

Appropriations Committee’s Outreach To Local Government

The Legislature’s Appropriations Committee has scheduled a special, off-site public hearing regarding the impacts of Governor LePage’s proposed budget cuts to local governments and property taxpayers. The public hearing is to be held on:

Monday, March 25, 2013
3 P.M. to 8 P.M.
Jeff’s Catering & Event Center
East/West Industrial Park
15 Littlefield Way, Brewer, 04412

To MMA’s knowledge, this is the first time the Appropriations Committee has ever scheduled a public hearing on a budget proposal outside of Augusta. The stated purpose of this special public hearing is to hear from municipal officials with respect to the Governor’s proposals that impact local government.

According to the Committee’s advertisement of the hearing, testimony will be taken on those initiatives in the Governor’s budget proposal (currently referred to as LR 1046) affecting municipalities, including but not limited to:

- State-municipal Revenue Sharing;
- Business Equipment Tax Reimbursement (BETR) Program and the Business Equipment Tax Exemption (BETE) Program;
- Homestead Exemption for Maine Residents;
- Maine Residents Property Tax Refund (Circuitbreaker);
- General Assistance;
- Motor Vehicle Excise Tax;
- And, language and Initiatives related to General Purpose Aid for Local Schools.

It is an unprecedented act of out-

reach on the part of the Legislature, and municipal officials within traveling distance of Brewer should make every effort to attend. It is obviously important to provide quality information to the Appropriations Committee about the impact of the Governor’s proposals on your community, local residents and local businesses both large and small.

With everything else that is going on at the Legislature, including the general crush of the state budget review process, the willingness of the Appropriations Committee to hold this public hearing 80 miles north of the State House reflects a genuine interest in hearing the concerns of local government and should be commended.

MMA’s Website Tracking the 2014-15 State Budget

MMA is tracking the progress of the proposed 2014-15 state budget through our website, www.memun.org. The link to that information is found at the top of the home page of that website, identified as “*Tracking the 2014-15 State Budget.*” The information on that website will be updated throughout the legislative session. Currently, the website contains a great deal of information about the impact of the Governor’s proposals on Maine’s towns and cities and the state’s property taxpayers (both statewide and town-by-town), municipal resolutions that have been adopted in opposition to this massive tax shift, news articles and editorials on the subject, etc. As the various legislative committees of jurisdiction (Taxation, Transportation, Health and Human Services) begin to work on the Governor’s proposals and form recommendations, that information will be posted on the website as well.

Promising Progress for Main Street Retailers

Level Playing Field for Retailers Strikes a Chord

Maine’s municipal leaders along with the state’s retailers have been lobbying at both the state and federal level for over a decade to address an inherent and growing unfairness in the administration of the sales tax code. If a public hearing held on Monday this week before the Taxation Committee is any indication, there is finally a bipartisan willingness in the State House to fix that problem.

Retailers with a “physical presence” in Maine must collect the sales tax on each purchase and remit the collected taxes to the state. Retailers who have only an on-line presence in the state have no such obligation. Their transactions are conducted tax free. Some on-line retailers even flout their sales tax advantage in their advertising; that

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Main Street Retailers (cont'd)

is, they deliberately use it to their retail advantage. In fact there is no net tax exempt advantage. It is merely those retailers' way to shift the obligation onto the consumer because the buyer in such an online transaction is required by law to pay the sales tax, as a "use tax", but rarely does. There is little or nothing in the way of enforcement.

Two bills have been submitted to correct this unfairness, one by a Democrat leader in the House and the other by the lead House Republican on the Taxation Committee. The concept of leveling the sales tax playing field among Internet and Main Street retailers is supported by Governor LePage and Senate President Justin Alford. At long last, the political environment is favorable for fixing this problem.

The two bills given a public hearing are LD 319, *An Act To Provide Tax Fairness to Small Businesses in the State* and LD 346, *An Act To Require the Collection of Sales Tax by Any Business Making Sales to Persons in Maine*. LD 319 is sponsored by Rep. Seth Berry of Bowdoinham, the majority leader in the House. LD 346 is sponsored by Rep. Gary Knight of Livermore Falls, a retired community banker who has served on the Taxation Committee since 2007.

There are two issues at play, and each has its own code name.

The "E Fairness" issue revolves around the capacity of a state to amend its sales tax code to effectively redefine the definition of "physical presence" to include those on-line retailers that are demonstrably affiliated with retailers established in Maine. New York was the first state to expand its definition of "physical presence" in a way to create a higher level of "E Fairness," and now other states are following.

The "Marketplace Fairness Act" issue revolves around legislation that is being considered by Congress that would establish new rules for the administration of sales taxes throughout the nation that would allow qualifying states to require all reasonably-sized on-line retailers to collect and remit the appropriate sales taxes. This general

requirement would kick-in provided the state has conformed its sales tax code to meet certain definitional and administrative uniformities with all the other participating states. The actual bill being considered by Congress – the Marketplace Fairness Act – represents the culmination of an effort begun well over a decade ago by the National Governors' Association, the National Conference of State Legislatures, and other similar associations that organized the states around the task of simplifying their sales tax codes to make it possible for on-line retailers to easily determine the appropriate sales tax to collect on the basis of the purchaser's zip code. That effort is known as the Streamlined Sales and Use Tax Agreement. Over 40 states, including Maine, are participating in the Agreement effort at some level. 24 states have actually streamlined their sales tax codes into compliance with the Agreement. Maine has not performed that task as of yet.

LD 319 and 346 both squarely address the "E Fairness" issue by amending the sales tax statutes to pull "affiliated" retailers into the orbit of "physical presence". LD 319 also includes a directive to Maine Revenue Services to prepare a report in 2013 for the Taxation Committee to consider in 2014 that would detail the changes that need to be made, and the various choices that the Legislature could make, in order to streamline Maine's sales tax code. A streamlined sales tax code, if the Legislature chooses to adopt it, would allow Maine to take advantage of the opportunities for truly equal sales tax treatment after Congress enacts the Marketplace Fairness Act. That federal-level enactment appears to be only a matter of time.

In addition to the two sponsors, as well as Rep. Cory Wilson of Augusta and Sen. Roger Katz of Kennebec County, 15 proponents testified in strong support of the two bills. No one spoke in opposition. The proponents included:

- A number of downtown retailers from the greater Augusta area, including owners of a veterinarian clinic, a bookstore, a gift shop and an art gallery.
- The Augusta Downtown Association.
- The former Speaker of the House

from Iowa (a full member state in the Streamlined Sales Tax Agreement).

- The spokesperson for Governor LePage.

- Representatives of large retailers who have made considerable investments in Maine, including Walmart, grocery stores, and major lumber dealers.

- The Maine State Chamber of Commerce and the Retail Association of Maine.

- And, MMA.

During the public hearing, Senator Doug Thomas (Somerset Cty.) took up the questioner's role, primarily from the perspective of a small on-line business. His questions included: Would these changes impose a burden on retailers who have on-line businesses? How would they know the correct sales tax in Arizona? How would this law deal with a "casual sale" on line? Doesn't this problem need a national solution before it can be fixed? How would Maine enforce the requirement against the remotely located on-line retailers? Shouldn't these sales tax changes be dealt with as part of a more comprehensive taxation plan? Etc.

The proponents both provided immediate answers to Sen. Thomas' questions and promised to provide even more detailed answers at the Committee's work session on the bills, scheduled for March 25.

Legislative Bulletin

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Adopting a School Budget

Bifurcated Process - Bifurcated Electorate

Eight years ago, in anticipation of a large infusion of state funding for public education triggered by voter mandate, the Legislature mandated that all public school budgets be adopted twice at the local level. This “belt-and-suspenders” budget adoption process was intended to prevent schools from overspending the rush of increased state subsidy.

The first budget adoption is accomplished by the school’s legislative body acting in its traditional posture, at the town meeting or the town meeting-style convention in the school gymnasium, or by the town or city council for the larger single municipal school systems.

Shortly following that action, the voters must reconvene for a referendum vote to validate the decision made at the open meeting.

Flash forward eight years. It turns out that the great infusion of state funding for public education never really materialized but this double voting process has stuck like a barnacle.

All resident property taxpayers have an interest in their public schools and they have an interest in how much their property taxes are going to be. The open budget meeting tends to be the preferred venue for the voters who have a higher priority for schools. They tend to be younger, have children in the schools, volunteer at the schools, often attend school functions, and they may even work at the schools or have relatives who work there.

In contrast, the school budget validation referendum is the preferred venue for the voters with a more immediate concern about their property taxes. For this group, which tends to be somewhat older, an increase in the property tax bill is anxiety producing, threatening, even frightening. They remember a time when schools had simpler functions, school budgets were easier to understand, and the bottom-line numbers in those budgets were not followed by so many zeroes.

All of this was played out on Wednesday this week when three bills to change the school budget adoption process were given public hearing before the Educa-

tion Committee. By their presentation, the Committee is being asked to consider if anything should be done about the admittedly complicated and somewhat awkward process to adopt a school budget...twice.

In general, Maine’s school officials and employees, represented by the Maine School Management Association (MSMA) and Maine Education Association (MEA), would like to strengthen the ability to adopt school budgets at the open budget meetings and weaken the requirement that school budgets be adopted at referendum.

On the other side, people representing property taxpayers, municipal election personnel and Maine’s elected and appointed municipal leaders are in favor of changes to the school budget referendum process that increase voter participation and decrease the costs of administering these referenda.

LD 638, *An Act to Require That School Budget Referenda Be Held on the Same Day as Primary Elections*, sponsored by Senator Rod Whittemore (Somerset Cty.). This bill establishes a common date for school budget validation referendums for all multi-municipal school districts (SADs, RSUs, and CSDs). The common date is the second Tuesday in June, which in the even-numbered years is Primary Election Day. To accommodate for the absentee voting period, the bill would also require the budget to be approved at the open meeting at least 30 days before the second Tuesday in June. Flexibilities still need to be written into the printed bill in order to allow a school budget to be adopted even if a deadline is breached or the voters reject the school budget at the validation referendum and the process needs to be repeated into July.

Fairfield’s Town Clerk, Christine Keller, testified on her own behalf and on behalf of the Maine Town & City Clerks’ Association is favor of LD 638. MMA also testified in support as did Tim Russell from Sidney who keeps track of the RSU 18 school budget and school budget adoption process at the request

of that town’s board of selectmen. The testimony in support pointed out that establishing a common and predictable day for the referendum vote would make for a much more efficient administration of the election process, save taxpayers money spent on off-schedule elections, and improve voter turnout for these important referenda.

The Maine School Management Association testified in opposition to the bill saying the decision on timing the referendum vote should be up to the schools who can react to local circumstances, a June vote on the budget may be too late in the process (if the budget is rejected), and that more important than the day of particular the vote is keeping the voters informed about the school budget.

York’s Town Clerk, Mary-Anne Szeniawski, also testified in opposition because that town’s charter establishes a different budget adoption protocol. The objection is legitimate with respect to the bill as printed. The intent of the bill, however, was not to interfere with the school budget adoption process for any municipal (non-district) school system.

LD 742, *An Act To Amend the Regional School Unit Budget Validation Process*, sponsored by Senator Linda Valentino (York Cty.). As printed, this bill would limit the number of times a school budget could be rejected by the voters at referendum to two. After the second rejection, the budget adopted by the voters at open meeting, before being rejected at referendum, would become the school’s budget. When presenting the bill to the Committee, Sen. Valentino explained that her intention with the bill was to ask the Committee to rethink the entire system of adopting a school budget. She did not herself support the part of LD 742 that would put into place a school budget that had been expressly rejected by the voters.

The school superintendent of RSU 23 (Saco, Dayton and Old Orchard Beach) testified in support of LD 742, offering an amendment. In its amended form, after the second time a budget is rejected by the voters at referendum yet another open budget meeting would be convened (the third), and the budget adopted at that meeting would be final.

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MMA Legislative Platform – Status Report

In the fall of each even numbered year, MMA's newly elected 70-member Legislative Policy Committee (LPC) develops the Association's legislative platform for the upcoming two year legislative session. In the past, the legislative agenda has ranged from large scale tax reform proposals to measures focused on tweaking existing laws to improve administrative efficiencies. For this biennium, the LPC adopted a "protect the core" theme, which is focused on ensuring that municipalities retain the tools and resources necessary to provide core local government services.

What follows is a status report for the six bills on MMA's 2013-2014 legislative agenda.

LD 16 - \$100 Million Transportation Bond. This bill sends out to the voters a proposed \$100 million bond issue for transportation purposes with \$65 million dedicated to state and municipal roads, highways and bridges, \$20 million dedicated to railroad infrastructure, \$10 million dedicated to public transit, and \$5 million dedicated to pedestrian trails.

Status Report. Like all bond bills, this bill has not yet been given its public hearing. Once the Appropriations Committee has completed its work on the proposed FY 2014-15 General Fund budget, it is expected that the Committee will conduct the public hearings and begin working on the bond bills.

LD 67 - Road "Turnbacks." LD 67 amends the existing urban compact road transfer process by requiring the Department of Transportation to work collaboratively with the affected municipality to ensure that a section of state or state aid highway transferred to the municipality for maintenance responsibilities is in good condition. A detailed description of the bill was published in the February 22 edition of the Legislative Bulletin.

Status Report. On Wednesday this week, the Transportation Committee voted "ought not to pass" on LD 67 by a margin of 11 to 2. At the public hearing only the Town of Waldoboro provided examples of how the current

system failed, and the Committee felt that the bill was a solution in search of a problem. According to the Department of Transportation, in the past 12 years only one of the 20 road turnbacks have been contentious.

LD 104 - Right to Know. This bill amends the laws that apply to public records in three ways. First, it adds an exception to the definition of public records under the Freedom of Access Act (FOAA) for email addresses in the possession of a municipality for the sole purpose of disseminating non-interactive notifications to individuals. Second, the bill eliminates the cap on the hourly rate that a governmental entity may charge to cover the actual cost of searching for, retrieving and compiling a requested public record, and establishes a definition of "actual cost" that is tied to the hourly rate paid to employees to fulfill a request. Third, the bill creates an exception in the FOAA for documents submitted to a municipal board of appeals that describe or verify the mental or physical disabilities of a person who is seeking a variance from certain land use regulations in order to accommodate the disability.

Status Report. As detailed in the February 22 edition of the Legislative Bulletin, LD 104 received its hearing on February 19. Although the bill has not yet been decided by the Judiciary Committee, it is entirely possible that a central issue in the bill, which is the public record status of an e-mail address database in a town's possession for notification purposes, will be given over to the Right to Know Advisory Committee for further review and recommendations.

LD 136 - Circuitbreaker Program. As printed, LD 136 requires the application form for the Circuitbreaker property tax and rent relief program to include a method of determining whether the property taxes being claimed have been paid at the time of application to the program. If the State Tax Assessor determines that the property taxes have not been paid, the benefit must be issued to the claimant and the municipality

jointly. The municipality is required to endorse the benefit to the claimant but may withhold an amount equal to the amount of property taxes owed for the year for which the benefit is being issued. The municipality may retain an amount in excess of the amount of property taxes owed only with the express written permission of the claimant.

Status Report. As previously reported, LD 136 received a unanimous "ought to pass as amended" vote from the members of the Taxation Committee. The amendments to the bill, described in detail in the March 8 edition of the Legislative Bulletin, include: (1) a confidentiality provision; (2) a requirement that the payment only apply the unpaid taxes for the year which the Circuitbreaker relief was provided, unless otherwise authorized in writing by the taxpayer; and (3) an emergency preamble, making the law effective once signed by the Governor.

LD 122 - Municipally Significant Disasters. This bill provides an opportunity for the Governor to declare a municipally significant disaster, which in turn would allow state funds to be released to the impacted communities when a natural disaster is too localized or not costly enough throughout the wider region to trigger federal aid. According to LD 122, a municipally-significant disaster is defined as an event that causes damage to locally maintained roads, bridges and other public facilities, the repairs of which exceed 20% of the affected municipality's total non-school related operational budget. The bill does not mandate a state-level response, nor does the bill seek an appropriation. Rather, to the extent that funds are available in the existing Disaster Relief Fund and to the extent Maine's chief executive believes that assistance is necessary, the financial relief can be provided to help rebuild the community.

Status Report. On Monday, March 11 the Criminal Justice and Public Safety Committee voted unanimously to support an amended version of LD 122. One of the amendments clarifies

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MMA Platform (cont'd)

that the State's share of the relief is limited to "uninsured" damages. The other amendment clarifies that the State's share is based on "actual" versus "estimated" costs.

LD 196 –Quality Assurance and PSAPS . This is an anti-mandate bill. LD 196 directs the Emergency Services Communication Bureau within the Public Utilities Commission to implement the public safety answering point medically-related "quality assurance program" established in 2010 through the use of one or more 3rd-party vendors and ensure that the financing of that program is accomplished with resources other than increased assessments to the municipalities subscribing to or providing the PSAP services.

Status Report. Although the work session on LD 196 was held on Wednesday of this week, a request for information regarding the application of Maine's mandate law resulted in LD 196 being tabled pending a legal review. A second work session has been scheduled for Thursday, March 28 at 1:00 p.m.

Adopting a School Budget (cont'd)

The Maine School Management Association testified in support of LD 742 as a way to fix the problem of the school budget process repeating itself over and over again, deep into the actual school year, without a final budget resolution.

MMA, the school budget watcher from Sidney, and a former selectman from Belgrade, Penny Morrell, testified in opposition to LD 742. MMA's testimony pointed out that if the school budget validation referendum is not working well for a particular school system, there is always the option to discontinue the process when that option is included on the ballot in three-year cycles as mandated by state law.

According to the Department of Education's Jim Rier, 2013 represents the third year in the cycle. Therefore, every school budget that is presented in a validating referendum this year will provide the voters an option to discontinue using the referendum process. Apparently, there are a few relatively small school systems that have taken that option.

LD 383, *An Act To Increase Public Awareness Regarding School Budget Elections*, sponsored by Representative Michael McClellan of Raymond. This bill would amend the ballot question that is presented to the voters at the validation referendum. The existing ballot wording is required by law and merely asks the voters if they wish to finally approve the budget that was previously approved at the open meeting. LD 383 would add to that language the dollar amount of the budget being finally approved and the degree to which that budget was an increase or decrease from the previous

year's budget, both in dollars and by percent.

In addition to the sponsor, Tim Russell from Sidney and Penny Morrell from Belgrade testified in support of LD 383, explaining how the voters at the referendum election often do not have even the bottom-line information about the school budget, and the printed information that is supposed to be posted at the polling place is often hard to find and complicated in its detail.

The Maine School Management Association and the Maine Education Association testified in opposition to LD 383, saying that the dollar amount of a school budget, compared to the previous year, is only one piece of information. A full explanation would include the reasons driving the year-to-year budget changes as well.

Christine Keller and the Maine Town and City Clerks Association, Jim Rier of the Department of Education, and MMA testified "neither for nor against" LD 383. There is a point to be made that just presenting the dollar impact of a budget tells only a piece of the story. Another significant concern for the election clerks is that LD 383 would jam them up for absentee balloting purposes. The process of preparing the absentee ballots for the validating referendum could not begin under the terms of LD 383 until after the open meeting budget approval process is completed. Because the law requires those absentee ballots to be made immediately available, LD 383 would put conflicting demands on the election clerks that could not be reconciled, at least for some school systems.

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://janus.state.me.us/legis/lis/>.

Monday, February 25

Appropriations & Financial Affairs

Jeff's Catering, 15 Littlefield Way, Brewer, ME 04412
3:00 – 8:00 p.m. (*sign-up sheet at 2:00 p.m.*)

Specially-scheduled off-site public hearing on Governor's proposed biennial budget initiatives affecting municipalities to include Business Equipment Tax Reimbursement (BETR) Program and Business Equipment Tax Exemption (BETE) Program; Maine Residents Property Tax Refund (Circuitbreaker), Homestead Exemption for Maine Residents; Excise Tax; State-municipal Revenue Sharing; and Language and Initiatives related to General Purpose Aid for Local Schools.

Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.
Tel: 287-3125

LD 530 – An Act To Apply the Standard of Best Educational Interest to Superintendent Agreements for Transfer Students.

LD 792 – An Act To Ensure That Essential Programs and Services Targeted Funding Follows the Secondary Student.

Health & Human Services

Room 209, Cross State Office Building, 1:00 p.m.
Tel: 287-1317

LD 625 – An Act To Exempt Certain Business from Being Considered Campgrounds.

Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 10:00 a.m.
Tel: 287-1331

LD 263 – An Act To Require Dealers of Secondhand Precious Metals To Keep Records To Aid Law Enforcement.

LD 732 – An Act To Impose a Holding Period during Which a Dealer in Secondhand Precious Metals Must Retain Property.

Taxation

Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 915 – An Act To Expand the Sales Tax Exemption for Certain Public Libraries To Include Sales by Those Libraries or Their Supporting Organizations.

Tuesday, February 26

Appropriations & Financial Affairs

Room 228, State House, 1:00 p.m.
Tel: 287-1316

Governor's proposed biennial Budget. With the Joint Standing Committee on Agriculture, Conservation & Forestry (part of the discussion to include Municipal Assistance Grants for Forest Fire Control and Municipal Planning Assistance).

Transportation

Room 126, State House, 1:00 p.m.
Tel: 287-4148

LD 473 – Resolve, To Widen the Shoulders of Highways.

Wednesday, March 27

Appropriations & Financial Affairs

Room 228, State House, 1:00 p.m.
Tel: 287-1316

Governor's proposed biennial budget. With the Joint Standing Committees on: Health & Human Services; Criminal Justice & Public Safety; Education & Cultural Affairs; Judiciary; Veterans & Legal Affairs; and Insurance & Financial Affairs.

Energy, Utilities & Technology

Room 211, Cross State Office Building, 1:00 p.m.
Tel: 287-4143

LD 795 – An Act To Amend the Net Energy Billing Program To Allow Participation by Certain Municipal Entities.

LD 796 – Resolve, To Enhance Economic Development by Encouraging Businesses Adjacent to Electric Power Generators To Obtain Power Directly.

Judiciary

Room 438, State House, 1:00 p.m.
Tel: 287-1327

LD 759 – An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor.

State & Local Government

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

LD 833 – An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments.

Transportation

Room 126, State House, 1:00 p.m.
Tel: 287-4148

LD 438 – An Act To Expand the Types of Vehicles on Which a Sportsman Registration Plate May Be Displayed.

LD 567 – An Act To Amend the Definition of "Special Mobile Equipment" in the Motor Vehicle Laws.

LD 765 – An Act To Amend the Law Regarding Motorcycle Registration Expiration Dates.

Thursday, March 28

Appropriations & Financial Affairs

Room 228, State House, 1:00 p.m.
Tel: 287-1316

Governor's proposed biennial budget. With the Joint Standing Committee on Health & Human Services. Part of the discussion will include General Assistance Reimbursement to cities and towns, as well as Part OO language which proposes changes to General Assistance eligibility, benefits, and reimbursement to municipalities.

Energy, Utilities & Technology

Room 211, Cross State Office Building, 2:00 p.m.
Tel: 287-4143

LD 616 – An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission.

Environment & Natural Resources

Room 216, Cross State Office Building, 1:30 p.m.
Tel: 287-4149

LD 694 – An Act To Clarify Solid Waste Policy.

Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 1:00 p.m.
Tel: 287-1331

LD 865 – An Act Regarding Contract Indemnification.

LEGISLATIVE HEARINGS (cont.)

LD 977 – An Act To Restore Uniformity to the Maine Uniform Building and Energy Code.

Friday, March 29

Appropriations & Financial Affairs
Room 228, State House, 9:30 a.m. (all day)
Tel: 287-1316

Governor’s proposed biennial budget. With the Joint Standing Committees on: Inland Fisheries & Wildlife and Marine Resources.

Criminal Justice & Public Safety
Rm. 436, State House, 10:00 a.m.
Tel: 287-1122

LD 379 – An Act To Require Institutions To Report Knowledge or Suspicion of Criminal Violations to a Law Enforcement Agency.

IN THE HOPPER

Education & Cultural Affairs

LD 1056 – An Act To Require Local Voter Approval for Charter Schools. (Sponsored by Rep. Chenette of Saco; additional cosponsors.)

This bill requires that the establishment of every proposed public charter school must be approved by the voters of the entire area to be served by the charter school at a referendum vote.

LD 1057 – An Act Related to Public Funding of Charter Schools. (Sponsored by Rep. Kusiak of Fairfield.)

This “concept draft” bill proposes to substantially reorganize the way public charter schools and virtual public charter schools are funded. Instead of the current funding system which provides the public charter schools with each student’s state and local per-pupil allocation, this bill would require the Department of Education to establish a separate account to provide that funding. The funding provided through that account cannot exceed the total amount of federal, state and local funding that would have been provided for each student if the student was enrolled in the non charter public school. The bill also generally prohibits state or local funding for virtual public charter schools except in the circumstance of a student who experiences “education disruption” as that term is defined in statute and subsequently enrolls in a virtual public charter school. Finally, the bill provides that “sending” school systems are generally not responsible for providing transportation services to students attending public charter schools or attending a career and technical education program from a public charter school.

Energy, Utilities & Technology

LD 1004 – An Act To Clarify Voting Procedures for Standard Water Districts. (Sponsored by Rep. Hobbins of Saco.)

This bill establishes that for standard water districts, secret ballot voting in accordance with Title 30-A, section 2528 is the method to be used to enact or amend a standard district charter by referendum; to elect trustees; or to establish or amend a debt limit, even if a municipality in which the standard district is located has not accepted this method of voting.

Environment & Natural Resources

LD 674 – An Act To Clarify the Natural Resources Protection Act. (Emergency) (Sponsored by Rep. Libby of Waterboro; additional cosponsors.)

This bill narrows the setback area associated with vernal pools and mapped high and moderate value inland waterfowl and wading bird habitat to 75 feet, down from 100’ for shorebird feeding areas and down from 250 feet for shorebird roosting areas. The bill also exempts from regulation the cutting or removal of vegetation to allow for grazing areas and access to water for livestock. The bill also creates a compensation system whereby landowners can obtain from the Department of Environmental Protection compensation for their lost property value associated with any regulatory restrictions imposed that are more stringent than the restrictions imposed as of January 1, 2014.

LD 824 – Resolve, Directing the Department of Environmental

Protection To Develop a Rural Land Use Development Process. (Sponsored by Rep. Campbell of Newfield; additional cosponsors.) (By Request)

This resolve directs the Department of Environmental Protection to develop a rural land use development process that exempts from direct state regulation the development within significant wildlife habitat in rural areas, as classified by U.S. Census. As an alternative, a person in a rural area intending to develop in a significant wildlife habitat would seek permission to the municipality’s Code Enforcement Officer, who could grant permission or defer the decision to the DEP. If the decision is deferred to the DEP, that agency would have to identify issues that would prevent the development from proceeding as proposed. If no issues are identified, the development can proceed. If issues are identified, the DEP would have to propose an alternative approach that is less damaging to the significant wildlife area. The developer could either go forward with the DEP’s proposed alternative or object. If an agreement cannot be reached between the developer and the DEP, the state would be required to take the property by eminent domain or allow the development.

LD 966 – An Act To Clarify an Exemption to the Municipal Subdivision Laws. (Sponsored by Rep. Moriarty of Cumberland; additional cosponsors.)

This bill modifies an exemption to the definition of “subdivision” in Maine law as it relates to the review of land parcel subdivision review by municipal governments. Current law exempts certain lots from subdivision review if they are transfers to an abutter, provided the transferred lot is not large enough to create a separate lot. This bill does away with the qualifying limitation and specifies that a parcel of land created by a division that is transferred to an owner abutting that parcel is not subject to review and regulation regardless of the size or dimensions of the transferred lot.

Labor, Commerce, Research & Economic Development

LD 977 – An Act To Restore Uniformity to the Maine Uniform Building and Energy Code. (Sponsored by Rep. Graham of North Yarmouth; additional cosponsors.)

Current law requires the Maine Uniform Building and Energy Code (MUBEC) to be enforced in a municipality that has more than 4,000 residents. A municipality with 4,000 or fewer residents that has not adopted a building code is exempt and MUBEC does not apply in those municipalities as a matter of law. This bill requires MUBEC to be enforced in all municipalities with more than 2,000 residents, beginning July 1, 2014. A municipality with 2,000 or fewer residents is exempt, but, if a building code is adopted in such a municipality, it must be MUBEC.

LD 1041 – An Act To Modify the Mandatory Enforcement of the Maine Uniform Building and Energy Code for a Municipality without a Building Code. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

This bill allows a municipality of more than 4,000 residents to be

HOPPER (cont.)

exempt from enforcing or applying the Maine Uniform Building and Energy Code is the municipality has not adopted a building code by August 1, 2008 and, by a vote of the residents of that municipality, has expressly rejected the application or enforcement of the Maine Uniform Building and Energy Code.

State & Local Government

LD 878 – An Act To Provide a Preference for Maine Bidders on State Contracts. (Sponsored by Sen. Lachowicz of Kennebec Cty; additional cosponsors.)

Current law requires the award of construction contracts that are bidded out by public entities (state, county, municipal) or entities that are supported financially by public entities to give preference to state-based contractors provided their bids are equally favorable to bids by out-of-state contractors. This bill requires preference to in-state contractors as long as their bids are no more than 5% over the bids of out-of-state contractors.

LD 1021 – An Act To Establish as a Public Record the Performance Evaluation of a Municipal Employee. (Sponsored by Rep. Rykerson of Kittery; additional cosponsors.)

This bill establishes as public records all performance evaluations of municipal employees.

Taxation

LD 936 – An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations. (Sponsored by Rep. Chase of Wells; additional cosponsors.)

This bill authorizes municipalities to assess a service charge against a number of tax exempt institutions, including charitable institutions

(except for nursing homes, residential care facilities and community mental health service facilities), literary and scientific organizations (colleges and private schools), chambers of commerce and fraternal organizations. The service charges must be calculated according to the actual cost of providing municipal services to that reap property. The municipal ordinance establishing the service charge system must identify those institutions and organization upon which service charges are to be levied.

LD 998 – An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations. (Sponsored by Sen. Haskell of Cumberland Cty; additional cosponsors.)

This bill expands the property tax exemption for the property of religious organizations. Current law provides an exemption for the houses of religious worship, vestries, and tombs and rights of burial. Parsonages are also provided a \$20,000 property tax exemption under current law. This bill provides that all the real and personal property owned and occupied or used solely for its own purposes by a religious organization in connection with religious worship is exempt from taxation, as well as the full value of all parsonages.

Transportation

LD 721 – An Act To Provide Transparency in Public-private Partnerships for Transportation Projects. (Sponsored by Rep. McCabe of Skowhegan.)

Under current law, all submissions provided to the Department of Transportation in the process of seeking the determination that a certain transportation project meets the statutory definition of a “public private partnership” are confidential by law until the project is either deemed a “public private partnership” by the Department or rejected. This bill would make those submissions public records.