

Budget Update

Three months ago to the day, Governor LePage unveiled his proposed state budget. The foundation of that budget is the appropriation of \$400 million in resources currently dedicated for property tax relief to be used for state spending purposes instead. No “game plan” on the part of the Legislature has been offered as of yet in response. That reality bodes poorly for both local government and the property taxpayers that support local government.

The issue facing the Legislature is whether the structure of the state’s tax code should be transformed to elevate even higher the state’s reliance on the property tax to pay for governmental services. That is the unarguable result of the Governor’s budget. Serious discussions about the state’s tax structure will take a lot of time and require significant amounts of public deliberation. For this legislative session, time is running out and there has been no focused discussion as of yet on the topic of structural tax changes or tax reform.

The public hearings on the tax changes in the Governor’s budget were held on March 13 in Augusta and March 25 in Brewer. The ostensible next step in the process is the development of the Taxation Committee’s recommendations on these proposals. The changes within the purview of the Taxation Committee include the elimination of the municipal revenue sharing program, the near elimination of the Circuitbreaker property tax relief program, the half-elimination of the Homestead exemption, and the so-called “BETR to BETE” conversion, which involves a few billion dollars worth of taxable property becoming immediately exempt from taxation.

The Tax Committee held work sessions devoted to developing its recommendations on April 2, 5, 9 and 11. The

deadline to finalize these recommendations is next week. The recommendations are to be given to the Appropriations Committee on April 22. The mid-term report card is on page 2.

What this report card reveals, with its many rejections of the Governor’s proposals, is that any substantive alternative to the Governor’s proposed budget is going to necessarily involve rewriting Maine’s tax code, but nobody is saying that out loud for some reason. In days gone by,

after a Governor presented a budget with elements of this extraordinary magnitude, the voices of legislative leadership would be clearly heard articulating an alternative approach, a direction, a game plan, the framework of a response. That hasn’t happened in this case.

In an effort to find out if a game plan is in the works, MMA posed the following question to the 10 members of legislative leadership on Wednesday morning

(continued on page 2)

Road Discontinuance & Abandonment Mandate

On Wednesday this week, the State and Local Government Committee heard over three hours of public testimony on LD 1177, *An Act to Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group*. Sponsored by Sen. Tom Saviello of Franklin County, LD 1177 proposes three significant changes to the existing road discontinuance and abandonment laws.

First, the bill proposes to amend existing policy regarding the retention of public easements over discontinued roads. Under existing law, a municipality may discontinue maintenance of a town way, subject to the approval of both the municipal officers and the local legislative body (i.e., council or town meeting) and further subject to compensating affected landowners for their damages. Since September 3, 1965, all discontinued roads retained a public easement, unless expressly extinguished in the discontinuance order. Prior to that date, the public easement was extinguished unless expressly retained through the order. The change in policy

regarding the retention of the easement was the result of pressure from the courts to address situations where properties, not otherwise accessed by the discontinued road, would become landlocked, leaving the owner no access to the property. The change in the law automatically retains the easement thereby protecting access to potentially landlocked properties.

LD 1177 proposes to reverse the current process, thereby again requiring an affirmative vote of the local legislative body to retain the easement. Public easements over discontinued roads would be generally extinguished, by default, upon discontinuation. The proposal also requires the municipality to continue to maintain the discontinued road on which an easement is retained “for its intended use.” Failure to maintain the road for two years results in the extinguishment of the easement.

Second, the bill requires any “abandonment” of a town way (which occurs automatically under current law after 30

(continued on page 5)

Budget Update (cont'd)

this week.

“Gentlemen: I’d like to write an article for the Friday April 12, 2013 edition of Maine Municipal Association’s Legislative Bulletin about what I would describe as the ‘game plan’ of legislative leadership with respect to the Legislature’s response to Governor LePage’s proposed 2014-2015 state budget.

Maine’s municipal leaders are at a loss as to how to proceed with their own budgeting responsibilities given the dramatic proposals to eliminate, raid or otherwise cut almost all forms of intergovernmental financing that are designed to protect Maine’s property taxpayers. Historically (and I am reaching back to the 1991-1993 era), dramatic proposals by the Governor to slash funding dedicated to local government were accompanied by legislative responses that gave a sense of the direction the Legislature was going to take. It was from this sense of direction that local governments were able to make some reasoned judgments as to how to proceed.

Unless I am missing something, there has been no ‘sense of direction’ articulated by legislative leaders. I am asking for that from you with this written request. Thanks very much for any response that you may be able to give me. All responses, however organized, will be shared with the broad municipal community.”

Thus far, except for a much appreciated acknowledgement of receipt of the question by Assistant Majority Leader Jeff McCabe, there has been no response.

Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: www.memun.org

Editorial Staff: Geoffrey Herman, Kate Dufour and Laura Veilleux of the State & Federal Relations staff.

Proposal	Taxation Committee Recommendation
Eliminate Municipal Revenue Sharing	The current motion on the table is to accept the Governor’s proposal to eliminate municipal revenue sharing. The Republicans on the Committee are poised to support this motion, ostensibly to advance the discussion (whatever that means) or on the principle that if the Committee can’t think of another way to achieve the state’s “savings,” the Committee is obligated to support the Governor’s recommendations. The Committee’s vote on this motion is scheduled for today (Friday, April 12).
Convert Homestead Exemption to Elderly Only	Rejected by the Committee by a 9-2 vote. To make up some or all of the budgeted “savings” associated with cutting the exemption for the non-elderly, the Committee may consider reducing the value of the exemption. To fully cover the budgeted savings associated with this proposal, the \$10,000 exemption would be reduced to just \$5,000. The other proposal to replace the lost state “savings” would earmark all undesignated state revenue in the Governor’s proposed budget for this single purpose.
Convert Circuitbreaker Program to Elderly Only and Further Limit Elderly Eligibility	Rejected by the Committee by a 7-3 vote. There was some bipartisan discussion at the Committee level about considering some less drastic reductions to the program, such as: (1) reducing the eligibility income thresholds ; (2) reducing the percentage-of-rent value that is the renter’s presumptive property tax payment; (3) adopting the Governor’s proposal to limit eligibility for homeowner’s with relatively high levels of investment income, etc.
BETR-to-BETE Conversion	Rejected by the Committee by a 8 - 2 vote.
Create Limits and Additional Requirements for the “Sudden and Severe” Valuation Reduction Program	Tabled. Work is being done on this proposal. MMA has advanced some alternative language to Maine Revenue Services for consideration. The intent of MMA’s alternative language is to: (1) not so severely restrict eligibility by excluding “obsolescence” and “abatement” from allowable causes of value reduction; and (2) allow qualified municipal assessors and municipal assessing agents to provide the necessary valuation data to support sudden and severe applications as an allowable alternative to the “professional appraisals” required in the proposed budget.
Create Additional Requirements to be Eligible for the “Enhanced BETE” Reimbursement	Tabled. Similar to the “sudden and severe” issue, MMA has advanced alternative language that allows qualified municipal assessors and assessing agents to provide the necessary valuation data regarding BETE program to support the enhanced reimbursement status as an allowable alternative to the “professional appraisals” required in the proposed budget.

MUBEC Headed Toward Statewide Application

By a 9-2 vote, the Labor, Commerce, Research and Economic Development Committee voted “ought to pass as amended” on LD 977, *An Act to Restore Uniformity to the Maine Uniform Building and Energy Code*, referred to as MUBEC.

Under current law, MUBEC is the only building code that applies in Maine, and it applies in all 87 municipalities with populations greater than 4,000 as a matter of law. It also applies in any municipality under that population threshold that chooses to adopt and enforce the code. Thirteen municipalities under that population threshold have voluntarily adopted MUBEC. Taken together, these numbers mean that MUBEC does not apply in, and is not enforced by, 392 municipalities in the state.

As endorsed by the Committee, LD 977 would make MUBEC apply throughout the entire state, and it would require all municipalities with a population greater than 2,000, rather than 4,000, to enforce the code.

As reported in the March 29 edition of the Legislative Bulletin, a couple of dozen builders, architects, insurance companies, heating and air conditioning companies, insulation contractors, environmental groups, energy efficiency groups and the Maine Real Estate Development Association testified in support of LD 977 at its public hearing. MMA and the Maine Association of Realtors testified in opposition.

The realtors’ concern was the perceived lack of construction inspection capacity in the more rural parts of the state in those 400 municipalities that have never adopted a building code. Although the MUBEC law allows private sector “third party inspectors” to perform most of the inspection function if the municipality chooses to use that system, it is not known today if there is an adequate, region-wide availability of third party inspectors ready to accomplish the task or if the third party inspector option is at all attractive to Maine’s citizens in the smaller towns. It is also not known

what changes or how many inspections will be required to enforce the law in these communities. It is this uncertainty that concerns people who are hoping for robust home building activity in rural Maine in the next few years.

At its work session on April 5, Committee members asked MMA to obtain some information about the 80 municipalities with populations between 2,000 and 4,000. The requested information included: which of those municipalities have voluntarily adopted MUBEC; whether there is a perception among the 80 municipalities that there is an adequate third party inspector capacity in their regions; and, why the voters in some of those communities are resistant to adopting building codes. To obtain this information, MMA surveyed the 80 communities most directly impacted by LD 977.

The survey information obtained by MMA and conveyed to the Committee indicated that:

- Most of the municipal response to the survey identified the capacity level of third party inspectors as either inadequate or unknown.

- Most of the respondent municipal officials from towns that have never adopted a building code indicated that the primary reason for not adopting a code was concern by the voters about the increased costs directly associated with building projects, the increased costs associated with regulatory or inspection fees, and the increased length of construction time associated with required multiple inspections. Some respondents indicated their voters were seriously opposed to building codes, generally, did not believe there was a significant problem that needed to be addressed, and thought the MUBEC code was more over-determined and heavy-handed than necessary. A few of these respondents said they did not believe the voters in their community understood the MUBEC code very well.

- Half of the towns responding to the survey that have never adopted a

building code said that if they had to enforce MUBEC, they would use their own Code Enforcement Officers, 25% of the respondents said they would use a combination of their own CEO and third party inspectors, and 25% said they would use third party inspectors if available.

- As indicated above, 13 of the 80 municipalities in this population group have voluntarily adopted the MUBEC code. 4 of those municipalities responded to the survey. All of those respondents use their CEOs for inspection/enforcement purposes. 3 of those respondents said the implementation of MUBEC did not present any problems, but it appears that at least two of those communities already had a building code of some kind in place which MUBEC merely replaced. 1 town said it experienced a lot of push back when MUBEC was implemented.

- The additional comments provided by the impacted municipalities in their responses were illuminating. In summary, the idea of the state mandating these building codes on the municipalities and directly on the citizenry was not well received.

The full survey and its results were given to the Committee in writing. Apparently, an actual presentation of the information to the Committee was deemed unnecessary because the 9-2 vote was cast by the Committee immediately upon starting the work session, before any public review of this information or any other discussion of substance. The Office of Fiscal and Program Review has not yet written the fiscal note for LD 977, which will presumably describe its mandate impacts. It would be completely inaccurate at this point in time, without any real experience, to claim that the option to use “third party inspectors” is viable and will reduce the municipal mandate impacts to the 66 municipalities directly affected. This is not to mention the needs of the people living in the 326 municipalities under 2,000 in population where inspection services will be indirectly required by the banks and insurance companies.

Firearms in Municipal Buildings

On Monday this week, the State and Local Government Committee held a public hearing on LD 1122, *An Act Allowing Municipalities to Enact Firearms Policies in Local Government Buildings*. The bill is sponsored by Rep. Matthew Moonen of Portland.

As proposed, LD 1122 entrusts local legislative bodies with the responsibility for determining whether or not to impose a very limited restriction on the possession of firearms in places where people gather to conduct municipal business. Under existing law, the state has preempted municipal home rule authority to regulate firearms, with the only exception being the adoption of firearms discharge ordinances. Under all other circumstances, municipalities cannot regulate the possession of firearms.

LD 1122 modifies the existing state preemption by authorizing municipalities to adopt ordinances that prohibit the carrying of firearms in essential municipal offices and places of legislative assembly. The bill further limits the authority of the municipality by clearly defining the term “essential municipal offices” to mean the office of the municipal clerk, treasurer, tax collector, assessor, manager or administrator and the term “place of legislative assembly” to mean where the town meeting or council assembles to adopt budgets, laws and ordinances.

In his testimony, Rep. Moonen made two points absolutely clear.

First, LD 1122 simply extends to municipalities the option to provide the same level of protection the state has extended to legislators, state agency employees and the general public who convene in the state’s capitol area.

Second, and most importantly, the bill authorizes the people in the municipalities to decide whether or not the limited restriction meets the unique needs of the community. The restriction becomes effective if, and only if, the community votes to adopt the ordinance. The decision to move forward with an ordinance is entirely up to the residents of the community.

MMA provided testimony in support of LD 1122 echoing the sponsor’s comments.

The president of the Maine Gun Own-

ers Association, the executive director of Sportsmen’s Alliance of Maine and an interested citizen provided testimony in opposition to LD 1122. In addition to referring to the constitutionally protected right to bear arms, four other considerations were offered throughout the course of the opponents’ testimony:

1. Maine is a “quiet” state without much violence and therefore LD 1122 is a solution in search of a problem.

2. Municipal employees would be placed in increased danger because concealed weapons permits holders, who have been properly trained, would be prevented from carrying firearms into municipal buildings.

3. Gun free zones are easy targets and provide the general public with a false

sense of security.

4. Local-level ordinance adoption authority would lead to a confusing patchwork quilt of firearm regulation.

Municipal officials strongly believe that the local legislative bodies should have the right to determine how best to protect employees, residents and visitors. In its ban on firearms in the Capitol area – which includes the State House, Cross Office Building, State Museum and Library, Blaine House and across the Kennebec River to the state offices located around the former Augusta Mental Health Institution – the Legislature has adopted the rules necessary to protect itself, its employees and its visitors. Municipal officials are simply asking for the same authority.

Tax Committee Puffs a Breath of Life in “Service Charge” Bill

Last week’s Legislative Bulletin ran an article about the April Fools’ Day public hearing before the Taxation Committee on two bills designed to allow municipalities to charge certain tax exempt institutions for the municipal services they directly receive.

With a dash of cynicism and pinch of snark, the article bemoaned the unremitting repetition of this legislative event, where the well-intentioned “David” bill that helps communities with excessive tax exemption meets a Goliath wall of resistance from the well populated community of tax exempt organizations, which range in size from tiny and just-getting-by food banks to very nicely financed educational facilities and much bigger medical corporations. The hearings run long, indignation is expressed at the very thought of charging for services provided to organizations conducting missions of inestimable value and the bills are unceremoniously killed in Committee at a subsequent work session.

Not quite so fast this time around. There’s some independent thinking on the Tax panel.

Two bills are on the table : 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. Both proposals build off the existing service charge statute by authorizing a municipality’s legislative body to adopt an ordinance that governs the system of calculating, charging and collecting a fee for the municipal services directly provided the tax exempt institutions. Under existing law, service charges can be applied only to residential rental property that is 100% exempt from taxation. These bills would open up the service charge authority to many other categories of exempt property. In both bills, the church property would remain exempt. LD 936 would also not allow service charges to be applied against certain medical care facilities and veterans organizations. LD 562 would not allow service charges to be applied against educational institutions.

The basic concept is “every oar in the water, if only a little bit.”

At a work session on Monday this week, the Committee puffed a little life into this concept by asking its analyst

(continued on page 5)

years of municipal non-maintenance) to be accomplished by an affirmative vote of the municipal legislative body. The current presumption of abandonment provision was enacted to provide some certainty regarding the status of roads that have not been used or maintained for many years and predictability with respect to the liability and responsibilities of municipalities.

Third, the bill mandates all municipalities to prepare a list by Jan. 1, 2016 of all roadways in their jurisdiction that the municipality intends to keep in repair with public funds. All roadways not included in the list are automatically discontinued as of that date with no public easement. As proposed, if a community inadvertently omits a road from that list, whether it is an old logging road or the main street, the road is discontinued without easement. There is no room for human error, nor is there funding provided to the municipalities and their property taxpayers for accomplishing the task.

Nearly all of the testimony offered at the hearing was in support of the bill.

Many of the proponents of LD 1177 expressed frustration that local legislative bodies (i.e., town meetings or councils) can discontinue maintenance of a road but a public easement and the right to travel over the road way can be retained. Proponents believe it is unfair that the public can “have their cake” of public access and “eat it, too” without financial exposure to maintain the road.

The Small Woodlot Owners Association Maine (SWOAM) expressed its opinion that interested parties, including abutters, recreational users and municipal officials have difficulty determining the status of roads within the municipal boundaries. In order to address the problem, the small woodlot owners believe the towns should be mandated to inventory the number, location and legal status of each road within the community.

Senator Doug Thomas of Piscataquis County offered what could be considered “neither for nor against” testimony. Although Sen. Thomas believes that abutters’ rights and interest should be protected, he cautioned the Committee from enacting changes that would ef-

fectively landlock properties.

MMA provided testimony in opposition to the bill.

While municipal officials understand the frustrations associated with discontinued roads, they strongly oppose LD 1177 as a significant mandate on municipal resources and an unprecedented upheaval of well established discontinued and abandoned road law without any consideration of the consequences. MMA articulated its opposition to the bill on the basis of a memo prepared by Richard Flewelling, Assistant Director of MMA Legal Services. In this memo, Mr. Flewelling raised six concerns with the printed bill:

1. LD 1177 virtually guarantees that in all future discontinuances of town ways, no public easement will be retained, leaving the general public with no legal access to these formerly public ways – for business, convenience, recreation or any other legitimate purpose.

2. The bill creates a vague and quite possibly unconstitutional mandate to give private easements to property owners who require access over a discontinued town way if no public easement has been retained.

3. The bill totally ignores the fact that under current law the abutters are compensated in money damages for their loss in property value due to the discontinuance of a town way, including the loss in value attributable to the cessation of public maintenance.

4. The bill incites litigation against municipalities by establishing undefined benchmarks regarding the maintenance of public easements if they have been retained.

5. The bill creates a very real possibility that some or all town ways in some municipalities will be discontinued inadvertently by operation of law as of January 1, 2016, with no public easements being retained, leaving the general public with no legal access to these formerly public ways for any purpose.

6. The bill repeals the discontinuance-by-abandonment statute, which wisely and constitutionally presumes the discontinuance of a town way that has not been maintained by the municipality for at least 30 years.

Mr. Flewelling summarized his analysis of the bill as follows: “LD 1177 upends the longstanding, carefully crafted and well-understood law governing the discontinuance of town ways and replaces it with provisions that discourage public access, impose arguably unconstitutional municipal mandates, add extra municipal costs, incite litigation against municipalities and threaten the arbitrary, abrupt discontinuance of town ways that are not publically listed by January 1, 2016. For all these reasons, it should be soundly rejected.”

The bill is now in the hands of the State and Local Government Committee. The Committee plans to dedicate multiple work sessions to ensure all concerns are properly addressed. Work sessions have not yet been scheduled.

“Service Charge” (cont'd)

to take LD 936 as the “vehicle” bill and incorporate into it some of the working language in LD 562. Another idea sprinkled in for consideration was to put a value threshold in the bill that would ensure that small tax exempt charitable organizations, with a property value less than \$500,000, for example, or \$1 million, would not be made subject to the service charges. Another idea under consideration to include in the bill was to make sure facilities that are partially taxable (certain fraternal organizations, for example, are only partially exempt) would not be made subject to the service charge. Their oar is already in the water.

On Thursday this week the Committee reviewed the analyst’s work. All the Senators on the Committee spoke out in opposition to the amended version of LD 936. Several Committee members from the House, however, from both sides of the aisle, appear willing to support the bill for the purpose of getting this issue squarely before the full Legislature and elevating public consciousness about Maine’s wobbly and lopsided property tax system, which puts too much tax burden on some property owners and too little on the rest.

The final Committee vote has been tabled for now.

LEGISLATIVE HEARINGS

Monday, April 15 (Holiday)

Tuesday, April 16

Agriculture, Conservation & Forestry
Room 214, Cross State Office Building, 10:00 a.m.
Tel: 287-1312

LD 749 – An Act To Prohibit the Taking or Possession of a Natural Resource That Is on the Land of Another.

LD 1239 – An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws.

LD 1283 – An Act To Amend the Laws Governing Animal Trespass.

LD 1285 – An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information.

Wednesday, April 17

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

LD 1179 – An Act To Create the Brunswick Landing Job Increment Financing Fund.

LD 1275 – An Act To Implement the Recommendations of the Maine Economic Growth Council Regarding Prosperity.

LD 1276 – An Act To Provide Stable Funding for Research and Development in Maine.

1:00 p.m.

LD 1154 – An Act To Establish the Maine Length of Service Award Program.

Thursday, April 18

Education & Cultural Affairs
Room 202, Cross State Office Building, 9:00 a.m.
Tel: 287-3125

LD 529 – Resolve, Directing the Department of Education To Develop Safety Standards for School Access.

Friday, April 19

Education & Cultural Affairs
Room 202, Cross State Office Building, 9:00 a.m.
Tel: 287-3125

LD 783 – An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit.

LD 1322 – An Act To Amend the Laws Governing the Withdrawal of a Municipality from a Regional School Unit

IN THE HOPPER

Agriculture, Conservation & Forestry

LD 1285 – An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information. (Sponsored by Rep. Boland of Sanford; additional cosponsors.)

This bill requires the Commissioner of the Department of Agriculture, Conservation and Forestry to create a statewide electronic database of dogs licensed by January 1, 2014 which must be accessible to all law enforcement agencies for use in animal control. The bill authorizes the Commissioner to establish fees to fund the development of the data base and creates the Animal Licensing Database Fund as the repository of those fees.

Education & Cultural Affairs

LD 1106 – An Act To Develop a Grant Program To Establish a Teacher-led School Model. (Sponsored by Rep. Moonen of Portland; additional cosponsors.)

This bill amends various sections of education law, including the section governing the Fund for the Efficient Delivery of Educational Services (which is currently uncapitalized), to allow for public schools within a school system to initiate the creation and operation of a teacher-led school. A “teacher-led” school is defined as “a public school in which teachers employed at the schools are responsible for the decision making and governance of the school.”

LD 1128 – An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools. (Sponsored by Sen. Alfond of Cumberland Cty; additional cosponsors.)

This bill requires that any entity applying to establish a public charter school must hold at least 3 public hearings in the region that would be affected by the operation of the public charter school and (1) provide the public with the best estimates possible regarding the impact on funding, student enrollment, courses and teachers in both public schools and the proposed public charter school; (2) announce to the persons who attend a public hearing that they have the right to provide the Maine Charter School Commission with their opinions and concerns about the proposed plan to operate a public charter school in the region in which they reside; (3) hold a vote to determine if the persons who attend a public hearing are in favor of the organizers’ proposed plan

to operate a public charter school in the region in which the persons reside; and (4) provide the Maine Charter School Commission with an objective summary of the public comments presented at each public hearing and the result of the vote held at the public hearings.

The bill also provides that the Maine Charter School Commission may accept an application for a public charter school only if these meetings and votes are held and the majority of the persons that attend the public hearings voted in favor of the proposed plan to operate a public charter school in the region. Finally, the bill requires the Commissioner of Education to submit proposed legislation that provides options for funding public charter schools, including but not limited to establishing a new General Fund program account to pay for public charter schools.

LD 1346 – An Act To Ensure That Charter Schools Are Funded by the State. (Sponsored by Rep. Campbell of Newfield; additional cosponsors.)

This bill establishes a moratorium on the authorization of new public charter schools until the state provides at least 55% of the total cost of funding public education from kindergarten to grade 12 as set out in the Essential Programs and Services Funding Act.

The bill also amends the current collective bargaining provisions in the public charter school laws to clarify that teachers employed by a public charter school authorized by the Maine Charter School Commission retain the choice of whether or not to establish a collective bargaining unit established for the public charter school.

LD 1353 – An Act To Further Reduce Student Hunger. (Sponsored by Sen. Alfond of Cumberland Cty; additional cosponsors.)

This bill requires a school administrative unit with a public school in which at least 50% of students qualify for a free or reduced-price lunch during the preceding school year to operate a federal summer food service program if the school otherwise operates a summer educational or recreational program. Similarly-qualifying schools that do not operate summer educational or recreational programs would also be required to operate a federal summer food service program if there is a service institution that provides food service to children in the summer in that area. The governing body of a school system

can elect not provide the summer food service program after holding a public hearing on the subject and determining that operating such a program would be financially or logistically impracticable.

Environment & Natural Resources

LD 907 – An Act To Encourage Recycling. (Sponsored by Rep. Stanley of Medway; additional cosponsor.)

This “concept draft” bill proposes to impose a fee of \$15 per ton, to be paid to the state, on the disposal of solid waste solid waste disposal facilities, solid waste processing facilities, and the movement of solid waste from one solid waste facility to another, without exception. Revenue from the collected fees must be distributed according to a first and second priority. First priority would be to provide grants to municipalities for costs related to the fee, including: (1) a grant of 1.3 times the fee paid by the municipality for disposal of recyclable materials; (2) grants equal to the fee paid by the municipality for disposal of all other materials. The total grants awarded to the municipalities cannot exceed the total value of the fees collected. The second priority is to provide the state’s school districts with any excess fee revenues, on a prorated, pupil-count basis.

LD 1363 – An Act To Ensure Landfill Capacity and Promote Recycling. (Sponsored by Rep. Chipman of Portland; additional cosponsors.)

This bill makes several changes seeking to conserve landfill capacity and increase recycling, including: (1) amending the definition of “in-state waste” as waste originating in Maine; (2) authorizing municipalities to enact ordinances related to solid waste facilities that are stricter than state law; and (3) imposing a one-year moratorium on the issuance of licenses expanding landfills. The bill also directs the Department of Environmental Protection to study and identify best practices to reduce the amount of solid waste disposed in landfills, increase recycling and generate revenue from recycling for municipalities. The Department is further directed to report its finding to the Legislature by January 3, 2014.

Health & Human Services

LD 1274 – An Act To Sustain Emergency Medical Services throughout the State. (Sponsored by Sen. Tuttle of York Cty; additional cosponsors.)

This bill appropriates \$1.2 million in General Fund resources for each year of the upcoming biennium as the projected state share associated with increasing the reimbursement rate for ambulance services to Medicare reimbursement rate levels.

Labor, Commerce, Research & Economic Development

LD 1154 – An Act To Establish the Maine Length of Service Award Program. (Sponsored by Rep. Maker of Calais; additional cosponsors.)

This bill establishes the framework for a statewide pension-type program for volunteer firefighters and emergency medical services personnel. The bill creates the “Length of Service Award Program” and establishes a 7-member Board of Trustees which is charged with administering the program with private financial benefit management companies. Each municipal fire chief would be responsible for posting a list of volunteer firefighters and EMS volunteer working for the municipality that year, providing an opportunity for the list to be challenged, and ultimately submitting a certified list to the trustees. The Program is authorized to collect and invest funds from state government, local governments, municipal fire departments or companies, the federal government and tax revenues collected from the sales of consumer fireworks.

Eligible volunteers vest in the Program after 5 years of service, and receive a pension upon the attainment of 60 years of age or having earned 20 years of service credit before 60 years of age. All contributions to

the program, apparently, would be voluntary except for the consumer fireworks sales tax revenue.

State & Local Government

LD 1204 – An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal. (Sponsored by Rep. Hobbins of Saco.)

This bill allows a municipal board of appeals to review a decision of the code enforcement officer unless the municipality’s charter or ordinance provides that the decision of the code enforcement officer is only advisory.

LD 1357 – An Act To Support Maine Businesses through State Purchasing. (Sponsored by Sen. Goodall of Sagadahoc Cty; additional cosponsors.)

This bill gives preference in the award of construction and public works projects by the state, counties, municipalities and charitable and educational institutions funded in whole or in part with state or local funds to give preference to workers and bidders who are residents of the state as long as the bids are within 2.5% of any out of state bids.

Taxation

LD 692 – An Act To Provide Funding for Education by Restoring the 8.5 Percent Income Tax Rate for High-income Taxpayers. (Sponsored by Rep. Macdonald of Boothbay; additional cosponsors.)

This bill restores the highest marginal income tax rate of 8.5% for certain taxpayers and dedicates the collected revenue for public school subsidy purposes. The 8.5% rate would be applied under the bill to the taxable income of a single person household exceeding \$137,500, a multi-person household exceeding \$206,250, and a household filing a married joint return exceeding \$275,000.

LD 1113 – An Act To Provide Tax Fairness to Maine’s Middle Class and Working Families. (Sponsored by Rep. Berry of Bowdoinham; additional cosponsors.)

This is a “concept draft” bill that proposes to: (1) equalize the total state and local effective tax rate paid by low-income, middle-income and high-income Maine tax filers; (2) partially fund the income and estate tax reductions enacted in 2011 by providing revenue of between \$150,000,000 and \$250,000,000 over the next 2 years; and (3) maintain an equalized state and local tax rate while enabling future changes that may also simplify Maine’s tax code, stabilize revenues and reduce the tax burden on Maine residents. To accomplish these goals, the bill proposes to establish a tax equalization assessment on those income tax filers who have an annual income equal to or exceeding \$250,000, but whose total effective state and local tax rate is lower than the average effective state and local tax rate for all other Maine households.

The bill also proposes to establish a tax equalization credit for those income tax filers who have an annual income below \$125,000, but who pay a total effective state and local tax rate that is significantly higher than the average effective state and local tax rate for all other Maine households.

LD 1141 – An Act To Increase the Sales Tax To Support Revenue Sharing. (Sponsored by Rep. Theriault of Madawaska; additional cosponsors.)

This bill imposes an additional 1% sales tax if the amount of the revenue provided for municipal revenue sharing is less than 5% for the prior fiscal year. If in the subsequent year the amount of revenue transferred for revenue sharing is at least 5% of all state sales and income tax collections, the sales tax rates revert to the statutory rates for the next fiscal year.

LD 1205 – An Act To Lower the Rate of Excise Tax on Older Vehicles To Acknowledge the Longer Life Span of Motor Vehicles. (Sponsored by Rep. Cray of Palmyra; additional cosponsors.)

This “concept draft” bill proposes to amend the motor vehicle excise tax rate schedule to take into consideration, in a revenue-neutral

HOPPER (cont.)

manner, the high percentage of motor vehicles that are more than 6 years old.

LD 1227 – An Act To Promote Tourism and Economic Development. (Sponsored by Rep. Chipman of Portland; additional cosponsors.)

This bill increases the sales tax on lodging from 7% to 12% beginning October 1, 2013. 60% of the revenue attributable to the increase is dedicated to the Tourism Marketing Promotion Fund and 40% is dedicated to the municipality in which the lodging facilities are located.

LD 1297 – An Act To Provide Funding for Public Education by Increasing the Sales Tax. (Sponsored by Rep. Chenette of Saco; additional cosponsors.)

This bill increases the general sales tax rate from 5% to 5.667%, and dedicates the increased revenue associated with the increase to assisting the state in meeting its obligation to pay for 55% of the cost of K-12 education.

LD 1314 – An Act To Allow a Local Option Tax on Meals and Lodging. (Sponsored by Rep. Moonen of Portland.)

This “concept draft” bill proposed to allow a municipality to impose an additional tax, up to 2%, on sale value of rented lodging facilities and prepared food within the municipality.

Veterans & Legal Affairs

LD 768 – An Act To Increase Access to Voter Lists. (Sponsored by Rep. Chipman of Portland; additional cosponsors.)

This bill requires municipal registrars to make available to an elected office holder during the office holder’s term central voter

registration system information concerning voters in a municipality the office holder represents, including the voter’s name, residence address, mailing address, year of birth, enrollment status, electoral district, voter status, date of registration, date of change of voter record, if applicable, voter participation history, voter record number, and other special designations.

LD 1211 – An Act To Amend the Laws Concerning Absentee Ballots. (Sponsored by Rep. Cotta of China.)

This bill requires municipal election clerks to prepare absentee ballots no later than 30 days before a municipal election if the municipal election is scheduled to occur on the same day as a statewide election.

LD 1219 – An Act To Establish a Run-off Process for the Election of the Governor, United States Senator or United States Representative. (Sponsored by Rep. Evangelos of Friendship; additional cosponsors.)

This bill provides that a successful candidate for Governor, United States Senator or United State Representative receive more than 50% of the votes cast for the office by requiring a run-off election between the two candidates with the most votes. The candidate receiving the most votes in the run-off election is declared the winner.

LD 1358 – An Act To Amend the Election Laws To Require a Run-off Election for Governor. (Sponsored by Sen. Tuttle of York Cty; additional cosponsors.)

This bill requires that a successful candidate for Governor receive more than 50% of the votes cast for the office of Governor by requiring a run-off election to be held in the circumstance of a gubernatorial election with more than 2 candidates on the ballot and with no candidate receiving more than 50% of the vote.