in the room at the time of the vote supported the Moulton Amendment and handing control over the process to the Governor. The five Democrats in the room supported the Boland Amendment ensuring legislative branch control over this policy matter.

The outcome of this discussion will be shared with the members of the Appropriations Committee for consideration.

Street Lights (cont'd)

achieve greater energy efficiencies; (2) a memo with attachments from CMP that (a) lists the selection of street lights that are available to municipalities, (b) indicates LED lights are in inventory and would cost approximately \$26.50 per month per light currently, and (c) explains that LEDs are on the CMP listing of available street lights and that the utility would gladly oblige a municipal request for those installations; and (3) a memo from Bangor Hydro’s lobbyist describing that utility’s very different policy and practice

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Street Lights (cont'd)

regarding municipal street lights.

The Committee decided to table the bill in order to allow Bangor Hydro and CMP to collect more information concerning what types of street lights are currently being used by municipalities and if more energy efficient lighting would provide significant energy savings to the municipalities.

Killing the bill. After a last minute change to the weekly legislative calendar on Wednesday, the Committee decided to schedule another work session for Thursday this week. Apparently, the information that Bangor Hydro and CMP provided to the Committee did not provide sufficient evidence that energy savings would be realized by changing out street lights in municipalities. In any event, the Committee quickly moved and voted “ought

not to pass” without further discussion.

This bill was taken in a weird direction before it was killed. The tangent on which the Committee decided to focus – funding an account at Efficiency Maine to replace less efficient street lighting in municipalities – wasn’t the bill’s primary objective. Simply put, the bill would have allowed municipalities to exercise local control over the owning and maintaining of street lights in their jurisdiction. Having the ability to replace less efficient lighting was only a small piece of the LD 493 puzzle.

Depending on the wishes of this bill’s survivors, it looks like efforts will be made to try to resurrect the issue for the 2013 legislative session.

Site Law (cont'd)

to do with the current threshold trigger creating a barrier in that some projects require DEP oversight while others fall to

municipal oversight, which varies greatly across the State. The other issue is the redundancy among several State oversight programs. GSM thought a multi-tiered system of thresholds, each with appropriate rules based on the potential impact of different scale developments, would provide developers greater opportunity to meet market demand, without having to deal with a redundant regulatory process.

The Clean Up. Certain Committee members were curious if the parties would work together to look a different threshold triggers to see if some changes to the current law could work for both sides and if there might be a way to change the current process to obtain so-called “delegated status” so that more municipalities may want to become a delegated municipality under Site Law.

The work session on LD 159 has yet to be scheduled.

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/legis/>.

Monday, April 4

Education & Cultural Affairs

Room 202, Cross State Office Building, 10:00 a.m.

Tel: 287-3125

LD 1013 – An Act Regarding School Board Members and Their Spouses.
1:00 p.m.

LD 326 – An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate.

LD 689 – Resolve, Requiring the Department of Education To Amend Its Rules Relating to School Administrative Unit Payments for the Costs Associated with Independent Educational Evaluations.

Energy, Utilities & Technology

Room 211, Cross State Office Building, 11:00 a.m.

Tel: 287-4143

LD 553 – An Act To Reduce Maine’s Dependence on Oil.

Inland Fisheries & Wildlife

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

Tel: 287-1338

LD 175 – An Act To Create a Short-term All-terrain Vehicle Registration System.

LD 1209 – An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers.

State & Local Government

Room 216, Cross State Office Building, 1:00 p.m.

Tel: 287-1330

LD 812 – An Act To Allow Municipalities the Option To Subsidize Publicly Owned Bus Stops through Advertising.

Taxation

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

Tel: 287-1552

LD 229 – An Act To Protect Homeowners Concerning Property Liens.

LD 297 – An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures.

LD 764 – An Act To Ensure That Municipalities Refund Amounts Collected in Excess of Tax Liens.

LD 686 – An Act To Promote Small Business in Maine.

LD 822 – An Act To Remove Taxes on Equipment Used for Business.

LD 533 – An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development.

LD 823 – An Act To Amend the Law Governing Tax Increment Financing Districts.

LD 855 – An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing.

LD 1036 – An Act To Clarify the Municipal Development District Law.

LD 441 – An Act To Make Telecommunications Personal Property Tax Law Equitable.

Tuesday, April 5

Agriculture, Conservation & Forestry

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

Tel: 287-1312

LD 1120 – An Act To Move the Land for Maine’s Future Program to

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HEARINGS (cont'd)

the Department of Agriculture, Food and Rural Resources.

Health & Human Services

Room 209, Cross State Office Building, 1:00 p.m.

Tel: 287-1317

LD 941 – An Act To Prohibit Mandatory Immunizations.

Insurance & Financial Services

Room 427, State House, 1:00 p.m.

Tel: 287-1314

LD 844 – An Act To Provide Affordable Health Insurance for Municipal and School Employees through Competition.

Transportation

Room 126, State House, 2:00 p.m.

Tel: 287-4148

LD 1032 – Resolve, To Require the Department of Transportation To Improve a Portion of U.S. Route 1.

LD 970 – An Act To Increase Safety for Law Enforcement Officers and Emergency Responders.

LD 1052 – An Act To Require Equal Treatment of All Roads in a Road Association.

LD 1124 – An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses.

Wednesday, April 6

Education & Cultural Affairs

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

Tel: 287-3125

LD 1237 – An Act To Prohibit Bullying in Schools.

LD 1197 – An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled.

Judiciary

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

Tel: 287-1327

LD 988 – An Act Concerning Immunity for School Administrative Units in the Discharge of Their Responsibilities.

LD 1256 – An Act Concerning Tort Claims and Governmental Entities.

LD 1021 – An Act To Transfer Jurisdiction of Traffic Adjudications.

LD 1005 – An Act To Modify the Standard of Proof for Traffic Infractions.

Labor, Commerce, Research & Economic Development

Room 220, Cross State Office Building, 1:00 p.m.

Tel: 287-1333

LD 893 – An Act To Require an Employer To Provide Notification Regarding the Employer's Personal Leave Policy to Employees.

Thursday, April 7

Agriculture, Conservation & Forestry

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

Tel: 287-1312

LD 837 – An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides.

Health & Human Services

Room 209, Cross State Office Building, 1:00 p.m.

Tel: 287-1317

LD 286 – An Act To Allow Oak Grove Cemetery To Operate a Crematorium on a Parcel of Land Less than 20 Acres.

LD 869 – An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments.

LD 1177 – An Act To Make Minor Changes to Municipal Health Inspection Activities.

Judiciary

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

Tel: 287-1327

LD 1135 – An Act To Protect the Rights of Property Owners.

Labor, Commerce, Research & Economic Development

Room 220, Cross State Office Building, 1:00 p.m.

Tel: 287-1333

LD 43 – An Act To Repeal the Maine Uniform Building and Energy Code.

LD 166 – An Act To Exempt Seasonally Restricted Cottages from the Newly Adopted Maine Uniform Building and Energy Code.

LD 816 – An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings.

Marine Resources

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

Tel: 287-1337

LD 1218 – An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited.

Transportation

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

Tel: 287-4148

LD 1047 – An Act Pertaining to Vehicle Registrations.

LD 1071 – An Act To Allow the Use of Mini-trucks on Public Ways.

Friday, April 8

Criminal Justice & Public Safety

Rm. 436, State House, 10:00 a.m.

Tel: 287-1122

LD 760 – An Act To Establish an Animal Abuser Registry.

LD 667 – An Act To Establish a Municipal and County Reimbursement Fee for Those Guilty of Crimes.

LD 914 – An Act To Make Certain Synthetic Cannabinoids Illegal.

Education & Cultural Affairs

Room 202, Cross State Office Building, 9:00 a.m.

Tel: 287-3125

LD 139 – An Act To Eliminate the Penalty for Schools That Did Not Reorganize.

LD 268 – An Act To Make the Consolidation of School Administrative Units Voluntary and To Eliminate the Penalties for Units That Choose Not To Consolidate.

LD 385 – An Act To Amend the School Administrative Unit Consolidation Laws.

LD 786 – An Act To Eliminate the Penalty for School Administrative Units That Did Not Consolidate and Eliminate State Funding of Local Administrative Costs.

LD 171 – An Act To Exempt School Administrative District No. 24 and School Administrative District No. 32 from the Laws Requiring School Administrative Unit Consolidation.

LD 1107 – An Act To Eliminate Penalties under the School Administrative Unit Consolidation Laws for Grand Isle School Department, Madawaska School Department, School Administrative District No. 32 and School Administrative District No. 33.

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HEARINGS (cont'd)

LD 1214 – An Act To Allow a Referendum Regarding School Choice within Regional School Unit No. 12.

LD 1049 – An Act To Allow a Municipality To Withdraw from a Regional School Unit.

LD 803 – An Act To Allow the Town of Dayton To Opt Out of Its Regional School Unit Agreement.

LD 1083 – An Act To Allow the Town of Arundel To Withdraw from Its Regional School Unit without Penalty.

LD 800 – An Act To Allow the Town of Surry To Join School Union No. 93.

LD 1206 – An Act To Amend the School Consolidation Laws Pertaining to Higher Performing Schools.

Environment & Natural Resources
Room 214, Cross State Office Building, 9:00 a.m.
Tel: 287-4149

LD 219 – An Act To Amend the Laws Governing Shoreland Zoning.

LD 434 – An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws.

LD 552 – An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone.

LD 733 – An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone To Obtain a Building Permit.

LD 888 – An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances.

LD 1108 – An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws.

Taxation
Room 127, State House, 2:00 p.m.
Tel: 287-1552

LD 557 – An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding.

LD 895 – An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex.

IN THE HOPPER

(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. We would therefore advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website: http://www.memun.org/public/MMA/svc/SFR/LD/LD_fr.htm.)

Agriculture, Conservation & Forestry

LD 1169 – An Act To Require Timely Reporting of Dog Licensing. (Sponsored by Rep. Knight of Livermore Falls; additional cosponsors.)

This bill restores the process, recently repealed, whereby the municipal officers compile a list of the owners of dogs that have previously been licensed but have not been licensed by the February 1st deadline and issue that list as a warrant to the Animal Control Officer to be served on the owners of those dogs. This bill also clarifies that the penalty for failing to license a dog in a timely manner also applies to persons who fail to license the dog at all.

Education & Cultural Affairs

LD 1283 – An Act To Allow Students Choice in High School Enrollment. (Sponsored by Rep. Maloney of Augusta; additional cosponsors.)

This bill requires all school system to allow a certain degree of "school choice". Specifically, every school board must allow up to 20 students in the 8th grade their choice of high school to attend. The receiving school must accept those enrollees as tuition students. School systems would not have any transportation obligations with respect to the students attending by choice.

LD 1326 – An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives. (Sponsored by Rep. Sarty of Denmark; additional cosponsors.)

This bill requires health insurers to provide to a requesting school committee or to a municipality within the school system information about the experience and claims history of that school system as a member covered under a group policy. The bill also allows school systems to offer group self insurance health and dental programs and to enter into cooperative agreements with other school systems and municipalities to provide such programs.

Energy, Utilities & Technology

LD 553 – An Act To Reduce Maine's Dependence on Oil. (Sponsored by Rep. Fitts of Pittsfield; additional cosponsors.)

This "concept draft" bill proposes to direct the Efficiency Maine

Trust, with input from stakeholders, to develop a plan to reduce the state's dependency on all oil use in the state a full 30% by 2030 and 50% by 2050. The bill outlines a number of possible strategies to achieve that goal, including providing incentives for the use of electric motor vehicles and retiring older vehicles, coordinating land use and transportation planning to encourage growth in more accessible areas by walking, biking and public transportation, expanding investments in public transportation such as bus transit and light rail, achieving home and commercial weatherization and efficiency improvements, and transitioning to renewable energy sources for heating.

Environment & Natural Resources

LD 552 – An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone. (Sponsored by Rep. Harvell of Farmington; additional cosponsors.) (By Request)

This bill excludes the height of a cupola, dome, widow's walk or similar structure from the measurement of a structure's total height with respect to building height limitations in the shoreland zoning standards, provided the base size of those roof structures are 100 square feet or less.

LD 1320 – An Act To Increase the Recycling Rate in Maine. (Sponsored by Rep. Welsh of Rockport; additional cosponsors.)

This bill requires all municipalities over the next six years to semiannually receive household hazardous waste. The bill further requires all municipalities with a population greater than 2,000 to receive, recycle and, if possible, sell all cardboard disposed of in the municipality and accept and compost household yard waste. To finance these operations, the bill allows municipal expenses incurred in fulfilling these mandates to be paid through the Maine Solid Waste Management Fund.

LD 1324 – An Act To Create Consistency and Fairness in Maine's Bottle Bill. (Sponsored by Rep. Prescott of Topsham; additional cosponsors.)

This bill removes bottles containing more than 28 fluid ounces from the state's bottle redemption program. The bill also removes the 15-cent deposit that applies to some bottles, making the deposit a uniform 5 cents for all bottles still redeemable.

State & Local Government

LD 812 – An Act To Allow Municipalities the Option To Subsidize Publicly Owned Bus Stops through Advertising. (Sponsored by Rep. Harlow of Portland; additional cosponsors.)

This bill authorizes municipalities to erect and maintain outdoor advertising signs at bus stops that are visible to the traveling public from

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the traveled way. All revenue generated from the display of the bus stop advertising must be used for transportation purposes, which can include maintenance of the bus stop.

LD 1223 – An Act Regarding Credit Card Transactions for InforME Services. (Sponsored by Rep. Keschl of Belgrade; additional cosponsors.)

This bill establishes that the fees charged for the convenience of using a credit card for an InforME service that allows a user to pay a municipal charge, including a tax, fine, charge, utility fee, regulatory fee, or license or permit fee, must be paid by the user and not the utility.

Taxation

LD 855 – An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing. (Sponsored by Sen. Thomas of Somerset Cty; additional cosponsors.)

This bill authorizes plantations to implement tax increment financing development districts and development programs in the same manner as is currently available to municipalities.

LD 1295 – An Act To Amend the Process of Resolving Property Tax Abatement Disputes. (Sponsored by Rep. Johnson of Greenville; additional cosponsors.)

This bill authorizes a property owner who has been denied a property tax abatement by the municipal assessor(s) to, instead of appealing the denial to the local Board of Assessment Review (BAR) or County Commissioners, submit to the municipal assessor(s) two appraisals of the subject property prepared by real estate appraisers. The municipal assessor(s) must either accept the average value of the property as determined by the appraisals or the assessor(s) must appeal to the BAR or County Commissioners challenging the validity of the appraisals.

Transportation

LD 1047 – An Act Pertaining to Vehicle Registrations. (Sponsored by Rep. Tuttle of Sanford; additional cosponsor.)

Under current law, when a motor vehicle is being reregistered a month

or more after the previous registration has expired, the issuance date of the re-registration is the month of issuance of the expired registration. This bill would establish the month of issuance for expired registrations to be the month of the renewal.

LD 1071 – An Act To Allow the Use of Mini-trucks on Public Ways. (Sponsored by Rep. Ayotte of Caswell; additional cosponsors.)

This bill permits “mini-trucks” to be operated on public ways, but only within 100 miles of the address at which the mini-truck is registered. A mini-truck is a 4-wheeled motor vehicle with a maximum speed of 60 m.p.h. and a maximum weight of 2,000 lbs. Mini-trucks must meet the same inspection and motor vehicle operational standards of other motor vehicles. The bill authorizes both the Department of Transportation and any municipality by ordinance to prohibit for reasons of public safety the operation of mini-trucks on any local road within the municipal jurisdiction.

LD 1124 – An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses. (Sponsored by Rep. Cebra of Naples; additional cosponsors.)

This bill authorizes a municipality, law enforcement agency or school system to use an automated license plate recognition system that is attached to a school bus to enforce violations of overtaking and passing a school bus that is picking up or discharging students. The bill also requires any fine imposed for such a violation to accrue to the municipality in which the violation occurred.

Veterans & Legal Affairs

LD 1339 – An Act To Amend the Process for Appeals of Liquor Licensing Decisions. (Sponsored by Rep. Chipman of Portland; additional cosponsor.)

Under current law, a person denied a liquor license at the municipal level may appeal that denial to the Bureau of Liquor Enforcement, and the Bureau must make a finding that the denial of the application was without justifiable cause before reversing the municipal decision. This bill would make the appeal a “de novo” determination of the merits the licensing decision, and repeal the “without justifiable cause” standard that needs to be met before reversing the local decision.