

# Legislative BULLETIN

MAINE MUNICIPAL ASSOCIATION

Vol. XXXV No. 15 April 19, 2013



## Restoring the Revenue Sharing “Compact”

Legislation is at least sometimes a form of visioning, where the sponsor’s bill lays out an imagined new reality and attempts to chart the necessary steps to get there. The current reality in the State House has an “elephant in the room” characteristic, with the pachyderm being Governor LePage’s multi-part proposal to eliminate municipal revenue sharing and otherwise fund state government with \$400 million dedicated to property tax relief. In the midst of that environment, two bills designed to restore and better protect the municipal revenue sharing program were given their public hearing last Friday before the Appropriations Committee. Each bill is sponsored by a legislative leader from the Senate, one a Democrat and one a Republican. It is fair to say that these two Senators are not envisioning an end to municipal revenue sharing.



Sen. Roger Katz (Kennebec Cty.)



Sen. Justin Alfond (Cumberland Cty.)

The first bill presented to the Committee was LD 713, *An Act To Return Local Revenue Sharing to Full Funding*, sponsored by Senator Roger Katz (Kennebec Cty.) Assistant Minority Leader. Simple in its structure, LD 713 creates a three year ramp to return to full municipal revenue sharing, at which time 5% of state sales and income taxes would be distributed for property tax relief purposes just as it was for nearly four decades before a recent spate of legislative raids. For the upcoming fiscal year (FY 14) the distribution would be 3.5% of sales and income tax revenue. For the subsequent fiscal year, the distribution would be 4% of those state revenues,

and the full 5% distribution would begin on July 1, 2015.

The second presentation was LD 940, *An Act To Reestablish State-municipal Revenue-sharing as a Compact between the State and Municipal Governments*, sponsored by Senate President Justin Alfond (Cumberland Cty.). As the title suggests, LD 940 restructures the “Local Government Fund,” which is the repository of the sales and income tax resources dedicated for revenue sharing distribution, as an “irrevocable trust fund,” thus reestablishing the “compact.” Creating a board of trustees separate from the Legislature, LD 940 would protect those resources from

being raided by the Legislature. There is nothing new about this concept; at least

two other funds are established in statute as “irrevocable trusts.”

**LD 713.** As one might expect from the former Mayor of the Capital City, Sen. Katz hit all the major arguments when presenting LD 713 for restoring and properly maintaining the municipal revenue sharing program. Municipalities are asked to perform a lot of functions for the general good, Sen. Katz explained, but are at the same time prohibited access to the more progressive, broad-based tax resources to help pay for those services. The revenue sharing program was established 40 years ago for the precise purpose of blunting the regressive edge of the property tax, he explained. As a true “sharing” system when originally designed, the program does not have to compete with other state appropriations on the front end, and naturally declines in its distribution in a souring economy, thus requiring no legislative adjustment on the down side. Despite its deliberate design, the Legislature in recent

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## Firefighters Push for Statewide Pension System

LD 1154, *An Act To Establish the Maine Length of Service Award Program*, would establish a statewide pension system for volunteer firefighters and emergency medical services (EMS) personnel. A seven-member Board of Trustees, including five firefighters, is charged with administering the program by contracting with a financial benefits manager. To determine eligibility for the pension benefit, each municipal fire chief would be responsible for posting a list of volunteer firefighters and EMS volunteers working for the municipality that year. An

opportunity would be provided to challenge the accuracy of the list, but ultimately each fire chief would submit a certified list to the trustees. Eligible volunteers vest in the pension program after five 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. The pension system is authorized to collect and invest funds from state government, local governments, municipal fire departments or fire companies, the federal government as well as revenues collected by doubling

*(continued on page 3)*

years has ignored the program's natural decline and dug much more deeply into revenue sharing to fund the state budget, an action in which the Senator admitted some complicity. In effect, the Legislature has turned the sharing program into an annual appropriation for the Legislature to adjust unpredictably – even down to zero – as the demands of state government may require.

Sen. Katz also made observations about the unbalanced nature of the state's tax code and his interest in exploring a revenue system that relied more evenly on various tax sources to pay for necessary governmental services rather than a tax policy that relies so disproportionately on property taxes.

Somewhat out of the blue, before opening up the hearing to testimony from the public, there occurred between Sen. Katz and several members of the Appropriations Committee an extended discussion about municipal "consolidation."

Rep. Mike Carey of Lewiston asked why revenue sharing discussions automatically trigger allegations of municipal inefficiency and the need for municipal consolidation. Sen. Katz described his interest in creating incentives for municipal collaboration where collaboration made sense, and his full recognition that there is no comparison between the sharply negative financial impacts associated with eliminating municipal revenue sharing and any savings associated with municipal "consolidation." His own experience of witnessing the creation of a regional wastewater utility district revealed the years of work and significant up-front investments that need to be made in order to reorganize governmental systems. It was also obvious to Sen. Katz that consolidation does not generate savings automatically. There are obvious circumstances where a municipal consolidation would lead to significant cost increases, at least for some partners.

**LD 940.** Senator Alfond presented LD 940 to the Committee by stating his belief that it is time for Augusta to send a strong signal of reaffirmation to the towns and cities in Maine. Through LD 940, Sen. Alfond would like to re-state the fact that Legislature recognizes the wide range of responsibilities municipali-

ties are given and continues to hold that the property tax, as the most regressive tax in the arsenal, should not be required to entirely finance those services. Sen. Alfond reminded the Committee of the revenue sharing raids accomplished by both the 124<sup>th</sup> and the 125<sup>th</sup> Legislatures, and how the Governor's current proposal to eliminate revenue sharing has triggered months of sharply expressed municipal concern about the impacts. The bottom-line goal of LD 940 is the restoration of an authentic partnership between state and local government.

**Testimony in support.** Waterville Mayor Karen Heck, Portland Mayor Mike Brennan, Augusta City Councilor Cecil Munson and City Manager Bill Bridgeo, Bethel Selectwoman Pat Carter and Town Manager Jim Doar, Bangor Finance Director Debbie Cyr, and MMA testified in favor of these legislative proposals. The municipal testimony included the following points:

- Municipalities are facing immediate problems putting their budgets together with so much uncertainty associated with the Governor's proposals. Being asked to operate at this level of unpredictability is no way to run a ship;

- The last four years of legislative raids on the revenue sharing program have already demonstrated the negative effects of relying so exclusively on prop-

erty taxes to provide core local government services. The municipal testimony explained in detail the wage freezes, furlough days, cuts in employment and reductions in take home wages that have been implemented on the local level over the last four year period. The next round of reductions can cut only one way, and that is into core services.

- Municipal officials are involved in reviewing, analyzing, developing and implementing collaborative efforts with each other, other levels of government and the private sector in an ongoing and never-ending way. Because these efforts rarely make headlines, this is an activity that may be lost on at least some politicians.

- And the proposed elimination of municipal revenue sharing will greatly increase property taxes and is already causing a lot of anxiety, particularly among lower income and fixed income residents who are already struggling. One councilor described the anguish some of his constituents are expressing with the prospect of increased property taxes; another described it as deep distress.

LDs 713 and 940, working together in a complementary way, put an end to the unpredictability and chart a path of compromise to a restored state-municipal partnership. That's the vision the Legislature is being asked to implement.

## Garrett Corbin Joins MMA as Legislative Advocate



We are pleased to notify you that Garrett Corbin, Esq. has accepted the position of Legislative Advocate for the Maine Municipal Association. Garrett is a graduate of Boston University and subsequently received his law degree from the University of Maine School of Law as well as a Master's degree in Public Policy and Management from the Muskie School of Public Service. The position Garrett fills was vacated when Greg Connors left MMA to take a position with the Legislature's Office of Fiscal and Program Review in December 2012.

Since December 2011 Garrett has worked as a Government Relations Liaison at the Preti Flaherty law firm in Augusta. Garrett will begin his employment at MMA on Monday, April 22. Garrett's focus will be on legislation considered by the following legislative committees: Energy, Utilities and Technology; Environment and Natural Resources; Judiciary; and Labor, Commerce, Research and Economic Development.

# The Public Identity of Concealed Weapon Permit Holders

## System of Records Management to Change Once Again

LD 345, *An Act to Ensure the Confidentiality of Concealed Weapons Permit Holder Information*, is a bill that stirred up its share of controversy. Municipal officials are well aware of the intense focus on whether concealed weapons permits are public or confidential records because of the emergency legislation enacted last month that temporarily – until April 30<sup>th</sup> – made the concealed weapons permits entirely confidential. LD 345 is the bill that will establish the policy starting on May 1.

The Judiciary Committee reported out its recommendations on LD 345 a couple of weeks ago. A 10-member majority of the Committee voted for a version of the bill that will make the personally identifying information on all concealed weapons permits confidential. A 3-member minority of the Committee voted for a version of the bill that would keep some concealed weapons permits as public records but not the permits of certain applicants. Confidentiality would be provided to those who file an affidavit with their application for the permit that supports the confidential treatment of their permit information for one of a variety of reasons (e.g., an active or retired law enforcement personnel, judge, prosecuting attorney, witness, juror, a person subject of a protection from abuse court order or who otherwise fears for his or her safety if disclosed as a permit holder, etc.)

Both versions of the bill will change the way municipalities that issue concealed weapons permits will manage those records. Because the political weight favors the majority report, this article focuses on how municipalities will need to manage these records if the majority report is finally enacted.

Under the majority report, the only public information about any concealed weapons permit issued is the date of issue, the date of expiration, and the municipality of the permittee's residence. No personally-identifying information of any kind associated with an issued permit may be released. There appears to be more than one way municipal administrators will be

able to comply with this new standard that straddles the law between a public record and a confidential document.

One way to comply would be to keep two separate files of the issued permits. The first file would be all issued permits which would be held as a completely confidential record. The second file would be copies of all the issued permits, each of which would be heavily redacted to re-

## Firefighters (cont'd)

the sales tax on consumer fireworks and dedicating the increased revenue to this pension system. All contributions to the program would be voluntary except for the consumer fireworks sales tax revenue.

LD 1154 was given its public hearing on Wednesday this week. Fifteen to 20 fire chiefs, volunteer firefighters and EMS personnel attended the hearing with a half dozen testifying in support. Supporters included the Maine Fire Protection Services Commission, the Maine Fire Chiefs Association, The Maine Professional Fire Fighters of Maine and the Maine State Federation of Fire Fighters. The main thrust of the supporting testimony was that a significant reduction in the number of people willing to volunteer to provide volunteer firefighting services requires the introduction of new incentives to attract and retain these employees. In order to undertake the commitment, deal with the ever-increasing training requirements, and stay with the volunteer assignment long enough to obtain valuable experience, it is believed by the fire fighters belonging to all these organizations that additional benefits must be provided. According to the fire officials testifying, the reduction in the number of volunteers has resulted in an unsettling reliance on wide ranging mutual aid agreements which never guarantee adequate response capacity at any one time for many of the participating municipalities.

A representative of the National Volunteer Fire Council also testified in support of LD 1154. The National Volunteer Fire Council is apparently experienced in

move all information except the issuance and expiration dates and the permittee's municipality of residence.

Alternatively, the administrator could keep the complete and entirely confidential file of all permits issued but then create for public consumption a separate document that simply lists the date of issue and the date of expiration of each permit issued, and the municipality's name.

Either approach would appear to comply with the majority report on LD 345, which will be going to the floor of the full Legislature for debate and enactment within the week.

managing pension systems of this kind. LD 1154 was described by this group as a particularly creative approach.

MMA's Legislative Policy Committee voted to oppose LD 1154 and the oppositional testimony made two points.

Compensation systems, including pension benefits where offered, should be negotiated directly between the employees and the employer. Benefits need to be integrated to treat all employees of the town fairly and the establishment of a statewide pension system for one category of municipal employee, particularly to award a certain length of service, should be established at the municipality's level, and not from the outside, in order to ensure some level of equitable treatment.

Also, the municipal experience with a statewide pension system established by the state 70 years ago for another category of local government employees, the school teachers, suggests that "triangular" employee benefit systems, where a pension system for local government employees is designed and managed at the state level rather than by the employer, can lead to problems. At last report, the unfunded actuarial accrued liability (UAAL) for the state employee and school teacher retirement system was pegged at just under \$3 billion, with approximately \$2 billion of that amount associated with the school teachers' portion.

The municipal position is that our volunteer firefighters and EMS personnel, like any other employee, should deal directly with their municipal employers on issues of compensation and benefits.

# Concealed Weapons Permits: State Issued Only?

According to the information posted on the Maine Department of Public Safety's website, 360 municipalities statewide have voluntarily transferred authority to issue concealed weapons permits to the State Police. On Friday of last week, the Criminal Justice Committee held a public hearing on a bill that would strip the authority to provide the service from the remaining 130 municipalities and require all concealed weapons permits to be issued by the State Police.

LD 222, *An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit to Carry a Concealed Handgun*, is sponsored by Rep. Timothy Marks of Pittston. LD 222 would require the 130 issuing municipalities to transfer that authority to the State. Rep. Marks, a former state trooper, believes the change will bring needed uniformity to the process of issuing permits and could eventually lead to the creation of a statewide concealed weapons database. Rep. Marks believes that a single-source issuing authority and the creation of an accessible database would provide law enforcement officials with the tools and protection necessary to do their jobs.

The Department of Public Safety (DPS) and the Maine Municipal Association (MMA) provided testimony in opposition to LD 222.

While DPS recognizes the benefits associated with the uniform issuance of concealed weapons permits, the workload associated with becoming the sole issuing authority is too burdensome. Lieutenant Scott Ireland, spokesperson for DPS on this issue, said the State Police would be responsible for managing an additional 8,000 to 12,000 permits annually if LD 222 is enacted. Currently, the Department has a backlog of nearly 4,000 permit applications. In order to accommodate the increased workload, the Department would need a computer upgrade and an additional staff person, at an estimated initial cost of \$750,000.

MMA opposed LD 222 for two reasons.

First, municipal officials in the 130 issuing municipalities take the responsibility to issue concealed weapons permits seriously. These municipal officials believe there is a public safety benefit associated with the local decision-making authority.

Second, municipal officials are in the business of providing services to residents. For that reason, many see the issuance of concealed weapon permits at the local level as a convenience to the residents and property taxpayers responsible for funding local government services and programs.

During the hearing, several members of the Criminal Justice Committee raised concerns about the lack of permitting uniformity between the issuing authorities. Some members questioned whether or not a uniform process could be used to issue uniformly formatted permits statewide.

Over recent years, the State Police in different regions have been issuing concealed weapons permits in a variety of formats. Some resemble drivers' licenses, some have the permittee's photo on the back of the card, some use a plain permit without photo. If a uniform permit format is required by the Legislature that involves taking a photo of the permit holder and laminating it into a card, the extent to which municipalities would be able to continue to provide the service locally would depend on the cost of implementation.

The Committee will be holding a work session on LD 222 on April 26.

## 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/lto/>.

### Monday, April 22

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

LD 124 – An Act To Amend the Bottle Redemption Laws.

LD 1102 – An Act Regarding Reconstruction of Residential Structures on Sand Dunes.

**1:00 p.m.**

LD 907 – An Act To Encourage Recycling.

LD 1363 – An Act To Ensure Landfill Capacity and Promote Recycling.

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

LD 1381 – An Act To Promote Rural Job Creation and Workforce

Development.

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

LD 1338 – An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States.

LD 1344 – An Act To Modernize the State's Legal Notice Requirements.

LD 1357 – An Act To Support Maine Businesses through State Purchasing.

**Veterans & Legal Affairs**  
**Room 437, State House, 10:00 a.m.**  
**Tel: 287-1310**

LD 518 – An Act To Establish Ranked-choice Voting in the State.

LD 768 – An Act To Increase Access to Voter Lists.

LD 860 – An Act To Require That the Governor, Senators and Members of the House of Representatives Be Elected by the Ranked-choice Voting Method.

LD 1211 – An Act To Amend the Laws Concerning Absentee Ballots.

LD 1219 – An Act To Establish a Run-off Process for the Election of the Governor, United States Senator or United States Representative.

LD 1222 – Resolve, To Create a Task Force on Maine's Ethics and Transparency Laws.

## LEGISLATIVE HEARINGS (cont.)

LD 1306 – An Act To Enhance Voter Registration for Persons with Disabilities.

LD 1358 – An Act To Amend the Election Laws To Require a Run-off Election for Governor.

### Tuesday, April 23

#### Education & Cultural Affairs

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

Tel: 287-3125

LD 1353 – An Act To Further Reduce Student Hunger.

#### Inland Fisheries & Wildlife

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

Tel: 287-1338

LD 1015 – An Act To Expand Crossbow Hunting.

LD 1263 – An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment.

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

Room 208, Cross State Office Building, 1:00 p.m.

Tel: 287-1331

LD 1341 – An Act Directing the Department of Economic and Community Development To Establish a Program To Promote Economic Growth and Development.

#### State & Local Government

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

Tel: 287-1330

LD 1204 – An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal.

#### Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

LD 692 – An Act To Provide Funding for Education by Restoring the 8.5 Percent Income Tax Rate for High-income Taxpayers.

LD 1110 – An Act To Simplify the Tax Code.

LD 1113 – An Act To Provide Tax Fairness to Maine's Middle Class and Working Families.

LD 1256 – An Act To Establish Tax Fairness.

### Wednesday, April 24

#### Education & Cultural Affairs

Room 202, Cross State Office Building, 2:00 p.m.

Tel: 287-3125

LD 1106 – An Act To Develop a Grant Program To Establish a Teacher-led School Model.

LD 1350 – An Act Regarding School Administrator Effectiveness.

#### Health & Human Services

Room 209, Cross State Office Building, 1:00 p.m.

Tel: 287-1317

LD 1274 – An Act To Sustain Emergency Medical Services throughout the State.

#### Veterans & Legal Affairs

Room 437, State House, 1:00 p.m.

Tel: 287-1310

LD 941 – An Act To Facilitate the Expansion of the State's Liquor Distribution System.

### Thursday, April 25

#### Education & Cultural Affairs

Room 202, Cross State Office Building, 1:30 p.m.

Tel: 287-3125

LD 906 – An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities.

LD 1346 – An Act To Ensure That Charter Schools Are Funded by the State.

#### Energy, Utilities & Technology

Room 211, Cross State Office Building, 1:30 p.m.

Tel: 287-4143

LD 1293 – An Act To Create the Presque Isle Utilities District.

LD 1336 – An Act To Dissolve the Lisbon Water Department.

LD 1342 – An Act To Ensure Just and Reasonable Sewer Utility Rates.

#### Inland Fisheries & Wildlife

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

Tel: 287-1338

LD 540 – An Act To Amend the Laws Governing the Discharge of a Firearm or Crossbow near a Dwelling or Building.

### Friday, April 26

#### Health & Human Services

Room 209, Cross State Office Building, 1:00 p.m.

Tel: 287-1317

LD 1334 – An Act To Create Child Advocacy Centers in Maine.

#### Taxation

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

Tel: 287-1552

LD 1141 – An Act To Increase the Sales Tax To Support Revenue Sharing.

LD 1227 – An Act To Promote Tourism and Economic Development.

LD 1297 – An Act To Provide Funding for Public Education by Increasing the Sales Tax.

LD 1314 – An Act To Allow a Local Option Tax on Meals and Lodging.

LD 1402 – An Act To Amend the Taxes Imposed on Alcohol and Lodging.  
1:00 p.m.

LD 427 – An Act To Authorize Options of Local Revenue Enhancement.

LD 1205 – An Act To Lower the Rate of Excise Tax on Older Vehicles To Acknowledge the Longer Life Span of Motor Vehicles.

#### Transportation

Room 126, State House, 9:00 a.m.

Tel: 287-4148

LD 1356 – An Act To Improve the Statutes Governing Road Associations.

LD 1371 – An Act to Exempt New Cars from Motor Vehicle Inspection for 2 Years Following the Initial Purchase.

### 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](http://www.memun.org)

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

## IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the Legislative Bulletin to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, [www.memun.org](http://www.memun.org).)

### Criminal Justice & Public Safety

**LD 1229 – An Act To Regulate and Tax Marijuana.** (Sponsored by Rep. Russell of Portland; additional cosponsors.)

This bill legalizes the sale, purchase and use of certain amounts of marijuana and establishes systems of regulation and taxation of the product, provided the voters at statewide election approve the entire measure at referendum. Among the many provisions in the 25 page bill, municipalities are provided a local control option that allows for limiting or prohibiting the establishment of one or more of the types of marijuana establishments (retail store, cultivating facility, product manufacturing facility or testing facility). The vote to prohibit one or more of these facilities must appear on a general election ballot for that municipality. If the town or city does not choose to prohibit one or more of the marijuana establishments, the bill provides for some local regulatory authorities (application and approval procedures; time, place and manner of operations, etc.) that can also be established by ordinance.

**LD 1289 – An Act To Create an Animal Abuser Registry.** (Sponsored by Rep. Dickerson of Rockland; additional cosponsors.)

This bill requires a person convicted of animal cruelty under Maine law or an equivalent law in another state to register annually with the county sheriff as an animal abuser for a 15 year period. The bill requires each county sheriff to maintain a registry and disseminate information on the registered animal abuser, and it requires the Department of Public Safety to maintain a central registry of animal abusers.

### Education & Cultural Affairs

**LD 1027 – An Act To Provide an Improved Process for Voter Approval of Withdrawal from a Regional School Unit.** (Emergency) (Sponsored by Rep. Parry of Arundel; additional cosponsors.)

This bill amends the law governing how a municipality may withdraw from a Regional School Unit by: (1) directing the Commissioner of the Department of Education to determine the terms of a withdrawal agreement if a withdrawal committee cannot reach agreement within 150 days after formation of the committee; and (2) allows on a temporary basis a re-vote at any time for the final approval of a withdrawal agreement if the agreement was defeated at the first municipal vote but received at least 45% of the votes cast.

**LD 1347 – An Act To Improve the School Administrative Unit Consolidation Laws by Allowing a Regional School Unit To Dissolve Itself.** (Sponsored by Rep. Parry of Arundel.)

This "concept draft" bill proposes to improve the school administrative unit consolidation laws by allowing for the dissolution of a regional school unit (RSU) at the end of any school year. The bill provides a process for the dissolution of a RSU, including a municipal petitioning process to initiate the process, the function of a dissolution committee, the establishment of a referendum vote by a majority of the municipalities within the RSU, and a majority vote by the voters within those majority communities.

### Environment & Natural Resources

**LD 1324 – An Act To Protect Local Communities When a Mining Project is Terminated.** (Sponsored by Rep. Kruger of Thomaston; additional cosponsors.)

This bill amends the Maine Metallic Mineral Mining Act, enacted in 2012. Under current law, there is established the Mining Corrective Action Fund which is designed to provide resources for municipalities

to use for correction actions that may need to be taken after a mine operation is terminated. This bill names that fund the Mining Oversight Fund, which allows for both corrective action and for the oversight of mining activity as provided in the pertinent rules promulgated by the Department of Environmental Protection (DEP). The bill also substantially amends and increases the fees associated with applying for a mining license from the DEP.

### Health & Human Services

**LD 846 – An Act To Improve and Modernize the Authority of Local Health Officers.** (Sponsored by Rep. Cooper of Yarmouth.)

This "concept draft" bill proposes to direct the Maine Center for Disease Control and Prevention to update its manual for local health officers to reflect the health inspection rules adopted by the Center. The bill also requires the Center to provide annual training for, and regularly communicate with, local health officers. The bill also proposes to repeal the prohibition on local health officers entering licensed establishments for purposes of inspection, simplify and modernize the training for certain municipalities to select a local health officer, and repeal the requirement that a municipality appoint a local health officer.

**LD 967 – An Act Regarding Residency Requirements for General Assistance.** (Sponsored by Rep. Beaudoin of Biddeford; additional cosponsors.)

This bill amends the municipal general assistance requirements to establish criteria to determine the degree of residency in a municipality necessary to be determined potentially eligible for general assistance, including the requirement that a person be registered to vote in that municipality or have a Maine driver's license or have registered his or her automobile in the municipality, if applicable. This bill also permits a municipality to establish a durational residency requirement of up to 6 months before a person who is not a resident of the State may apply for general assistance.

**LD 1064 – Resolve, To Establish the Task Force on Independence from Public Assistance.** (Emergency) (Sponsored by Rep. Newendyke of Litchfield; additional cosponsors.)

This emergency resolve creates a nine-person task force charged with studying the state's public assistance programs and developing recommendations designed to encourage recipients of public assistance to become independent from the various local, state and federal welfare programs. The nine members of the task force include 5 legislators and 4 members appointed by the Governor, one representing the Department of Health and Human Services, one representing low income residents, one representing employers, and one representing the Governor. The task force report must be presented to the Legislature by December 4, 2013.

**LD 1416 – An Act Regarding Responsibility of General Assistance for a Person Who Is Released from Prison.** (Sponsored by Sen. Gratwick of Penobscot Cty; additional cosponsors.)

This bill provides that if an applicant for General Assistance has been released from a correctional facility within 45 days of application, the municipality of responsibility for the General Assistance provided for the 12 months of payments of benefits is the municipality that was on record as the residence of the applicant when committed to the correctional facility.

### Inland Fisheries & Wildlife

**LD 857 – An Act To Examine Fees Charged by Municipalities Concerning Outdoor-related Activities.** (Sponsored by Rep. Espling of New Gloucester; additional cosponsors.)

This "concept draft" bill proposes to examine fees charged by municipalities concerning outdoor related activities, including but not limited to hunting. This examination must include a review of fees charged by municipalities in connection with archery activities and a review of the law governing those fees and activities.

### Judiciary

LD 973 – An Act To Make Veterans’ Property Tax Exemption Applications Confidential. (Sponsored by Rep. Briggs of Mexico; additional cosponsors.)

This bill makes entirely confidential all documentation filed by a person seeking an exemption from property tax provided to a veteran or the family of a deceased veteran.

LD 1039 – An Act To Promote Regulatory Fairness. (Sponsored by Sen. Thomas of Somerset Cty; additional cosponsors.)

This bill establishes a “regulatory takings” system that creates a right for a landowner to be compensated whenever a person’s right to use, divide, sell, occupy or use property is reduced by enactment or application of a state regulation or a municipal regulation that is imposed by state mandate. When a regulatory takings claim is made, the state is afforded the option of either waving the offensive regulation or paying damages to the landowner.

LD 1216 – An Act To Amend the Freedom of Access Act. (Sponsored by Rep. Carey of Lewiston; additional cosponsors.)

This bill amends Maine’s Freedom of Access Act to require governmental officials to respond to requests for public records within 5 calendar days. The response must include a good faith, nonbinding estimate of the cost to provide the records. The cost estimates must include details, including the statutes governing the confidentiality of the redacted information. The bill also makes the failure to provide a written denial or refusal to provide any requested records a failure to allow inspection and therefore an action subject to an appeal to Superior Court. The Superior Court by this bill is given the discretion to award attorney’s fees and litigation expenses to the substantially prevailing plaintiff without making a finding of bad faith.

### Labor, Commerce, Research & Economic Development

LD 1091 – An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees. (Sponsored by Sen. Thomas of Somerset Cty; additional cosponsors.)

This bill requires nonprofit corporations to provide to the public the salary amount paid to each employee of the corporation on its publicly accessible website or by similar means.

LD 1341 – An Act Directing the Department of Economic and Community Development To Establish a Program To Promote Economic Growth and Development. (Sponsored by Rep. Casavant of Biddeford; additional cosponsors.)

This bill appropriates \$5 million in FY 2014 to be provided as grants on a 1:1 matching basis with municipal funds to be used to provide on-the-job training for people receiving General Assistance. The funds are to be used to provide training for workers of a local employer or business in partnership with the municipality and for worker training programs provided through the Maine Community College System. The Department of Economic and Community Development is charged with administering the grant program.

LD 1381 – An Act To Promote Rural Job Creation and Workforce Development. (Sponsored by Sen. Jackson of Aroostook Cty; additional cosponsors.)

This bill establishes a number of bidder-preference systems in various places in state law. Of direct relevance to municipal government, the bill requires local government to give preference to workers and bidders who are residents of the state provided their bids are equally favorable with out-of-state bidders, which is current law. The bill also requires local governments to require successful bidders on contracts over \$100,000 in value to: (1) commit to coordination with workforce development programs in the region, including apprenticeship programs and programs that service low-income residents and people with disabilities; and (2) make best efforts to fill at least 20% of the jobs

created with individuals who have been unemployed for longer than 6 months or have a household income below 200% of the federal poverty level.

LD 1420 – An Act To Return to Building Code Requirements in Effect Prior to the Adoption of the Maine Uniform Building and Energy Code. (Sponsored by Rep. Campbell of Orrington; additional cosponsors.)

This bill repeals the Maine Uniform Building and Energy Code (MUBEC) and restores state law to its status prior to the enactment of MUBEC.

### State & Local Government

LD 1273 – An Act Pertaining to the Closing of Municipal Roads for Community Use. (Sponsored by Sen. Gratwick of Penobscot Cty; additional cosponsors.)

This bill amends the law governing the discontinuation of a town way by establishing a municipal right to designate a town way or public easement to be held for public purposes other than highway purposes, including recreational purposes, by an affirmative vote of the municipal legislative body.

LD 1338 – An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States. (Sponsored by Rep. Hayes of Buckfield; additional cosponsors.)

This bill prohibits the state, public schools, the state’s higher education systems, the counties and the municipalities from transacting business with any business entity that transacts business with a country designated by federal law as a state sponsor of terrorism. The counties and school boards are required by this bill to adopt policies prohibiting that kind of business association. The bill requires all municipal legislative bodies, beginning January 1, 2014, to exclude any business entity or individual from doing business with the municipality if that business entity or individual does business with any company or any subsidiary, affiliate or parent of any company that does business with a country designated as a state sponsor of terrorism.

LD 1344 – An Act To Modernize the State’s Legal Notice Requirements. (Sponsored by Rep. Rotundo of Lewiston; additional cosponsors.)

This bill requires that legal notices appearing in a newspaper also appear in any publicly accessible website that the newspaper maintains and on the same day that they appear in print. The bill also requires that beginning in July 2014, the newspaper website must also offer a search function for legal notices on the website, and further requires a statewide association representing newspapers to establish and maintain a publicly accessible repository for legal notices appearing on all newspaper websites.

LD 1408 – An Act To Amend the Laws Relating to Secession by a Municipality from a County. (Emergency) (Sponsored by Rep. Knight of Livermore Falls; additional cosponsors.)

The process by which a municipality secedes from its county and joins a neighboring county occurs in three steps. This bill changes the order of the first two steps. The first step under current law is the advancement of a petition signed by the requisite number of voters from the seceding municipality, which is presented to the municipal officers who hold a public hearing and a referendum vote to secede from the county. An affirmative vote triggers legislative review and, if approved, the decision goes to the voters of both counties involved, the county of the seceding municipality and the county which the seceding municipality wishes to join. This emergency bill requires the Legislature to initially approve the secession, which would then be followed by the petition process to the municipal officers, the public hearing, the referendum vote within the seceding municipality, and the counties-wide vote of final approval.

### Taxation

LD 1110 – An Act To Simplify the Tax Code. (Sponsored by Rep. Parry of Arundel; additional cosponsors.)

For the purpose of financing state government, this bill repeals the state income tax and fully expands the state sales tax by repealing all sales tax exemptions and applying the sales tax to all Internet sales. The bill creates a sales tax reimbursement for sales of grocery staples to persons with incomes less than \$20,000.

LD 1120 – An Act To Improve Maine’s Tax Laws. (Sponsored by Rep. Goode of Bangor; additional cosponsors.)

This “concept draft” bill proposes to establish a task force to undertake a comprehensive analysis of the state’s “tax expenditures” (another term for tax exemptions). The task force must identify any tax expenditures that may be reduced or eliminated with the goal of achieving a targeted savings of \$30,000,000 in fiscal year 2014-15. The bill also proposes to amend the law to reduce the use of off-shore tax havens.

LD 1402 – An Act To Amend the Taxes Imposed on Alcohol and Lodging. (Sponsored by Rep. Moonen of Portland.)

This bill increases the state’s sales tax rate on lodging from 7% to 9% and on liquor sold for consumption on or off the premises of licensed establishments from 7% to 9%.

### Transportation

LD 1209 – An Act To Prohibit the Use of Public Resources for a Privately Owned East-west Highway. (Sponsored by Rep. Cassidy of Lubec; additional cosponsors.)

This bill prohibits the use of state funds or state-owned property

for the construction or development of a privately owned east-west highway, including the preparation or study for such a highway’s development.

### 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](http://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.