

## Property Tax Exemptions and “Service Charges”

### Horses, Barns and Open Doors

There may not be a solution to this problem at the legislative level. It may be a matter of public policy for the voters to deal with directly, if it’s going to be dealt with at all.

Municipal officials believe the state’s tax code is too liberal in the way it dispenses property tax breaks and bequeaths certain corporations, institutions and organizations with total and unqualified tax exempt status for all their real estate holdings.

When the municipalities respond by seeking some minimal level of contribution from the exempt organizations to financially support the services they directly receive – police, fire and road services – the entities enjoying their exempt status put up a wall of indignant and even angry opposition.

The theater repeats itself about this time of the year on a biennial basis, with the clumsy staging of a Wagnerian opera and the discordant tonality of Stravinsky’s Rite of Spring. The public hearings last for hours. The actors for both sides have long since memorized each others’ lines. Nothing ever, ever, ever changes, except the exemptions are incrementally expanded to create even more exemption, but just in dribbles. The accompanying article on the proposed expansion of the church property exemption provides a good example.

The script this year came in the form of two bills: LD 562, *An Act Related to Service Charges in Lieu of Property Taxes on Tax-exempt Property*, sponsored by Rep. Corey Wilson of Augusta, and LD 936, *An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations*, sponsored by Rep. Kathy

Chase of Wells. Although each bill is structured a little differently, both bills would accomplish approximately the same result, which is to allow the voters in a municipality to adopt an ordinance that would require certain types of tax exempt facilities to pay rationally calculated fees to cover the costs of municipal services the facilities receive directly from the town or city. Rep. Chase’s bill would not allow “service fees” to be applied to medically-related facilities and Rep. Wilson’s bill would not apply those fees to educational facilities. Neither bill would apply the fees to religious institutions, but

most other tax exempt properties would be potentially subject to the service fees.

The decision to impose the fees would be up to the local voters who are presumably knowledgeable about the services these organizations provide and in the right position to make sound judgments regarding the value of those services to the community, the region and the state. The empowerment of the local voters over this element of property tax policy was apparently cold comfort to the opponents of these bills, who testified as though the imposition of service fees would be

*(continued on page 2)*

## Excise Tax Grab...Do Over

On Wednesday of this week, the Transportation Committee voted to recommend that the Appropriations Committee exclude Part 000 from the Governor’s FY 14 – FY 15 General Fund budget. Part 000 appropriates for state purposes \$4.2 million in commercial vehicle excise tax revenue currently collected each year and retained by municipalities. On its face, the Transportation Committee’s recommendation would be a good thing because it rejects the idea of raiding a municipal tax base to fund state government operations. Unfortunately, the Transportation Committee’s decision is a mere technicality. According to the Department of Transportation, the Part 000 proposal was inappropriately placed in the General Fund budget and will now be included in the Governor’s yet-to-be-printed FY 14 – FY 15 Highway Fund budget.

As a result, the municipal officials who traveled from across the state to provide testimony on the General Fund budget

hearing held on March 14, will have to return at a future date to explain yet again why shifting \$4.2 million annually out of the municipal property tax base and into state coffers will adversely affect local road budgets and property taxpayers. Although some might suggest that the Transportation Committee has already heard the municipal testimony, the danger associated with not participating in the second hearing is the perception that silence from municipal officials implies acceptance of the proposal. The Administration put the proposal into the wrong budget, so now municipal officials will have to make their case twice to the same legislators, instead of just once.

As a result, the municipal officials will be asked once again travel to Augusta to deliver testimony and anxiously await another work session process to see whether or not the Legislature will put the state’s transportation investment interests ahead of those of Maine’s property taxpayers.

# Proposal to Expand Church Exemption

The Taxation Committee's entire forenoon on Monday was taken up with the proposal to address the state's remarkably generous tax exemption policies regarding the broad class of "charitable" organizations (see accompanying article). It might be considered ironic that one of the first orders of business in the afternoon was to expand the tax exemption for property owned by religious organizations.

LD 998, *An Act to Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations*, is sponsored by Senator Anne Haskell (Cumberland Cty.), a Committee Chair.

Current law creates a complete tax exemption for the church itself (the "house of religious worship"). The first \$20,000 in value of a parsonage is also exempt from taxation. LD 998 would make all the real estate owned by a church exempt from taxation, including the full value of the parsonage. The precise exemption language for the real estate owned by a church in the bill is the standard phrase "*the real and personal property owned and occupied or used solely for its own purposes by a religious organization in connection with religious worship...*". This phrase, which at one time was interpreted very strictly by the courts, is undergoing a marked shift in judicial analysis. A February 2013 decision of the state's Law Court, *Hebron Academy Inc. v. Town of Hebron*, holds that "used solely for its own purposes" doesn't mean that an exempt institution can't manage its real estate holdings in ways unassociated with its mission, generate relatively significant sums of operating revenue by doing so, and nevertheless retain its tax exempt status.

The "back story" of LD 998 is a dispute between a church in Rockland and that city's assessing department. As is often the case with bills presented to the Legislature based on a single incident, only one side of the story is presented to the Committee at the public hearing. Unlike a court proceeding, there is no process in place to allow the other side of any particular dispute to simultaneously provide additional information.

As best as MMA could make out from the church's presentation, this is the story.

The church sold its original property

to a museum in Rockland and established a smaller church building. The parking lot area was inadequate and the church subsequently purchased a 28 acre parcel, some of which was used to expand the parking lot. During this period of time, there was a personnel change in the assessing department and the new assessor established a different approach to valuing the church property than his predecessor.

As part of a revaluation process, the parsonage value jumped from \$87,000 to \$365,000 and according to the church no rational explanation was provided for the sharp increase in value. The church filed for an abatement but determined that the abatement process was "stacked" in favor of the city. The church attempted to claim that any excess real estate it owned beyond the house of religious worship should also be considered exempt from taxation because of the church's "charitable" status. That claim was rebutted by the city's legal counsel for the reason that a property owner cannot apply for the "house of worship" exemption and the "charitable" exemption as the same owner of the same property. Ultimately, the church sold off the parsonage and reorganized the real estate that was not the "house of worship" into a separately created 501(c)(3) entity, thus obtaining the full exemption it was seeking.

Four additional church representatives joined the Rockland church in their testimony in favor of LD 998. Their claim was that the house of religious worship exemption is less generous than the exemption for charitable organizations, therefore it violates state and U.S. constitutional provisions of "equal protection" and separation of church and state. Additional information provided in the question-and-answer with Committee members suggested that many municipal assessors regularly grant churches a more generous exemption than strictly provided by law, but will quash any abatement requests by threatening to apply the property tax even more aggressively if challenged. No actual examples or details were provided so these claims could be verified.

MMA and the City of Bangor testified in opposition to LD 998.

The testimony in opposition pointed out that as a matter of general exemp-

tion law employee housing property (the parsonage in this case) is not considered tax exempt, the "literary and scientific" exemption provides an example. Property that is not directly used for the charitable purposes of fraternal organizations or charitable corporations is also considered ineligible for exemption. The churches' claim of discriminatory treatment doesn't entirely stand up.

With respect to the fixed value \$20,000 parsonage exemption, that dollar figure has admittedly seen some age. The parsonage exemption, which is structured like a homestead exemption, was first established at a \$6,000 value in the early half of the Twentieth Century. The value was boosted to \$20,000 in 1966, and has remained there ever since. In that respect, it is no different than the homestead exemptions for the blind and the veterans, which have also been little adjusted since first enacted.

And with the new direction Maine's Supreme Court is going with respect to the ability of exempt entities to use their properties in ways only indirectly related to their missions could very well allow the churches, in this case, to enjoy an exemption for the real estate they manage for investment purposes provided the income is generated is used for church purposes. From the municipal perspective, that would be an exemption that crosses a line in public policy from which there is no return.

MMA's Legislative Policy Committee has been of the opinion for a very long time that Maine's tax code needs to be comprehensively reformed, modernized, updated, rebalanced and positioned for the future rather than the past. LD 998 doesn't get us there.

## Legislative Bulletin

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# Volunteer Firefighter’s “Tone to Tone” Comp Coverage

## Committee Takes Step Toward “Rebuttable Presumption”

Previous issues of the Legislative Bulletin have charted the progress of LD 235, *An Act to Improve Insurance Coverage for Volunteer First Responders*. Sponsored by Senator Chris Johnson (Lincoln Cty.), LD 235 amends Workers’ Compensation law so that any volunteer firefighter or volunteer emergency medical services provider who sustains an injury after receiving a call, tone or page of some kind to an emergency would automatically be covered by Workers’ Compensation for medical coverage and wage replacement regardless of the nature of the activity that led to the injury and regardless of where the injury is actually sustained. The firefighter or EMS provider would be covered by Workers’ Compensation for injuries sustained in the home or on the residential property and caused largely or entirely by his or her own negligent actions. If an injury is sustained, Workers’ Compensation would be pretty much guaranteed.

After a month-long hiatus, a second work session on LD 235 was held on Wednesday this week. As an update to information provided at the last work session, it has been determined that just two other states in the nation, Nebraska and Iowa, provide this type of “tone to tone” Workers’ Compensation coverage to volunteer firefighters.

The Professional Firefighters of Maine, the Maine State Federation of Firefighters, and the Maine Fire Chiefs Association all testified in support of the bill. MMA testified in opposition. As would be the case with any employer, the 70 municipal officials elected to MMA’s Legislative Policy Committee are concerned about extending Workers’ Compensation benefits to cover injuries in a “workplace”—the employee’s private property—over which the employer has zero control. Current Compensation policy applies to firefighters and EMS responders as soon as they hit the traveled way, and that strikes municipal officials as a fair standard.

MMA’s additional concern is the discriminatory element of this policy, which provides a Workers’ Compensation benefit to a narrow class of first-responders –

municipal employees exclusively – and excludes all county or state employee first responders, as well as all private sector first responders, for no discernable reason except the other first responders get paid better. Workers’ Compensation is not an income-tested program. If “tone to tone” is the appropriate Workers’ Compensation policy for first responders, it should apply to all first responders.

At Wednesday’s work session on LD 235, the Labor, Commerce, Research and Economic Development Committee took a tentative next step on the bill. Instead of voting out a recommendation on the bill as printed, the Committee has asked its staff to prepare an amended version of LD 235 for further discussion. The Committee’s prime proponent of the amended approach, Rep. Andrew Mason of Topsham, is suggesting that the bill be converted to a “rebuttable presumption”. Rep. Mason is an attorney whose specialties include Workers’ Compensation law.

A rebuttable presumption is the equivalent of the Legislature putting a fairly big thumb on the scale in favor of a determination of Workers’ Compensation eligibility for any injury sustained by a volunteer firefighter or EMS provider after the employee receives a call or a tone reporting an emergency. The printed version of LD 235 currently says, in essence, that any injury sustained by a volunteer firefighter/EMS provider after a call to an emergency is work-related by definition and therefore compensable. Rep. Mason’s amendment would say that *absent clear and convincing evidence to the contrary in the record*, any injury sustained after a call to an emergency is work-related by definition and therefore compensable. In other words, the employer would have to prove that the sustained injury was not related to being called to the emergency. Good luck with that.

In addition to pushing an obviously difficult burden of proof onto Maine’s municipal employers, Rep. Mason’s amendment does nothing with respect to the municipal employers’ concern about having no control over the home-based

“workplace”. The amendment also does nothing about establishing this new Workers’ Compensation policy just for municipal volunteer firefighters/EMS providers.

The Committee members present at the work session appeared to be focused on the following two issues.

- The bill focuses on volunteer firefighters. The statutory definition of “volunteer firefighter is: “an active member of a volunteer fire association who receives no compensation from the municipality other than injury and death benefits.” Since nearly all volunteer firefighters receive some form of compensation from their municipality beyond Workers’ Compensation – either annual stipends, hourly rates, per-call rates, etc. – it is unclear how the proponents of LD 235 wish to square the benefits being sought with the intended recipients.

- The mandate question. The other issue the Committee is seeking information about is whether LD 235, as amended into Rep. Mason’s rebuttable presumption, would be identified as a state mandate. The mandate analysis is twofold. Step 1 is whether the proposed law requires a municipality to expand or modify its activities. Step 2 is whether those expansions or modifications result in increased local expenditures. That is the analysis the Legislature’s Office of Fiscal and Program Review (OFPR) will be asked to apply to the proposed amendment to LD 235. The increased cost factor should be obvious. LD 285 expressly exposes municipalities to Workers’ Compensation claims that no other employer is exposed to and are generally found to be uncompensable under current law. The focus of the OFPR analysis is whether it is an expansion or modification of a municipal activity to flip the burden of proof, so that the municipal employers would now have to prove that the employee’s injury sustained at home or on private property was not work related. To take on a newly imposed burden of proof in Workers’ Compensation disputes strike municipalities as an expanded or modified activity to the municipal community. We’ll see what OFPR has to say.

## E-9-1-1 Quality Assurance Mandates

In the emergency services field, quality assurance protocols are used to review, assess and evaluate the E-9-1-1 calls handled by local-level emergency services dispatchers. The assessment tool ensures that the best service possible is provided during times of emergency. Although valuable, the implementation of the assessment review comes at a significant cost. Currently, the medically related emergency calls are reviewed for “quality assurance” at a cost of nearly \$500,000, which is annually assessed on the property taxpayers responsible for funding the operations of the state’s 26 Public Safety Answering Points (PSAPs).

On Thursday this week, the Energy Utilities and Technology Committee voted on three pieces of legislation addressing quality assurance programs imposed on E-9-1-1 dispatchers. The bills include:

LD 196, *An Act Regarding the Implementation of the Quality Assurance Program for Public Safety Answering Points*. This bill is sponsored by Rep. Roberta Beavers of South Berwick on behalf of MMA’s Legislative Policy Committee. As proposed, LD 196 calls on the Public Utilities Commission (PUC) to create a system whereby a third-party vendor is contracted and paid for by the state to implement the legislatively mandated quality assurance program. The bill further directs the PUC to accomplish that goal with funding sources other than assessments on municipalities or public safety answering points.

LD 275, *Resolve, to Require the Emergency Services Communication Bureau to Expand the Existing Quality Assurance System*. Sponsored by Sen. Thomas Saviello of Franklin County, the bill would expand the existing medical call related quality assurance program to police and fire calls and authorize the expenditure of E-9-1-1 revenue to pay for the cost of the expanded service.

LD 774, *Resolve, Regarding a Fire and Police Protocols Pilot Program for E-9-1-1 Call Processing*. Sponsored by Rep. Hobbins of Saco, the bill would authorize the Public Utilities Commission (PUC) to conduct a pilot program to examine the benefit of implementing

a statewide fire and police quality assurance program.

After much discussion on the three bills, the Committee unanimously voted “ought not to pass” on LD 774. The Committee also unanimously voted to carry over into the 2014 legislative session both LD 196 and LD 275. The bills were carried over to provide the PUC the time necessary to respond to a request to provide more detailed information about the scope of a study regarding the implementation and funding for an all-inclusive emergency medical, police and fire E-9-1-1 call quality assurance program. Specifically, the PUC will be

asked to provide the following:

- Number and characteristics of the PSAPs to be included in the pilot;
- Whether pilot volunteers are representative enough to yield statewide results;
- The selection process for identifying the PSAPs in the pilot;
- The Bureau-level funding available to conduct the pilot;
- The time frame for the pilot;
- Implementation issues to be studied; and
- Review of the financing options to provide ongoing funding of an all inclusive quality assurance program.

## Municipal Employee Evaluations As Public Records?

Under existing law, all employee performance evaluations, including those of municipal employees, are confidential. The members of the State and Local Government Committee were asked on Monday this week to consider making the performance evaluations of municipal employees public records, fully available for public review and scrutiny.

The vehicle for moving this significant and targeted policy change is LD 1021, *An Act to Establish as a Public Record the Performance Evaluation of a Municipal Employee*, sponsored by Rep. Deane Rykerson of Kittery.

The bill was submitted in response to a 2012 upheaval in the town of Kittery regarding a “vote of no confidence” campaign targeting the newly hired police chief. Taking the “no confidence” matter seriously, the town commissioned a \$6,300 independent review of the performance of the police chief. When the consultant’s report was determined to be a performance evaluation and therefore not available for public review, the residents of the community raised concerns of conspiracy and lack of transparency, which ultimately led to the voluntary resignations of both the manager and the police chief.

As a result, Rep. Rykerson submitted LD 1021.

In addition to Rep. Rykerson, three

people spoke in support of LD 1021: Rep. Paul McGowan, who represents a part of Kittery; Robert Markel, former Kittery town manager; and Alan Dion, the chair of a citizen’s committee undertaking a fact finding mission in the Kittery case. The testimony of the proponents fell into two general categories: (1) the right of the public to review the performance evaluations of employees whose salaries are paid with tax revenue; and (2) measures taken in other states making public employee performance evaluations available for review in certain circumstances.

No other testimony was offered in support of LD 1021.

MMA provided testimony in opposition to the bill for three reasons.

First, LD 1021 targets only municipal employees. The performance evaluations of other public employees, including state, county and school employees, remain confidential under LD 1021, as do those of private sector employees.

Second, there is nothing in state law that prevents an employee from voluntarily making his/her employee evaluation accessible for public review. Municipal employees are entirely free to request and receive public reviews of their annual performance evaluations.

Third, municipal officials are con-

*(continued on page 5)*

# Committee Flip Flop on MMA's Localized Disaster Bill

In an Emily Litella (a Saturday Night Live character played by Gilda Radner) inspired “oh, never mind” moment, on Monday this week the Criminal Justice Committee voted to reconsider its unanimous “ought to pass as amended” recommendation on LD 122, *An Act to Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster*. The bill was sponsored on behalf of MMA by Representative Beth Turner of

Burlington.

LD 122 provided an opportunity for the Governor to declare a “municipally-significant disaster” which would allow state funds to be released to the impacted communities when a natural disaster was too localized or not costly enough throughout the wider region to trigger federal aid. As drafted, the bill did not mandate a state-level response, nor did it seek an appropriation. Rather, to the

extent that funds were available in the existing Disaster Relief Fund and to the extent Maine’s chief executive believed that assistance was necessary, the financial relief could have been provided to help rebuild the community.

Regardless of the design of LD 122, after unanimously supporting the bill, the Committee voted “ought not to pass” by a margin of 10 to 1 because of a “funding problem”.

## Evaluations (cont'd)

cerned that public access to employee evaluations will seriously erode the effectiveness of the evaluation process. Managers may be more reluctant to critically evaluate employees for fear of retribution or concern that critiques will be misconstrued by members of the general public who are not aware of the employee’s full work history. Employees may be more reluctant to approach their tasks and assignments with ingenuity and creativity for fear of negative reviews and public condemnation.

LD 1021 is now in the hands of the State and Local Government Committee for debate and consideration.

## “Service Charges” (cont'd)

effectively automatic.

If body count means anything, there are more people willing to spend a day in Augusta protecting their property tax exemptions than there are people seeking to adjust exemption policy in an “oars in the water” direction. In addition to the bills’ sponsors, as well as supporting testimony from Senator Roger Katz

(Kennebec Cty.), four people testified in support of these bills. The cities of Augusta, Bangor and Rockland were well represented, and MMA’s Legislative Policy Committee also supported the two measures.

25 people testified in opposition, representing the YMCAs, Elks Clubs, veterans’ organizations, the Roman Catholic Dioceses, summer camps for disabled children, community action agencies, independent private schools, and hospitals. The barn doors opened up to the exemption pastures a long time ago and corralling any of those horses back in the stable will take some real legislative grist...more than is generally available.

Although the focus of these two bills is clearly not on the small, locally-based fraternal-type organizations, Maine’s veterans took the most vociferous and angry exception to these proposals. Over 60 veterans packed the Taxation Committee room in a show of force to protect the fully exempt status of the VFW and American Legion halls. A chief spokesperson for the veterans’ organizations expressed certainty that the local voters, at least over time, would fail to recognize the services to the community provided by the veterans’ organizations and therefore

adopt a service fee ordinance. It would open the barn door, the Committee was told, as the word would pass from town to town about this new option. It would open the barn door to closing 50% of the American Legion halls. It would open the barn door to “going after Maine’s heroes” and their organizations, which are struggling for finances now that statewide gaming has eclipsed Bingo as a revenue generator.

The question to the Taxation Committee presented by these bills is whether there is a germ of an idea worth pursuing. There are dozens of ways to deal with many of the objections raised by the opponents. Small tax exempt organizations could easily be exempted. The methods of calculating the actual service fees could easily be explicated in statute. The uncertainties associated with a new policy of establishing a minimum local contribution toward the public expenditures could easily be replaced with a straightforward and predictable methodology laid right out in statute. This could all be accomplished if there is a legislative will behind the concept of “all oars in the water”.

April 18<sup>th</sup> is the scheduled date of the Taxation Committee’s work session on these bills.

## LEGISLATIVE HEARINGS

### *Monday, April 8*

#### **Criminal Justice & Public Safety**

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

**Tel: 287-1122**

LD 380 – An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons.

LD 997 – An Act To Establish Restrictions on Ammunition Feeding Devices.

LD 1183 – An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition.

LD 1240 – An Act To Promote the Safe Use and Sale of Firearms.

#### **Education & Cultural Affairs**

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

**Tel: 287-3125**

LD 18 – An Act To Fund Public Education for Kindergarten to Grade 12 at 55%.

LD 25 – An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education.

LD 56 – An Act To Ensure Equity in School Costs Borne by Municipalities within Consolidated School Units.

LD 130 – An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation.

LD 299 – Resolution, Proposing an Amendment to the Constitution of Maine To Require the State Share of Education Funding To Be at Least Fifty-five Percent of the Total Cost and One Hundred Percent of the Cost of Special Education.

LD 369 – An Act To Redesign Maine's School Funding Model.

LD 994 – An Act To Change the State's Share of Education Costs Including Teacher Retirement Costs.

#### **Environment & Natural Resources**

**Room 216, Cross State Office Building, 10:00 a.m.**

**Tel: 287-4149**

LD 1147 – An Act To Protect Maine's Scenic Character.

LD 1186 – An Act To Allow Removal of Trees for Shoreline Stabilization Adjacent to Coastal Wetlands under the Natural Resources Protection Act.

#### **Labor, Commerce, Research & Economic Development**

**Room 208, Cross State Office Building, 9:30 a.m.**

**Tel: 287-1331**

LD 1103 – An Act To Encourage Development in the Logging Industry.

LD 1150 – An Act To Require Prevailing Wages To Be Paid on All Public Works Projects Receiving State Funding.

#### **1:00 p.m.**

LD 1156 – An Act To Update a Reference Contained in the Maine Uniform Building and Energy Code.

LD 1195 – An Act To Protect the Privacy of Job Applicants.

LD 1221 – An Act To Preserve the Dynamic Status Quo Pending Expiration of Collective Bargaining Agreements.

#### **State & Local Government**

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

**Tel: 287-1330**

LD 955 – Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell.

LD 1122 – An Act Allowing Municipalities To Enact Firearms Policies in Local Government Buildings.

LD 1152 – Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell.

LD 1153 – An Act To Amend the Laws Governing Public Notices Provided by Governmental Entities.

#### **Taxation**

**Room 127, State House, 10:00 a.m.**

**Tel: 287-1552**

LD 316 – An Act To Provide Property Tax Relief for Noncombat Veterans.

LD 1164 – An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption.

LD 1207 – An Act To Expand the Property Tax Exemption for Veterans Who Are 100% Disabled.

LD 1226 – An Act To Improve Maine Veterans' Property Tax Exemptions.

#### **1:00 p.m.**

LD 563 – An Act To Clarify Tax Increment Financing.

LD 1218 – An Act To Amend the Law Regarding Affordable Housing Tax Increment Financing.

#### **Veterans & Legal Affairs**

**Room 437, State House, 2:00 p.m.**

**Tel: 287-1310**

LD 769 – An Act To Create Fairness in Political Party Enrollment Deadlines.

LD 923 – An Act To Require Write-in Candidates To Be Listed on the Ballot Tabulation Report.

LD 981 – An Act To Allow Candidate Name Tags on Election Day.

LD 1086 – An Act To Revise the Laws Governing Candidate Nominations by Petition.

### *Tuesday, April 9*

#### **Criminal Justice & Public Safety**

**Rm. 436, State House, 1:00 p.m.**

**Tel: 287-1122**

LD 771 – An Act To Amend the Laws Governing Reciprocity for Concealed Handguns Permits.

#### **Inland Fisheries & Wildlife**

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

**Tel: 287-1338**

LD 932 – An Act To Promote Fishing by Youth.

#### **Transportation**

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

**Tel: 287-4148**

LD 818 – Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Assess the Effects of Funding and Policy Decisions on the Maine Turnpike and I-295 between Portland and Augusta.

LD 1075 – An Act To Allow Motorists To Proceed through an Intersection after Stopping for a Red Light.

LD 1076 – An Act To Allow for the Equalization of Truck Weights between Maine and Canada for Limited Use at the Border Crossings.

### *Wednesday, April 10*

#### **Criminal Justice & Public Safety**

**Rm. 436, State House, 1:00 p.m.**

**Tel: 287-1122**

LD 335 – An Act To Review Firearm Laws in the State.

LD 1182 – An Act Regarding the Disposition of Firearms in State Custody.

## LEGISLATIVE HEARINGS (cont.)

### State & Local Government

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

LD 1133 – An Act Concerning the Removal of Municipal Employees.

LD 1139 – An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements.

LD 1177 – An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group.

### Veterans & Legal Affairs

**Room 437, State House, 1:00 p.m.**  
**Tel: 287-1310**

LD 504 – An Act To Amend the Election Laws and Other Related Laws.

LD 767 – An Act To Limit Contributions to Candidates for Maine Offices to Maine Residents.

LD 1077 – An Act To Amend the Maine Clean Election Act and Campaign Finance Laws.

### Thursday, April 11

#### Agriculture, Conservation & Forestry

**Room 214, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1312**

LD 334 – An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment.

#### Criminal Justice & Public Safety

**Rm. 436, State House, 10:00 a.m.**  
**Tel: 287-1122**

LD 660 – An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons.

**1:00 p.m.**

LD 594 – An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff.

LD 958 – An Act To Establish a Database To Prevent Individuals Involuntarily Admitted or Committed to a Mental Health Institution from Being Issued Concealed Handgun Permits.

LD 1053 – An Act Regarding a Retired Law Enforcement Officer Carrying a Concealed Handgun without a Permit.

#### Education & Cultural Affairs

**Room 202, Cross State Office Building, 2:00 p.m.**  
**Tel: 287-3125**

LD 194 – An Act To Ensure That a Curtailment in School Funding Is Shared by All Institutions.

LD 195 – An Act To Fund Education by Providing Equal State Funding for Each Student.

LD 615 – An Act To Protect School Administrative Units from a Sudden Decrease in Funding due to Reduced Enrollments.

LD 944 – Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws.

#### Inland Fisheries & Wildlife

**Room 206, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1338**

LD 467 – An Act To Increase Agent Fees for Registration of Certain Recreational Vehicles.

LD 911 – An Act To Increase Revenue for the ATV Recreational Management Fund.

### Friday, April 12

#### Appropriations & Financial Affairs

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

LD 713 – An Act To Return Local Revenue Sharing to Full Funding.

LD 940 – An Act To Reestablish State-municipal Revenue-sharing as a Compact between the State and Municipal Governments.

#### Criminal Justice & Public Safety

**Rm. 436, State House, 10:00 a.m.**  
**Tel: 287-1122**

LD 188 – An Act To Criminalize Possession of a Suspended or Revoked Concealed Handgun Permit.

LD 189 – An Act To Establish a Central Concealed Handgun Permit Database.

LD 191 – An Act To Authorize the Suspension of a Concealed Handgun Permit.

LD 222 – An Act Designating the Chief of Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun.

LD 223 – An Act To Amend the Laws Regarding a Concealed Handgun Permit.

LD 1022 – An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit.

#### Education & Cultural Affairs

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

LD 481 – An Act To Amend the Laws Governing Virtual Public Charter Schools.

LD 671 – An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations.

LD 1128 – An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools.

## IN THE HOPPER

### Agriculture, Conservation & Forestry

LD 1283 – An Act To Amend the Laws Governing Animal Trespass. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.) (By Request)

This bill amends the animal trespass laws in the following ways. The bill: (1) makes a 3<sup>rd</sup> or subsequent violation a Class E crime; (2) makes the fine for a 2<sup>nd</sup> violation \$1,000; (3) makes the fine for a 3<sup>rd</sup> or subsequent violation \$2,500; (4) requires a repeat violator to pay the reasonable court costs and attorney's fees for the Department of Agriculture, Conservation and Forestry, municipality or law enforcement agency; and (5) authorizes the forfeiture of a animal of a repeat violator if the court finds that the repeat violation jeopardizes the public health, safety or welfare.

### Education & Cultural Affairs

LD 300 – An Act To Protect School Administrative Units and Taxpayers. (Sponsored by Rep. Beck of Waterville; additional cosponsors.)

This bill reverses legislation enacted in 2012 by establishing that an insurer providing health insurance covering employees of a school administrative unit is not required to provide loss information concerning those employees if requested by the school administrative unit.

LD 1098 – An Act To Encourage Teacher Input in Education Policy. (Sponsored by Sen. Patrick of Oxford Cty; additional cosponsors.)

Current law does not allow matters of education policy to be subject to collective bargaining between school systems and their teachers, and expressly identifies wages, hours, working conditions

## HOPPER (cont.)

and contract grievance arbitration as matters that do not fall in the definition of “education policy” and therefore allowable matters for collective bargaining. This bill adds class sizes, staffing levels and teacher planning and preparation periods as three additional matters that are not “education policy” and therefore subject to collective bargaining.

### Energy, Utilities & Technology

LD 1251 – An Act to Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market. (Sponsored by Rep. Nelson of Falmouth; additional cosponsors.)

This bill provides municipalities with more direct control of their street lighting programs in the following ways. The bill requires electricity transmission and distribution utilities to provide 3 options for municipal street lighting programs: the “utility-provided services” option, the “municipally owned, utility-installed” option, and the “municipally owned, installed and maintained” option. Under these various options, the bill provides for how a municipality may be charged for the utility infrastructure services provided, how the location of street and area lighting will be provided on the utility poles, at what rates or by what methods the electricity delivery charges may be assessed and how a municipality may transition from one option to another during the course of any year.

LD 1342 – An Act To Ensure Just and Reasonable Sewer Utility Rates. (Sponsored by Rep. Treat of Hallowell; additional cosponsor.)

This bill authorizes the Public Utilities Commission to regulate the rates established by sewer and sanitary districts in the circumstance of

a proposed rate change and upon receiving a petition signed by at least 15% of the customers of a sewer utility, or 1,000 customers, whichever is less, with only one signature allowed per account. Upon receiving a valid petition, the PUC shall suspend, investigate and review the proposed change in rate according to the procedures established for the PUC to investigate rate change complaints for the utility services already under the PUC’s jurisdiction. The PUC is authorized to finally establish the rate change.

### Labor, Commerce, Research & Economic Development

LD 1328 – An Act To License Home Building and Improvement Contractors. (Sponsored by Sen. Patrick of Oxford County.)

This bill creates the Maine Home Contractor Licensing Act, which establishes licensing standards of practice and continuing education requirements for home contractors and home contractor salespersons. The bill creates a 7-member Maine Home Contractor Licensing Board that includes one municipal code enforcement officer. All home contractors performing construction, reconstruction or repairs on a dwelling unit for a contracted cost of \$1,400 or more, or selling those services, must be licensed according to the terms of this bill, with certain exceptions. Qualifications for licensing include a minimum of two years of home construction experience, demonstrated proficiency in the Maine Uniform Building and Energy Code (MUBEC), and meeting certain minimum insurance requirements. The bill prohibits any governmental entity from issuing a permit for a home construction project unless proof of licensing is provided or proof of an exemption from the need for licensing.