Please Wear Out this Edition of the Bulletin

The 2013 legislative session is now underway, although we do not have a great deal to report in terms of submitted legislation, upcoming public hearings, budget proposals and the like. As of today, just 4 bills in their printed form have been released by the Revisor’s Office, and only 1 of those printed bills carry any direct impact on municipal government. A supplemental state budget designed to balance the books for the current fiscal year (FY 13) as well as a proposed state budget to cover the FY 2014-15 biennium are on the way, but we haven’t seen them yet.

The primary purpose of this first edition of the Legislative Bulletin is to provide municipal officials with the first level of contact information they need to help themselves as well as the staff at MMA to work collaboratively with legislators to assist local government. Our goals at MMA in that effort are to:

• Protect the intergovernmental financing systems (municipal revenue sharing, school funding, etc.) that allow the citizens of Maine access to the services they expect and deserve.

(continued on page 3)
Aircraft Excise Tax - Municipal Guide to Assessment and Collection

In 2012, the Maine Legislature enacted two changes to the state’s aircraft registration and excise tax laws. The change of municipal significance shifted responsibility for assessing and collecting aircraft excise taxes from the state to the municipality or county where the aircraft is housed. The other change repealed the state’s aircraft registration requirement on the theory that the state-level registration was redundant given the required federal level (FAA) registration.

Tax Assessment Responsibility. As of August 30, 2012 municipal and county officials, rather than the Department of Transportation (DOT), became responsible for assessing and collecting aircraft excise taxes. Prior to the change, the Department assessed and collected the tax, but remitted the revenues to the community or county where the aircraft was housed. MMA supported that shift in responsibility. Since the taxes collected benefit the property taxpayers of the community (in cases of municipal airports) and the region (in cases of county airports) municipal officials believe as a matter of fairness the governmental benefactors should take on the responsibilities of assessing and collecting the tax.

The immediate shift in responsibility without the benefit of an implementation plan has left municipal officials struggling to figure out how best to assess and collect the excise tax revenue. In order to help municipal officials navigate the process, MMA staff have been in contact with the DOT officials to determine how best to approach the assessment and collection methodology. As a result of those discussions, MMA’s Legal Department’s Susanne Pilgrim is in the process of developing an Aircraft Excise Tax information packet, which will be posted on the Association’s website in late January.

As detailed in the guide, the process for assessing and collecting the aircraft excise tax involves four steps: (1) conducting an inventory; (2) identifying aircraft and registrant information; (3) determining value; and (4) assessing the tax. It is important to note that in situations where the airport is owned and operated by a county, the assessment and collection of the excise tax is the responsibility of that county.

Inventory. Working with local airport managers, municipal officials should generate a list of the aircraft housed in airports located within the community’s boundaries, making sure to collect either the aircraft’s “n-number” or serial number. The “n” and serial numbers are unique to each aircraft and are necessary to obtain information about the aircraft model, manufactured year, owner, and owner’s address.

In addition to conducting the inventory, municipal officials may want to explore the Federal Aviation Administration (FAA) aircraft registry database, which allows users to generate reports of the aircraft registered in the state. Although the database provides information on the municipality of residence for the aircraft owner, it does not provide information on the community where the aircraft is housed, which is necessary to determine the community’s taxing authority. The FAA’s database can be accessed for free at http://registry.faa.gov/aircraftinquiry/.

Aircraft and Registrant Information. Once the inventory is completed, municipal officials can enter the “n-number” or serial in the FAA database noted above to generate a report on the aircraft. In that report, you will find information critical for determining the assessed value of the aircraft (model and manufactured date) and for sending a tax bill (registrant name and mailing address).

Determination of Value. The excise tax is assessed on the basis of the “average equipped” price of the aircraft, which is the average price of the basic aircraft plus the value of the equipment installed on the aircraft. By using the aircraft model and manufactured date information gleaned from the FAA’s website, the value of the aircraft can be determined. The average equipped values are published in the Aircraft Bluebook Price Digest, which is published quarterly.

Access to the Digest’s database comes at a price. According to the information posted on its website, the annual on-line subscription rate is currently $399. The annual print subscription rate, which includes four printed digests, is $300. The cost for a single digest, printed in any quarter, is $150. More information about this resource can be found at http://www.aircraftbluebook.com/ or obtained by calling 1-800-654-6776.

Assessment of the Tax. The final step in the process is the assessment of the tax, which is similar to the process used for automobiles. The tax rate is set in state statute, based on the model year, and assessed against the “average equipped” price of the aircraft. As provided for in Title 36, Section 1482(1), the excise tax rate schedule is 9 mills in the first year; 7 mills in the second year; 5 mills in the third year; 4 mills in the fourth year; and 3 mills in the fifth and subsequent years. The minimum tax assessment is $10.

Repeal of Aircraft Registration Requirement. The other change adopted by the Legislature in 2012 repealed the state’s aircraft registration requirement. The point of aircraft registration, obviously, was a convenient time to simultaneously assess the excise tax, and with the repeal of that registration requirement, that administrative convenience is now gone. According to Department officials, the registration requirement and the accompanying $10 fee was used to help offset the state’s program administration costs. Since the Department is no longer responsible for the collection of those revenues, the “administration fee” is now unnecessary.

Our understanding is that the Maine Municipal Tax Collectors and Treasurers Association is advancing legislation this year to address concerns raised with the changes to the law. Municipal officials interested in this issue should keep an eye on MMA’s Legislative Bulletin and LD List, as we will monitor the progress of any aircraft excise tax related legislation submitted in the upcoming session.
Please Wear Out this Edition (cont’d)

• Have municipalities be treated fairly with respect to state and federal mandates.
• And, generally strengthen the municipal capacity to provide governmental services.

On the following pages you will find all the newly elected legislators listed according to their committee assignments. We urge you to keep this information closely available for the duration of the legislative session, in this format or another, either electronically or in hard copy. By the end of the legislative session in late May or June, we hope this edition of the Legislative Bulletin will be worn threadbare because of the number of times you have referred to it (or an electronic version) in order to contact legislators in your region or the lawmakers on the appropriate legislative committee of jurisdiction. On a regular basis, municipal officials should be providing information and feedback to legislators regarding proposed legislation. The trick is to provide that information at the right time in the legislative process, neither too early (because it gets lost in the noise) nor too late (after the partisan positions get established, and the train, so to speak, leaves the station.)

The other list of names in this edition of the Bulletin are the 70 members of MMA’s Legislative Policy Committee (LPC). Over the next two years, those LPC members will have the responsibility of establishing MMA’s position on 400-500 separate and specific legislative proposals that will impact municipal government on a statewide basis. We urge all municipal officials to establish an equally good communication system with your LPC representatives and make sure they are aware of your position on all important legislation that you will see described in future editions of the Legislative Bulletin, the general media, or elsewhere.

To assist in these communication efforts, we will be putting on our website (www.memun.org), clicking on the “Legislative/Advocacy” link) appropriate contact information in an organized way so that you can conveniently connect with the legislators in your region, your LPC representatives and, for whenever may be appropriate, the 13 lawmakers (plus committee analyst) on each legislative committee of jurisdiction.

Our experience is that municipal officials often discount the importance of their communication with legislators. From the legislative side, we often hear the opposite; that is, most legislators welcome information provided by their constituent municipal officials and warmly encourage you to contact them.

A lot of “noise” is generated in the State Office buildings in Augusta when the legislative session gets fully underway, and it takes direct communication from back home to penetrate that noise and make sure your message is delivered.

In the hopper

Labor, Commerce, Research and Economic Development

LD 1 – An Act To Amend the Maine Workers’ Compensation Act of 1992 (Sponsored by Senator Patrick of Oxford Cty.)

This bill makes several minor or minor substantive amendments to Maine’s Workers’ Compensation laws, as recommended by the Workers’ Compensation Board. A number of changes are clarifications and correction fixes in response to a significant restructuring of the Workers’ Compensation law enacted in 2012 as PL 2011, chap. 647. In addition to those administrative corrections, and of greatest interest to municipal officials familiar with the inner workings of the workers’ compensation process, this bill: (1) extends to 2 years, rather than 1 year, the period within which an employee can petition for reinstatement to an employer with 200 or fewer employees; and (2) establishes that an employer is required to reimburse its insurer if the employer is responsible for the late filing of a first report of injury.
Joint Standing Committees - 126th Legislature

* Prime sponsor of a MMA bill;
* Sponsors the distribution of the Legislative Bulletin to the full Senate or House;
* Current or former members of MMA's Legislative Policy or Executive Committee

Agriculture, Conservation and Forestry

**Senate:**
Troy Dale Jackson, Chair (Aroostook Cty.)
James A. Boyle (Cumberland Cty.)
Roger L. Sherman (Aroostook Cty.)

**House:**
James F. Dill, Chair (Old Town)
Peter S. Kent (Woolwich)
Craig V. Hickman (Winthrop)
Dean A. Cray (Palmyra)
Donald G. Marean (Hollis)
Russell J. Black (Wilton)
Jeffrey L. Timberlake (Turner)

Appropriations and Financial Affairs

**Senate:**
Dawn Hill, Chair (York Cty.)
Emily Ann Cain (Penobscot Cty.)
Patrick S. A. Flood (Kennebec Cty.)

**House:**
Margaret R. Rotundo, Chair (Lewiston)
Michael E. Carey (Lewiston)
Linda F. Sanborn (Gorham)
Erik C. Jorgensen (Portland)
Kathleen D. Chase (Wells)
Tom J. Winsor (Norway)
Tyler Clark (Easton)
Dennis L. Keschl (Belgrade)

Criminal Justice and Public Safety

**Senate:**
Stan Gerzofsky, Chair (Cumberland Cty.)
David E. Dutremble (York Cty.)
Gary E. Plummer (Cumberland Cty.)

**House:**
Mark N. Dion, Chair (Portland)
Michel A. Lajoie ( Lewiston) Bryan T. Kaenrath ( South Portland)
Alan M. Casavant (Biddeford)
Timothy I. Marks (Pittston)
Joshua R. Plante (Berwick)
Ricky D. Long (Sherman)
Thomas M. Tyler (Windham)
Jethro D. Pease (Morrill)
Corey S. Wilson (Augusta)

Education and Cultural Affairs

**Senate:**
Rebecca J. Millett, Chair (Cumberland Cty.)
Christopher K. Johnson (Lincoln Cty.)
Brian D. Langley (Hancock Cty.)

**House:**
W. Bruce MacDonald, Chair (Boothbay)
Mary Pennell Nelson (Falmouth)
Helen Rankin (Hiram)
Matthia Elisabeth Larsen Daughtry (Brunswick)
Brian L. Hubbell (Bar Harbor)
Victoria P. Kornfield (Bangor)
Peter B. Johnson (Greenville)
Joyce A. Maker (Calais)
Michael D. McClellan (Raymond)
Matthew G. Pouliot (Augusta)
Madonna M. Soctomah (Passamaquoddy Tribe)

Energy, Utilities and Technology

**Senate:**
John J. Cleveland, Chair (Androscoggin Cty.)
Troy Dale Jackson (Aroostook Cty.)
Edward M. Youngblood (Penobscot Cty.)

**House:**
Barry J. Hobbins, Chair (Saco)
Roberta B. Beavers (South Berwick)
Deane Rykerson (Kittery)
Larry C. Dunphy (Embden)
Melvin Newendyke (Litchfield)

Environment and Natural Resources

**Senate:**
James A. Boyle, Chair (Cumberland Cty.)
Geoffrey M. Gratwick (Penobscot Cty.)
Thomas B. Saviello (Franklin Cty.)

**House:**
Joan W. Welsh, Chair (Rockport)
Denise Patricia Harlow (Portland)
Janice E. Cooper (Yarmouth)
Gay M. Grant (Gardiner)
Paul M. McGowan (York)
Bernard L. A. Ayotte (Caswell)
Ricky D. Long (Sherman)
Richard H. Campbell (Orrington)
Roger E. Reed (Carmel)
Benjamin M. Chipman (Portland)

Health and Human Services

**Senate:**
Margaret M. Craven, Chair (Androscoggin Cty.)
Colleen M. Lachowicz (Kennebec Cty.)
James M. Hamper (Oxford Cty.)

**House:**
Richard R. Farnsworth, Chair (Portland)
Matthew J. Peterson (Yarmouth)
Peter C. Stuckey (Portland)
Katherine W. Cassidy (Lubec)
Ann E. Dorney (Norridgewock)
Drew M. Gattine (Westbrook)
Deborah J. Sanderson (Chelsea)
Richard S. Malaby (Hancock)
Heather W. Sirocki (Scarborough)
Carol A. McElwee (Caribou)

Inland Fisheries and Wildlife

**Senate:**
David E. Dutremble, Chair (York Cty.)
Anne M. Haskell (Cumberland Cty.)
David C. Burns (Washington Cty.)

**House:**
Michael A. Shaw, Chair (Standish)
Sheryl J. Briggs (Mexico)
Karen Kusiak (Fairfield)
Timothy I. Marks (Pittston)
Stanley Byron Short, Jr. (Pittsfield)
Paul T. Davis, Sr. (Sangerville)
Dale J. Crafts (Lisbon)
Eleanor M. Espling (New Gloucester)
Stephen J. Wood (Sabattus)
Jeffrey Evangelos (Friendship)

Insurance and Financial Services

**Senate:**
Geoffrey M. Gratwick, Chair (Penobscot Cty.)
Richard G. Woodbury (Cumberland Cty.)
Rodney L. Whittemore (Somerset Cty.)

**House:**
Sharon Anglin Treat, Chair (Hallowell)
Paulaette G. Beaudoin (Biddeford)
Henry E. M. Beck (Waterville)
Terry K. Morrison (South Portland)
Janice E. Cooper (Yarmouth)
Jane P. Pringle (Windham)
Joyce A. Fitzpatrick (Houlton)
Michael D. McClellan (Raymond)
Raymond A. Wallace (Dexter)
Peter Doak (Columbia Falls)
Judiciary

Senate:
Linda M. Valentino, Chair (York Cty.)
John L. Tuttle, Jr. (York Cty.)
David C. Burns (Washington Cty.)

House:
Charles R. Priest, Chair (Brunswick)
Kimberly J. Monaghan-Derrig (Cape Elizabeth)
Jennifer DeChant (Bath)
Matthew W. Moonen (Portland)
Stephen W. Moriarty (Cumberland)
Lisa Renee Villa (Harrison)
Jarrod S. Crockett (Bethel)
Michael G. Beaulieu (Auburn)
Anita Peavey Haskell (Milford)
Stacey K. Guerin (Glenburn)
Wayne T. Mitchell (Penobscot Nation)

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Labor, Commerce, Research and Economic Development

Senate:
John L. Patrick, Chair (Oxford Cty.)
John J. Cleveland (Androscoggin Cty.)
Andre E. Cushing III (Penobscot Cty.)

House:
Erin D. Herbig, Chair (Belfast)
Paul E. Gilbert (Jay)
Scott M. Hamann (South Portland)
Andrew T. Mason (Topsham)
Anne-Marie Mastraccio (Sanford)
Amy Fern Volk (Scarborough)
Brian M. Duprey (Hampden)
Lawrence E. Lockman (Amherst)
Ellen A. Winchenbach (Waldoboro)
James J. Campbell, Sr. (Newfield)

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Lawrence E. Lockman (Amherst)
Ellen A. Winchenbach (Waldoboro)
James J. Campbell, Sr. (Newfield)

State and Local Government

Senate:
Colleen M. Lachowicz, Chair (Cumberland Cty.)
Stan Gerzofsky (Cumberland Cty.)
Ronald F. Collins (York Cty.)

House:
Anne P. Graham, Chair (North Yarmouth)
Andrew M. Boland (Sanford)
Teresea M. Hayes (Buckfield) *
Brian D. Bolduc (Auburn)
Justin Mark Chenette (Saco)
Catherine M. Nadeau (Winslow) *
H. David Cotta (China)
Sharri K. MacDonald (Old Orchard Beach)
Allen Michael Nadeau (Fort Kent)
Jethro D. Pease (Morrill)

Taxation

Senate:
Anne M. Haskell, Chair (Cumberland Cty.)
Rebecca J. Millett (Cumberland Cty.)
Douglas A. Thomas (Somerset Cty.)

House:
Adam A. Goode, Chair (Bangor)
Stephen S. Stanley (Medway)
Nathan L. Libby (Lewiston)
Matthew W. Moonen (Portland)
Ryan D. Tipping-Spitz (Orono)
L. Gary Knight (Livermore Falls)
Paul Edward Bennett (Kennebunk)
Donald G. Marean (Hollis)
Roger A. Jackson (Oxford)
Joseph E. Brooks (Winterport)*

Transportation

Senate:
Edward J. Mazurek, Chair (Knox Cty.)
Linda M. Valentino (York Cty.)
Ronald F. Collins (York Cty.)

House:
Charles Kenneth Theriault, Chair (Madawaska)
Ann E. Peoples (Westbrook) *
Andrew J. McLean (Gorham)
Christine B. Powers (Naples)
Arthur C. Verow (Brewer)
R. Wayne Werts (Auburn)
Wayne R. Parry (Arundel)
James S. Gillway (Searsport) *
Robert W. Nutting (Oakland)
Beth P. Turner (Burlington) *

Veterans and Legal Affairs

Senate:
John L. Tuttle, Jr., Chair (York Cty.)
John L. Patrick (Oxford Cty.)
Garrett Paul Mason (Androscoggin Cty.)

House:
Louis J. Luchini, Chair (Ellsworth)
Diane Russell (Portland)
Thomas R. W. Longstaff (Waterville)
Lori Fowie (Vassalboro)
Robert J. Saucier (Presque Isle)
John C. Schneck (Bangor)
Michael G. Beaulieu (Auburn)
David D. Johnson (Eddington)
Jeffery Allen Gifford (Lincoln)
Jonathan L. Kinney (Limington)
Wayne T. Mitchell (Penobscot Nation)

Government Oversight Committee

Senate:
Emily Ann Cain, Chair (Penobscot Cty.)
Margaret M. Craven (Androscoggin Cty.)
Christopher K. Johnson (Lincoln Cty.)
Roger Katz (Kennebec)
David C. Burns (Washington)
Edward M. Youngblood (Penobscot)

House:
Chuck Kruger, Chair (Thomaston)
Andrea M. Boland (Sanford) *
Matthew J. Peterson (Rumford)
Paul T. Davis, Sr. (Sangerville)
H. David Cotta (China)
Lance Evans Harvell (Farmington)

Legislative Leadership

Senate:
President: Justin Alfond (Cumberland Cty.)
Majority Leader: Seth Goodall (Sagadahoc Cty.)
Asst. Maj. Leader: Troy Jackson (Aroostook Cty.)
Minority Leader: Michael Thibodeau (Waldo Cty.)
Asst. Min. Leader: Roger Katz (Kennebec Cty.)

House:
Speaker: Mark Eaves (North Berwick)
Majority Leader: Seth Berry (Bowdoinham)
Asst. Maj. Leader: Jeff McCabe (Skowhegan)
Minority Leader: Kenneth Fredette (Newport)
Asst. Min. Leader: Alexander Willette (Mapleton)