

Labor Bills Focused on the Municipal Employer, Municipal Construction and Municipal Mandates

Municipal government was the sharp focus of the Labor, Commerce, Research and Economic Development Committee this week as it held public hearings on three bills that would lay down new mandates on the towns and cities. Here's a quick run-down. The Committee's work sessions on these bills will be held within the week. Concerned municipal officials should contact their legislators.

Prevailing Wage law applied to municipal and school construction. On Monday this week, the first municipally related bill taken up by the Committee was LD 117, *An Act To Require the Prevailing Wage To Be Paid on All Public Work Projects for Which State Funding Is Used*, sponsored by Sen. John Patrick (Oxford Cty.).

As printed, LD 117 would amend the state's 50-year old "prevailing wage" law to eliminate the small-contract exemption. The prevailing wage law requires the state to enter into construction contracts only with contractors who pay their workers the county-based "prevailing wages" (or better) as calculated by the Department of Labor based on payroll data it regularly collects. Ever since the law was enacted in 1965, there has been a small-contract exemption from administering the prevailing wage requirements. The original small-contract exemption in 1965 was \$5,000; today it is \$50,000. The printed version of LD 117 would apply the prevailing wage requirement to all state construction projects regardless of value.

The printed bill apparently did not represent the intention of the sponsor, who presented to the Committee a completely different version of LD 117 for consideration. Sen. Patrick's alternative approach would open up the prevailing

wage requirements to all school construction and municipal construction contracts that are funded in any amount with state funds. Under this new version of LD 117, all state-supported school construction contracts, all municipal highway capital construction contracts funded with any Local Road Assistance resources, all water/wastewater/stormwater and/or culvert replacement projects funded in any way with water-related bond funds, and a host of miscellaneous other construction contracts entered into at the local level would require the application of the prevailing wage standards.

The proponents of LD 117 (AFL-CIO and the Maine State Building Trades Council) were aware of the new version of the bill and testified accordingly; the opponents were caught flat-footed, testifying against the printed version of LD 117 which was no longer in play.

The proponents' arguments were that the prevailing wage system:

- Protects against the governments forcing down the value of construction wages.
- Does not, as some people believe, actually increase the overall costs of construction projects.
- Creates higher income and benefits for workers in the region.
- Increases the collection of local property taxes.
- Assures a well-trained workforce and higher quality construction projects.
- And, levels the playing field among all potential bidding contractors.

Because of their involvement with federally funded projects governed by the Davis-Bacon Act, municipal officials are well aware of the administrative and comparative cost issues, as well as the

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Labor Committee Votes Out Firefighter Pension Bill with 11-2 "Ought to Pass" Report

Last week's Legislative Bulletin reviewed the public hearing before the Labor Committee on LD 164, *An Act To Establish the Maine Length of Service Award Program*, which is a bill that would create a pension program for municipal volunteer and call firefighters and emergency medical services employees. The pension system would be largely financed with 50% of the sales tax revenue generated from the sale of fireworks.

Full details about the bill and the for-and-against testimony on LD 164 was provided in that article and won't be repeated here. MMA's Legislative Policy Committee voted to oppose LD 164 pri-

marily on the grounds that the function of firefighting and emergency medical services is a local government function and the municipal employers want to deal directly with their employees with respect to compensation and benefits, rather than have some groups of municipal employees getting special employment benefits from the state that are not provided to others.

During the public hearing, MMA was asked to survey the municipalities to provide the Committee with information about how firefighters and EMS workers are currently compensated by the towns they work for, the degree to which the

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post-audit and reconciliation requirements, associated with managing prevailing wage projects. MMA testified in provisional opposition to the amended version of LD 117. MMA's Legislative Policy Committee will take up this new version of the bill when it next meets on Mar. 12.

Special Workers' Compensation Rules for Firefighters/EMTs. The second municipally related bill taken up by the Committee on Monday was LD 301, *An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty*, sponsored by Sen. Chris Johnson (Lincoln Cty.).

This bill is a repeat of a similar bill advanced two years ago. In summary, the bill would create another "rebuttable presumption" in Workers' Compensation law. The new presumption would provide that an injury sustained by a municipal firefighter or emergency medical services employee any time after receiving an emergency call-out (by tone, pager, etc.) while in the process of responding is presumed to be a workplace related injury deserving of compensation unless the municipality can prove the injury was not work related.

Sen. Johnson spoke of the need for this amendment to Compensation law because the system we have in Maine of call firefighters and call EMTs establishes an expectation that when the emergency tone sounds, the on-call personnel will respond immediately. Because of that societal expectation, first responders are effectively in the workplace the moment the tone sounds even though they may also be in their homes or on the back-40, in their place of work, in stores or other places of public accommodation, or any

other place that is not the fire station or the public way. Therefore, if they get injured while in the process of responding, wherever they may be, the injury is work-related. Sen. Johnson told the Committee that LD 301 is the right thing to do in order to match the societal expectation of immediate emergency response with the workers' real-life circumstances.

Supporters included Bill Vickerson of the Maine State Federation of Firefighters as well as Mathew Quinn, a firefighter who is both a pure volunteer and a call firefighter for a number of communities in the greater Cornville area. Mr. Vickerson explained the recruitment/retention benefits of LD 301, describing the bill as one small way some of the barriers for people signing up to be local first responders can be addressed, including the time commitment, the unpredictable hours, the never-ending training obligations, the exposure to risk, etc.

There were six opponents to LD 301, including Paul Sighinolfi, the Executive Director and Chair of the Workers' Compensation Board, four representatives of various insurance companies or groups of insurance companies that provide Workers' Compensation insurance, and MMA.

Mr. Sighinolfi tried to correct some misunderstandings raised by the bill about the way Workers' Compensation claims regarding firefighters responding to an emergency call are currently handled. Although Comp insurers generally treat these types of injuries as compensable after the responding firefighter has entered the public way from his or her home or driveway, there is nothing in the law that suggests that injuries sustained before entering the public way or inside the private home by call firefighters are somehow automatically ineligible for Workers' Compensation benefits. To make the point, Mr. Sighinolfi detailed for the Committee the adjudication of the five such claims filed since 1992, two of which resulted in the home-based claims being found compensable under the Workers' Compensation statute and three of which found the injury non compensable. Each case turned on the specific facts of the case and whether something specifically related to the task of firefighting was involved in precipitating the injury.

MMA's Legislative Policy Committee voted to oppose LD 301 for three

reasons.

Control of the workplace. Putting municipal employers up to a special exposure to injuries occurring on private property is unfair given the inability of the municipality to influence or control the inherent safety of the private home "workplace."

Growing discrimination in Worker's Comp law against the municipal employer. As a general rule, both parties in a Workers' Compensation dispute have an equal burden to make their case before a hearings officer. There are three current exceptions (called "rebuttable presumptions") to that general rule that are targeted to a particular employer and group of employees (cardiovascular disease for municipal firefighters, communicable disease for municipal firefighters and law enforcement officers, and cancer presumption for municipal firefighters). In all three cases, the target is the municipal employer and municipal first responders. LD 301 would add the fourth targeted exception to the general rule and, yet again, the target would be municipal employers and municipal first responders.

Municipalities do not oversee the only dangerous workplaces in the state, where there are inherent risks associated with the nature of the workplace or employee function. Municipalities do not employ the only first responders in the state. The State of Maine employs first responders, as do the counties, as do many industries and businesses in the private sector. Municipal officials are concerned with the fact that two separate Workers' Compensation laws are being created in Augusta. One according to the general rules that are applied to all employers, and a second body of Workers' Compensation law operating according to a different set of rules that are applied only to the municipal employers.

Unfunded State Mandate. Based on the municipal experience with the other "rebuttable presumptions" that have been created in Compensation law, there can be no doubt that LD 301 meets the definition of a state mandate (a required expansion or modification of a local government activity that leads to increased local expenditures). 2015 represents a zenith year with respect to the level of municipal

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Legislative Bulletin

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concern over the potential imposition of additional unfunded state mandates. Over the last 10 years, in order to prop-up the state budget, the Legislature has lifted over \$320 million out of the revenue sharing program which was designed to help towns finance the mandates imposed on them by state government. Revenue sharing is now operating at approximately 40% of the level of sharing required by state law. Given what's been happening to the revenue sharing program, it's hard to think of a new unfunded state mandate the municipalities could possibly support.

Reinstating the boiler inspection mandate. On Tuesday this week the third bill to impose a state mandate was presented to the Committee in the form of LD 299, *An Act Protect Children in Municipal and School Facilities by Requiring Boiler Inspections*, sponsored by Sen. Dawn Hill (York Cty.).

LD 299 would reinstate a mandate repealed in 2014 in a section of a supplemental state budget designed to begin addressing, in a very modest way, the issue of unfunded state mandates.

The repealed mandate was a requirement that schools and municipalities must undergo a special state inspection process with respect to their low pressure heating boilers (less than 15 psi. internal pressure). The primary element of the process is filing the insurance company's inspection report with the state, along with a payment of \$80 per boiler, in order to be eligible for a required state certificate. Because no other owners of those boilers in the entire state need to undergo the state inspection bureaucracy, municipal and school officials have long wondered why their low pressure boilers were being singled out in the name of safety. By repealing the mandate, the Legislature a year ago appeared to recognize that municipal and school personnel (along with their insurance companies providing their property and casualty policies) can be trusted as well as anyone else to keep their low pressure boilers safe. LD 299 would reverse that decision, re-institute the mandate and the revenue stream to the state agency.

Sen. Hill presented the bill to the Committee with the explanation that the issue

had been reviewed several years before by a working group that strongly concluded that the targeted boiler inspection mandate not be repealed, and the Appropriations Committee last year, which Sen. Hill chaired, did not consider all the information it should have when it included the repeal of this mandate in the supplemental budget bill. Sen. Hill also pointed out that children must attend school facilities and people must transact business in the town offices, and therefore the boiler inspection mandate in those locations has a rational basis because of that required attendance. Finally, Sen. Hill suggested that the \$80 per boiler fee has been paid for years by the local governments and was not burdensome.

The two non-legislative supporters of LD 299 were a lobbyist for the major, national insurance trade associations and their certified inspectors, and the Department of Professional and Financial Regulation.

The insurance inspectors' lobbyist laid the safety issue on thick, referring to a serious boiler explosion in a school in Oklahoma 33 years ago to justify the need for the mandate. Visuals of mock-up and actual boiler explosions were provided to the Committee members. It was suggested that the repeal of the mandate in 2014 was accomplished in the dark of night. Although it was admitted that the inspection requirements were not applied to thousands of other boilers statewide located in places of public accommodation, the Committee was told that the discrimination issue should be set aside for a discussion some other day in the future. The claim was made that only three states do not require boiler inspections for low pressure boilers, but it was not made clear if the same categories of boilers are included in those requirements or if they are applied generally, to all owners of boilers of that type, or only to the school and municipal owners. It was pointed out that the mandate actually saves the municipalities and schools hundreds of thousands of dollars, potentially, by identifying necessary corrective measures before serious damage or injury is incurred.

In her support of LD 299, the Commissioner of the Department of Professional and Financial Regulation explained that she understood why the school and municipal officials might wonder what

added value is provided by the state in the boiler inspection process given that the municipalities and the schools, through their insurance companies, actually cause the boiler inspections to be conducted, and pay for them to be conducted through their insurance premiums. According to the Commissioner, the \$80 filing fee for the low pressure boilers that are the object of LD 299 generates \$280,000 a year for the Boiler Board, suggesting there are approximately 3,500 low pressure municipal and school boilers in the state. The value associated with that fee is found in the state inspector's careful review of all those inspection reports and in the fact that he ensures the appropriate corrective measures are taken before issuing a certificate.

MMA and the Maine School Management Association testified in opposition to LD 299. The Committee was reminded how the recommendation to repeal this mandate in 2014 was developed by the legislatively created "Mandate Working Group" as part the state budget enacted in 2103 that lifted \$160 million in revenue sharing funds away from local government to prop up the state budget. At that time at least some legislators thought that unfunded state mandates should be given careful review in light of those deep raids on the very program designed to help municipalities pay for state-mandated obligations.

The statutory history of the law was also provided to the Committee, which fairly clearly shows that the root of the special school and municipal inspection obligation is found in 1930s-era statute that required "steam plants" located in or adjacent to schools to be maintained by qualified operators, certified as such by the municipal officers. Although wood or coal fired steam plants are a long way away from modern low pressure heating boilers, that pre-World War II school-municipal connection has stuck to modern boiler inspection law like a barnacle.

The local government testimony also focused on the discriminatory elements of LD 299. Low pressure boilers owned by state government are not subject to inspection in any facilities, including such facilities as state employment offices, DHHS offices and state prison facilities (to give the "required attendance" argu-

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Compelling Testimony Challenges Governor's GA Proposals

On Tuesday this week, the members of the Appropriations and the Health and Human Services Committee convened in a joint session to receive public testimony on the elements of the Governor's FY 2016 – 2017 budget impacting both federal/state and state/municipal public assistance programs. Parts ZZ and DDD of the Governor's budget seek to make certain classifications of non-citizens, primarily asylum seekers, ineligible for Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF) and General Assistance program benefits (GA). Part KKK of the bill, proposes to reduce the state's financial exposure to the General Assistance program at the expense of the property taxpayers, primarily those living in the state's largest urban communities.

MMA's Legislative Policy Committee (LPC) voted to oppose the proposed changes to the GA reimbursement formula. The LPC will take up the proposals to make asylum seekers ineligible for an array of federal, state and local public assistance benefits when it convenes on March 12.

Nearly 100 people patiently waited for the opportunity to explain to the members of the Committees why one or all of the proposed public assistance related initiatives should be opposed. The testimony was offered from the perspective of asylum seekers, GA administrators, and advocates for the poor. By the time the hearing concluded seven hours later, 75 members of the public had offered testimony.

Asylum Seeker Perspective. At least 50 of those providing testimony were individuals who have been granted asylum or are in the process of working with the federal government to receive the documentation necessary to live and work in the United States. With professionalism and pride, these speakers described the extreme hardships and violence suffered at the hand of their governments that led to the decision to leave their home countries and seek refuge in the United States. Many of the speakers held impor-

tant positions in their countries of origin, including physicians, lawyers and even a judge. One particularly hard-hitting account came from a judge whose wife, son and daughters were severely beaten because he resisted government orders to sentence an innocent man to prison. Throughout the hearing, asylum seekers expressed deep gratitude for the resources that had been provided under the GA program that enabled their families to establish roots in the state of Maine. The Committee members were urged to vote against all initiatives that would make it more difficult for non-citizens to get on their feet and give back to the communities they now call home.

GA Administrator Perspective. As is always the case, the municipal officials who administer the public assistance program from the municipal front office provided top-notch testimony in opposition to the Governor's proposed program funding change.

Under existing law, municipalities receive a maximum of 50% reimbursement for the direct aid provided. In cases where the total amount of aid issued by a single community exceeds a certain threshold (.0003 of state valuation), the reimbursement rate increases to 90% for every dollar spent over the threshold.

The change to the reimbursement formula proposed by the Governor is hard to get your arms around. The state would be required to reimburse local GA expenditures at the rate of 90% until the state's reimbursement reached 40% of the municipality's six-year average expenditures, at which point the reimbursement rate would drop to 10%. The way the new formula would work, no municipality providing the amount of GA that it has been providing over the last several years would be reimbursed at the current levels. Distribution of assistance at average levels would drop the typical municipality to 46% reimbursement rather than 50%. The cities with the biggest programs would get hammered.

Randy White, Sanford's Welfare Director, kicked off the municipal testimony by objecting to a funding formula that

prioritizes savings over the provision of basic necessities. Mr. White called for a change in attitude toward those who are assisted under the program and took offense with the notion that GA recipients are less worthy than other Maine residents in need.

The City of Bangor followed with two part testimony. Patty Hamilton, Bangor's Director of Public Health, took the lead and provided a summary of the City's GA program. According to Ms. Hamilton, Bangor provided \$2 million in aid in FY 2014 to over 1,000 households, \$800,000 at property taxpayer expense. Of the households assisted, 81% needed help for five months or less. She said one of the factors driving GA costs is attributable to changes in MaineCare policies that have left some residents with no option other than the GA program to obtain life sustaining medications. With respect to allegations that the City is too generous and provides assistance to all who apply, Ms. Hamilton pointed out that 20-25% of applicants, for a variety of reasons, are denied assistance in Bangor.

Bangor City Manager, Cathy Conlow, and Councilor Pauline Civiello put the Governor's GA funding proposal into practical context. According to Ms. Conlow, the \$591,000 loss in state reimbursement to Bangor under the Governor's proposal is the equivalent of \$0.25 on the mill rate or 10 to 12 discretionary public safety employees. She expressed frustration with having to be present in Augusta for the seventh time in five years to defend the City of Bangor from proposed funding cuts, and to have to point out once again that the county jail and state mental health facilities in Bangor place direct burdens on the City's GA program. Collaborative efforts among the Administration, GA administrators and others to develop meaningful changes to the GA program have been successful even in the recent past. In contrast, the proposal offered by the Administration this year merely shifts additional burdens on the property taxpayers of Bangor.

Sue Charron, Lewiston's Social
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GA Proposals (cont'd)

Services Director, raised objection with the proposal's underlying assumption that below average spending is good and above average spending is bad, without any assessment as to why the assistance is being provided. For a variety of reasons (population, rental rates, housing availability, the availability of social service agencies, and local and regional economic downturns, etc.), more or less aid is provided to smaller or larger populations of eligible applicants. Ms. Charron asked that the legislators not lose sight of the fact that some communities go the extra mile to ensure that the state and local property taxpayers' interests are protected. Due to the efforts of Lewiston's welfare department, the City was able to recoup \$336,000 in Social Security Insurance reimbursements in 2014. As a result of those efforts, the state also was reimbursed \$336,000. Also in 2014, the City did the legwork necessary to collect \$33,000 in workers' compensation benefit payments and accident liens, one-half of which was shared with the state.

Five hours into the hearing, Mayor Michael Brennan, representing the City of Portland, was called to the podium to testify. Given the recent DHHS criticism of Portland's administration of the GA program, delivered from a media platform, Mayor Brennan's testimony was much anticipated. His approach was simply to provide the members of the two Committees with the facts upon which they might draw their own conclusions.

- Portland provides assistance to applicants from across the state who seek the social services programs concentrated in the City.

- The cost of living in Portland, in terms of rents, housing and food have increased annually since 2009.

In 2008, 2009, 2010, 2011, 2012 and 2013 DHHS conducted audits and found Portland's program to be in compliance with state law.

- For the last 20 years, Portland has employed a "presumption of eligibility" for shelter placements, as expressly allowed by state law. DHHS was fully aware of the practice and did not question or challenge it until 2014.

- The City's formal requests to discuss program administration concerns with the

Department have gone unanswered; and

- There is no other municipality more aware than Portland of the state's need to hold up its share of the partnership agreement. Portland has not received one penny in state reimbursement for the GA provided in the current fiscal year. If reimbursement is not forthcoming, the property taxpayers in the City of Portland will be out \$7 to \$8 million in FY 2015.

Advocates for the Poor Perspective. Several advocates for low income individuals testified in opposition to elements of the Governor's budget seeking to eliminate asylum seeker eligibility for the full range of federal, state and local public assistance benefits. Unfortunately, a few of those advocates (Preble Street Resources Center and Maine Equal Justice Partners) took the opportunity to criticize the way some communities administer the GA program. Without providing examples, it was implied that the larger Maine communities provide assistance according to state statute, but at least some of the smaller communities regularly violate state law in their administration of GA.

Municipal officials are growing increasingly tired of being placed in the middle of the welfare debate. Municipalities administer the program at

property taxpayer expense, according to state statutes that determine who qualifies for aid and the level of assistance to be provided. DHHS staff regularly audit the municipalities' procedures and records for compliance with state law, and when necessary work with the community on the implementation of a compliance plan. There is a well advertised complaint hotline available to clients, advocates, and property taxpayers to report problems. Despite all the checks and balances in play, communities are continually accused, by one interest group or another, of simultaneously spending too much or too little.

It is for this reason that the Association's LPC has advanced an alternative that would take municipalities out of the administration, management and financing of the GA program and leave it to the state and the Legislature to determine how best to implement this program of last resort. That being said, the municipal community is willing to work with the Legislature to implement the changes necessary to ensure that the GA program continues to deliver assistance to Maine's neediest residents, while being mindful of the burdens being placed on state and municipal taxpayers.

Labor Bills (cont'd)

ment new meaning). Low pressure boilers owned by county governments, including jails and courthouses, are not subject to state inspection. Low pressure boilers in hospitals and other medical facilities, colleges, private preparatory schools, nursing homes, day care centers, restaurants, shopping malls, movie theaters, etc. are not subject to state inspection. Only the schools and towns.

No one can possibly look at this municipal mandate and say that it is rationally designed. If safety is the real concern, requiring these inspections for only a small subset of all the facilities in the state where the general public congregates that are heated by boilers would be simply dangerous.

And there is a decided paternalism to LD 299. The bill suggests that state government obviously knows how to manage its low pressure heating boilers safely, as do the counties, as do all the owners of privately owned places

of public accommodation. The message conveyed by LD 299 is that the only owners of low pressure heating boilers who need their self-generated boiler inspection reports to be reviewed and monitored by state inspectors are facilities owned by the schools and towns.

In truth, the schools and towns, just like the owners of low pressure boilers in public facilities everywhere, take their responsibilities seriously and have their boilers annually inspected, and they have their boilers inspected annually because they are required to by their insurance carriers. When the inspection by the insurance company's inspector identifies issues that need to be corrected, they are corrected.

Both MMA and the Maine School Management Association testified that they had no problem with a requirement that the inspection reports be filed with the state. The rub is to charge local government \$300,000 for their efforts.

Labor Committee (cont'd)

communities offer them any retirement benefits, the degree to which the municipalities provide retirement benefits to the town managers, and the degree to which the representatives on MMA's 70-member Legislative Policy Committee represent small towns.

We conducted the survey as requested and assembled all the survey results for the Committee's consideration, along with some data already assembled in MMA's 2013 Salary Survey (most recent edition). The survey was sent out to all municipalities under 10,000 in population.

The aggregate data from the survey showed the following, with respect to the 120 municipalities that responded promptly to our survey:

- 87% of the respondent municipalities with fire departments provide compensation to their firefighters/EMS personnel. 13% of the respondent municipalities do not. (Only firefighters who receive no compensation are "volunteer firefighters" as that term is defined in law.) According to the published Salary Survey data, the average hourly rate for call firefighters in communities under 10,000 in population is \$11.22. The average per-call rate is \$10.94.

- 60% of the respondent municipalities offer retirement benefits to at least some of their employees. 40% do not offer retirement benefits to any employees. The percentages flip in the smaller communities, under 2,000 in population. 60% of the municipalities under 2,000 in population in this survey do not provide retirement benefits to any of their municipal employees. LD 164, in other words, would provide a retirement benefit to a group of employees in hundreds of municipalities where no other employee is provided retirement benefits.

- Of the municipalities offering some type of retirement benefits, 89% of the respondent municipalities offer the benefits to full-time employees only. 11% offer retirement benefits to both full time and part time employees, including call firefighters. One of the respondent municipalities specifically offers a Length of Service Award pension program. There is nothing stopping a municipality from providing these employees retirement benefits if that is what works for the community and its voters.

- 91% of all municipalities responding to the survey indicated that the local firefighters have never requested design-

ing their compensation system to include retirement benefits.

This information is being shared here for the first time because even though the Committee asked MMA to survey the communities and assemble the information, the Committee never asked for the information when it convened on Thursday this week for the work session on LD 164. The work session consisted of a quick recitation of what the bill would do by the Committee's analyst, a quick partisan caucus, and a quick 11-2 "ought to pass" vote by the Committee. After the vote there was nothing to do but leave the information that the Committee had requested with the Committee's clerk. It is unknown what happened to it.

It is frustrating at a staff level when there is no follow-through on these requests for information and the effort turns out to be a waste of time. Frustrating but not uncommon, and part of the job associated with staffing legislative requests. It is doubly frustrating, though, to put so many municipal officials through it. MMA is very grateful for the quick response from so many municipalities when the survey was sent out last week, and we're sorry the effort was wasted.

LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.

Monday, March 9

Criminal Justice & Public Safety
Rm. 436, State House, 1:00 p.m.
Tel: 287-1122

LD 149 – An Act To Protect Private Property and Livestock from Fireworks.

LD 177 – An Act to Protect Farm Animals from Noise from the Discharge of Fireworks and Explosives.

LD 302 – An Act To Encourage Responsible Consumer Fireworks Use.

LD 324 – An Act To Control Fireworks in Monhegan Island Plantation.

LD 459 – An Act To Protect the Environment from Fireworks Debris.

Environment & Natural Resources
Room 216, Cross State Office Building, 10:00 a.m.
Tel: 287-4149

LD 395 – An Act To Amend the Site Location of Development Laws.

LD 442 – An Act To Clarify Municipal Capacity of Site Location of Development and Encourage Local Development.

LD 468 – An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers.

Labor, Commerce, Research & Economic Development
Room 208, Cross State Office Building, 9:30 a.m.
Tel: 287-1331

LD 445 – An Act Regarding the Sick Days of an Employee who Is Terminated While on Sick Leave.

State & Local Government
Room 214, Cross State Office Building, 1:00 p.m.
Tel: 287-1330

LD 244 – An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects.

Taxation
Room 127, State House, 10:00 a.m.
Tel: 287-1552

LD 169 – An Act To Amend the Laws Governing Groundwater Rights.

1:00 p.m.

LD 444 – An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use.

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LEGISLATIVE HEARINGS (cont.)

LD 499 – An Act To Create Jobs in the Forest Products Industry

Veterans & Legal Affairs

Room 437, State House, 10:00 a.m.

Tel: 287-1310

LD 508 – An Act To Amend the Laws Governing the Number of Agency Liquor Stores Allowed in a Municipality.

LD 509 – An Act To Facilitate the Timely Return of Requested Absentee Ballots.

Tuesday, March 10

Judiciary

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

Tel: 287-1327

LD 303 – An Act To Improve Communications Regarding Executive Session.

Transportation

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

Tel: 287-4148

LD 247 – An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services.

Wednesday, March 11

Energy, Utilities & Technology

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

Tel: 287-4143

LD 430 – An Act To Assist Municipalities To Obtain Payment of Overdue Sewer Bills.

Marine Resources

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

Tel: 287-1337

LD 435 – An Act To Extend the Protection of Municipal Shellfish Conservation Programs.

Thursday, March 12

Education & Cultural Affairs

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

Tel: 287-3125

LD 311 – An Act To Improve Attendance at Public Elementary Schools.

Transportation

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

Tel: 287-4148

LD 371 – An Act To Enhance Safety for Highway Maintenance Vehicles.

LD 390 – An Act To Enforce Restrictions in Parking Spaces and Access Designated for Persons with a Walking Disability.

IN THE HOPPER

Agriculture, Conservation & Forestry

LD 708 – An Act To Limit the Use of Pesticides on School Grounds. (Sponsored by Rep. Daughtry of Brunswick; additional cosponsors.)

This bill restricts the use of pesticides on school grounds. It allows their use only: (1) in situations that pose an urgent health or safety threat to a student or staff member, (2) in response to the presence of animals or insects identified as a public health nuisance, or (3) on agricultural fields in accordance with the manufacturer's instructions.

Environment & Natural Resources

LD 713 – Resolve, To Further Protect Lake Water Quality. (Sponsored by Rep. Hilliard of Belgrade; additional cosponsors.)

This resolve directs the Department of Environmental Protection (DEP) to amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances to amend those minimum guidelines to establish an increased setback from the high water mark for newly constructed buildings, from the current 100 feet to 112 feet, and to further establish several potential methods of mitigating phosphorus run off when the footprint of any structure is enlarged in the setback area, including buffer strip retentions, buffer strip creations or alternative runoff retention and infiltration systems. The rules would also establish standards for the location and installation of drilled wells within the setback area. The resolve also directs the DEP to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005 and to report its findings to the Legislature by January 1, 2016.

Health & Human Services

LD 632 – An Act To Require the State To Administer and Fund the General Assistance Program. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsor.)

This bill shifts responsibility for the full funding and administration of the general assistance program from municipalities to the Department of Health and Human Services. The bill directs the department to adopt by December 31, 2015 major substantive rules necessary to implement the transfer of responsibilities. The transfer of responsibilities under the bill is effective January 1, 2016.

Judiciary

LD 686 – An Act To Promote Privacy in Social Media. (Sponsored by Rep. Pierce of Falmouth; additional cosponsors.)

This bill prohibits an employer from requiring, coercing or requesting an employee or applicant for employment to:

- Disclose the password or any other means for accessing a personal social media account.
- Access a personal social media account in the presence of the employer.
- Disclose any personal social media account information except when the employer reasonably believes the information to be relevant to a lawful investigation of allegation so employee misconduct.
- Add anyone, including the employer or an agent of the employer, to the employee's or applicant's list of contacts on a social media account.

And, alter settings that affect a 3rd party's ability to view the contents of a personal social media account.

The bill also prohibits an employer from taking adverse actions against an employee or applicant who refuses to take part in actions that the employer is prohibited from taking under the terms of the bill.

Labor, Commerce, Research & Economic Development

LD 530 – An Act To Improve Public Sector Collective Bargaining Laws. (Sponsored by Sen. Patrick of Oxford Cty; additional cosponsors.)

This bill amends the municipal public employees labor relations laws by requiring that all collective bargaining negotiation meetings include a member of the body with final authority to approve the collective bargaining agreement.

State & Local Government

LD 450 – An Act To Amend the Laws Regarding the Fund for the Efficient Delivery of Local and Regional Services. (Sponsored by Sen. Katz of Kennebec Cty; additional cosponsors.)

(continued on page 8)

HOPPER (cont.)

The Fund for the Efficient Delivery of Local and Regional Services was originally created by the voters when Question 1-A was adopted at referendum in 2004. That Fund was capitalized by annual transfers of 2% of the municipal revenue sharing distribution. Since its inception, the Legislature completely abused that system by annually raiding the 2% transfer and moving that revenue, instead, into the state's General Fund. The system of capitalizing the Fund was repealed in 2009. This bill reinstates the 2% revenue sharing transfer system.

LD 646 – An Act To Provide Incentives for Municipal Collaboration and Shared Services. (Sponsored by Sen. Libby of Androscoggin Cty; additional cosponsors.)

This bill provides an incentive for municipalities to enter into collaborative agreements with other municipalities or units of local government to provide joint services under the terms of the state's longstanding laws governing interlocal cooperation. The incentive provided by the bill is the ability of the municipalities participating in an interlocal agreement to calculate the value of taxable property within the municipality that is dedicated to financing the joint agreements and cause that value to be sheltered in the calculation of each municipality's equalized just value. The equalized just value is a determining factor in the distribution of General Purpose Aid to local schools, municipal revenue sharing and the apportionment of county taxes.

Taxation

LD 444 – An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use. (Sponsored by Sen. Thibodeau of Waldo Cty; additional cosponsors.)

Current law provides a motor vehicle excise tax credit to the owner

of a vehicle that is sold or totally lost by fire, theft or accident or is totally junked or abandoned. This bill adds another situation that allows for the application of a motor vehicle excise tax credit, which is when the use of the vehicle is totally discontinued. To obtain the credit, the bill requires the owner of the vehicle to provide a signed statement attesting that the vehicle from which the credit is being transferred is totally discontinued and states that if the owner who has totally discontinued use of a vehicle later seeks to register that vehicle, no excise tax credits may be applied with respect to the registration of that vehicle or any subsequent transfer of that vehicle's registration.

LD 499 – An Act To Create Jobs in the Forest Products Industry. (Sponsored by Rep. Stanley of Medway; additional cosponsors.)

This bill provides a complete exemption from property tax for land enrolled under the Maine Tree Growth Tax Law when the forest products harvested from that land are processed solely at mills located in Maine.

Veterans & Legal Affairs

LD 626 – An Act Regarding Write-in Candidates in Municipal and City Elections. (Sponsored by Sen. Mason of Androscoggin Cty.)

Current law requires municipal and city ballot clerks to count all write-in votes in a municipal or city election regardless of the number of write-in votes cast. This bill provides that a ballot clerk must count and tabulate the votes cast for a write-in candidate only if the printed ballot does not include a properly nominated candidate or the number of write-in votes exceeds the number of votes for a candidate printed on the ballot.