

July 2013

maine townsman

The Magazine of the Maine Municipal Association



THE TREND CONTINUES
126th Legislature Rolls Back
Revenue to Municipalities

ALSO IN THIS ISSUE: _____

Carryover Bills | New Laws | Health Care Reform | 2013 MMA Convention

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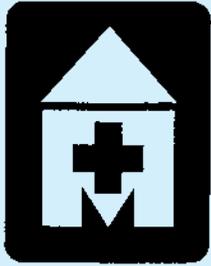
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COVER ILLUSTRATION AND PHOTO NOTE: The cover illustration was a joint effort by MMA Advocacy Associate Laura Veilleux and Graphic Designer Jaime Clark. Legislators' photos contained within the Maine Townsman were taken during the session by freelance photographer Jeff Pouland and MMA Legislative Advocate Garrett Corbin.



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A Message From MMA



by Eric Conrad, Editor

The 2013 Convention and Mission: Possible

Candor. In a word, that's what Capt. Mark Adamshick, keynote speaker at Maine Municipal Association's 2013 Convention, promises to bring when he kicks off the two-day event on the morning of Wednesday, Oct. 2.

Adamshick, a former "Top Gun" pilot with the U.S. Navy who now chairs the Study of Officership – or leadership – for Army cadets at West Point, will bring his unique perspective to the Annual Convention, to be held at the Augusta Civic Center Oct. 2-3.

Adamshick will speak about honesty and tough love. The theme of his address is: "Moral Leadership, Reconciling Differences and Getting to Yes!"

"I will talk very candidly about where we are as a nation," he said, during a recent telephone interview. "What oftentimes can impinge public trust are infidelity, fraud and misconduct."

The public these days can be skeptical about many institutions, from big business to government, even at the local level. That is why it's important for elected and appointed municipal officials to be as forthright as possible and deal with issues honestly, fairly and firmly, he said.

"We as leaders can be ill-prepared to deal with employees who have character flaws," Adamshick said. A natural, first reaction can be to empathize with employees who make mistakes, even if there is an underlying pattern.

"We are expected to be a forgiving people," Adamshick said. The United States, after all, was formed and even founded by some people considered to be castoffs from European high society.

He continued: "Here's the distinction: If you show contrition, if you demonstrate that you are engaged in a character-development transition, then you are entitled to be forgiven. Unfortunately, that's not what we often see."

Adamshick is quite bullish on municipal service. He compares it to serving in the military.

"I see very little distinction between talking to municipal leaders and military leaders," he explained. "So many municipal leaders feel that their service is similar to military service. We both serve the Constitution. We both serve the public trust."

And both kinds of service can make a major difference.



Capt. Mark Adamshick



Michael G. Fann



Delilah Poupore



Audrey Lovering



Mayor Chris Coleman

"You get a lot of responsibility but, at the end of the day, your public service can change people's lives in a profound way. Civic officials do that for one reason and one reason only: Because they care, because they care more about others than they do about themselves."

Among the more than 30 workshops and events being offered, other featured speakers include:

Michael G. Fann, Director of Loss Control for the Tennessee Municipal League, who will speak Wednesday morning on "Civility in City Hall."

Mayor Chris Coleman of St. Paul, Minn., who will speak at the Thursday, Oct. 3 luncheon about municipal service and his successes and challenges in Minnesota. Mayor Coleman is the incoming President of the National League of Cities.

And, two home-grown experts on downtown development: Delilah Poupore from Heart of Biddeford; and, Audrey Lovering from Lovering & Associates in Rockland. Lovering is the former Director of Main Street Skowhegan.

The theme for this year's convention, drafted in concert with Capt. Adamshick and the theme of his address, is Mission: Possible. (To read the preliminary program detailing the 2013 Convention, please turn to P. 51 of this edition of the *Maine Townsman* or go to our website, www.memun.org.)





Do YOUR part

Protect Maine's outdoor pleasures

Summer season is in full swing, and Maine's millions of acres and thousands of lakes and ponds offer a retreat from busy lifestyles through a myriad of outdoor and water recreational activities.



However, the infestation of popular lakes and waterways with aquatic invasive species, such as Eurasian Milfoil and Hydrilla, are directly impacting activities, such as boating, fishing and swimming, valued and enjoyed by many residents and visitors. The invasives also destroy habitats and choke out native plants.

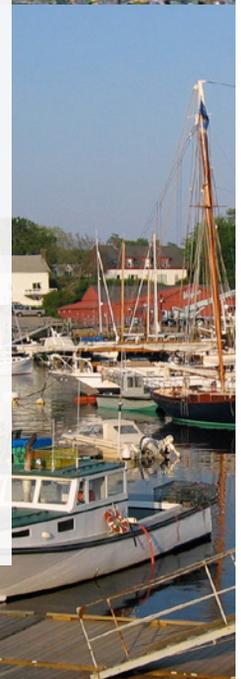


Properly cleaning watercrafts and boats and early identification and reporting can help prevent, control and eradicate aquatic invasives to allow continued enjoyment of Maine's outdoor pleasures.

Do your part in helping protect and preserve Maine's most valuable resources by:



- Reminding boaters to frequently inspect watercraft and equipment.
- Encouraging community members to report invasive plants to the Maine Department of Environmental Protection (MDEP) and the Maine Department of Inland Fisheries and Wildlife (MDIF&W).
- Assisting towns in managing invasives in municipal waterways.



Tough Legislative Session

By Geoff Herman, Director of State & Federal Relations, MMA

There is the State of the Union address. There is the State of the State address. This is an article about the state of the relationship between Maine State government and the 492 plantations, towns and cities that are the state's municipal governments. To be sure, there were other high priority issues at play in the State House over the last winter and spring, but the fundamental nature of the state-municipal relationship was a central theme of the legislative session that just concluded, finally and thankfully, on July 10.

When the 126th Legislature was poised to convene last December, the article in the *Maine Townsman* that previewed the upcoming session focused on the municipal goal of protecting the core. From the municipal point of view, "protecting the core" meant shoring-up and shielding from further erosion the four primary systems of intergovernmental relationship where the state and municipalities work together in order to deliver fundamental governmental services to a common constituency. The four core systems Maine's municipal leaders were seeking to protect seven months ago, when this legislative session began, were:

- Municipal revenue sharing.
- State funding for K-12 public education.
- Transportation investments.
- Water-based infrastructure, including drinking water, wastewater and storm water management systems.

Unfortunately for local government, the core was not well protected this legislative session. For those with long memories, what was once a relatively healthy relationship of intergovernmental partnership has become

badly torn.

Revenue sharing. The Legislature's propensity to raid the municipal revenue sharing program in order to provide for state spending priorities moved to a deeper and unprecedented level this session. The revenue sharing distribution of \$65 million that will be provided in FY 2014 is about the same as the revenue sharing distribution that was provided a quarter of a century ago, in 1989, when \$64 million was distributed. The Legislature is now "transferring" (the technical word for raiding) well over 50% of the broad-based tax resources dedicated by law for property tax relief out of the revenue sharing program and into the state's General Fund each year. The table on P. 11 and chart on P. 12 describe the 43 year history of revenue sharing, including the 36 years when the Legislature abided by the state law governing the program, as well as the eight years when the Legislature has chosen to disregard this commitment. The trend is unmistakable: 20% cuts in 2010 leading to 30% cuts in 2012 leading to 55% cuts in 2014. The record clearly suggests that the Legislature is intent on backing away from long-established policies regarding the distribution of tax burden and the over-reliance on the property tax. At the same time, the towns and cities are told to tighten their belts.

A side-bar to this article on the subject of belt tightening is provided on P. 8.

School funding. When the legislative preview article was written last December, the total cost of providing an adequate public education, as measured by the Essential Programs and Services

school funding model (EPS), was \$1.996 billion, and the Legislature had appropriated \$910.4 million as the state share toward that total cost, or 45.61%.

Under the budget just adopted by the Legislature, two structural changes to the school funding calculation have been implemented.

First, the definition of the "total cost of K-12 education" is changed by expanding the funding model to include the "normal cost" of the teachers' retirement premium.

Second, that \$29 million premium payment has been shifted from a state government financial obligation to a local government financial obligation.

According to that change, the total cost of providing an adequate public education has increased to \$2.034 billion. The appropriated state share of the total cost for FY 14 under this



Sen. Richard Woodbury (Cumberland Cty.) and Rep. Gary Knight (Livermore Falls) were, respectively, the chief architect and the lead sponsor of an outside-the-lines, truly comprehensive tax reform proposal elegantly titled *An Act to Modernize and Simplify the Tax Code (LD 1496)*. This legislation injected some real electricity into the tax policy debates this session triggered by the Governor's proposed budget; tax policy debates which were otherwise pedestrian and bound as though with duct tape to the status quo.

budget is \$942 million, or 46.3%.

Transportation infrastructure. The Legislature also dipped its bucket into the municipal well to help pay for state transportation programs.

Similar to the municipal revenue sharing program, a fixed percentage of the Department of Transportation's total revenue budget for highway and bridge purposes has been dedicated to providing support revenue to Maine's towns and cities under the Local Road Assistance Program (LRAP). That percentage – approximately 10% – was established almost 15 years ago to create a dependable sharing system out of the more complicated but historical methodology used to determine the total LRAP allocation. For FY 2013, that system provided slightly over \$24 million a year for the towns and cities in Maine to invest in capital improvements to local roads or to leverage supplementary state contributions to invest in state roads in need of repair. As the chart on P. 12 demonstrates, the LRAP distribution has been remarkably static ever since the sharing system was established.

But that will change soon, to the municipal disadvantage. Under the Highway Fund budget enacted this session (LD 1480), the 10% sharing system will be cranked down to a 9% sharing system beginning a year from now. That reduction, which is a permanent change, yields approximately \$3 million more each year for the state's highway and bridge budget, but places the equivalent burden on local road programs.

Transportation and Water/Wastewater Investments. The fourth element of MMA's "protect the core" agenda focused on the capital investments the state makes in critical infrastructure that is the foundation supporting all forms of economic development. The core investments of municipal focus were for transportation-related maintenance and construction efforts as well as the infrastructure upgrades necessary to keep drinking water, wastewater and storm water facilities functioning in an optimal manner and in compliance with federal Clean Water Act standards. To that end, MMA advanced a \$100 million transportation bond (LD 16, *An Act To Authorize a General Fund Bond Issue to Invest in Transportation Infrastructure*) and strongly supported a pair of water-

Belt Tightening & State-Related Municipal Services

Municipal revenue sharing has a number of tap roots. It was expressly created in 1972 to take the edge off the regressivity of the property tax, especially where the property tax burden is quite high.

Also by its timing, revenue sharing was obviously created to recognize the impacts of eliminating a significant component of the municipal tax base (the "inventory tax") and has been subsequently recognized for at least partially addressing the tax base reductions associated with a concentration of tax-exempt properties in many communities as well as the exemption of commercial and industrial personal property from the local tax base, which began in 2008.

And revenue sharing was most certainly created to recognize that local governments are asked to perform a number of services that generally benefit the state but are more efficiently provided at the local level.

In an effort to inform municipal financial planning discussions in the wake of the recently enacted revenue sharing cuts, a number of municipalities have requested a list of non-mandated services commonly performed by local governments for the state. The first list that follows depicts functions that are not expressly required to be performed by municipalities under law. That list is followed by a list of the functions that municipalities are mandated to perform for the state's general benefit.

Disclaimer: It should be noted that these lists are incomplete and are not being provided as legal advice. Before limiting or discontinuing any services, municipalities are advised to consult with their municipal attorney or the Maine Municipal Association's Legal Services Department.

NON-MANDATED FUNCTIONS MUNICIPALITIES PROVIDE FOR THE STATE

- Vehicle registrations
 - Automobile
 - Watercraft
 - Snowmobile
 - All-Terrain Vehicles
- Hunting and fishing licenses, permitting pursuant to Inland Fisheries and Wildlife programs
- Partnership systems
 - Financially partnering with reconstruction of state roads
 - Universal Waste system recycling

Municipalities have long registered vehicles and issued hunting, fishing and other IF&W permits. Current law does not require municipalities to provide "agent" services. Thus, if they do not, they are not required to perform these tasks. These are state licenses and state registrations. Municipalities have performed these functions as partners with the state largely in recognition of how much more convenient it is for citizens to go to their town or city hall to receive these services rather than travel to a state office. (Municipalities do receive fees for many of these services.) In recent years, efforts have been made by the state to provide other venues to obtain some of these services, including through certain retail establishments and on the Internet.

Technically, Maine's towns and cities may choose whether or not to employ municipal personnel to act as agents of the state in these areas. Municipalities may also choose to issue registrations for selected categories of vehicles, and licenses for certain activities, but not others. With that said, after choosing to act as a state agent for licenses and registrations, town clerks and other personnel must perform the functions and follow the protocols issued by the Commissioner of the Department of Inland Fisheries and Wildlife or the Commissioner of the Department of Transportation. But the initial choice is the municipality's to make.

Municipal partnerships with the Maine Department of Transportation (MDOT) to repair or rebuild state roads are also optional, though lack of municipal involvement may lead MDOT to lower the project in question on its list of priorities. Municipalities are also not required to manage universal waste collection-for-recycling programs for such items as computers, cathode ray tubes, fluorescent bulbs, and various mercury-containing products at transfer stations or solid waste facilities.

MANDATED FUNCTIONS MUNICIPALITIES PROVIDE FOR THE STATE

What follows is an incomplete list of municipal activities that are required to be performed by municipalities under the law to further a generalized, statewide benefit. It should be noted that this list does not attempt to cover the much longer list of municipal mandates; rather, the attempt is to identify those mandated municipal functions that provide services that, at least arguably, are provided for the state and its citizens.

- Administrative functions
- Statewide elections
 - Calling, holding and reporting results
 - Registering voters
- Marriage licensing
- Vital statistics management
- K-12 Public education, generally
- General Assistance
- Land Use
 - Subdivision review
 - Shoreland zoning management
 - Junkyard licensing
- Public Safety
 - Animal control
 - Building inspection/occupancy permitting
 - Emergency Management
 - Local Health Officers
- Public Works
 - Maintenance of state aid roadways
 - Solid waste management and recycling
 - Septage management
 - Cemetery maintenance/veterans' graves
- General Licensing
 - Plumbing inspection and permitting of subsurface wastewater systems
 - Dog and dog kennel licensing
 - Wharves, weirs, piers, piling installations
 - Beano/bingo amusements
 - Bowling alleys, shooting galleries, pool and billiard rooms
 - Closing-out sales/going out of business sales
 - Innkeeper/lodging house operations
 - Off Track betting facilities
 - Pawnbroker operations
 - Pinball machine operations
 - Public exhibitions, circuses, amusement shows, etc.
 - Roller skating rinks
 - Special Amusements (live music, dancing, entertainment where alcohol is served)

related bond proposals (LD 1010, *An Act to Authorize a General Fund Bond Issue to Ensure Clean Water and LD 1455, An Act to Authorize a General Fund Bond Issue to Ensure Clean Water and Safe Communities*).

Unfortunately, the Legislature has pushed all decisions on major capital borrowing into a future legislative session, so no substantive action will be taken on these important capital investments at this time.

What ever happened to agreements made in good faith and codi-

fied in statute? Upon the close of this legislative session, municipal officials from across the state are undoubtedly wondering what happened to the dependability of agreements established over a handshake between state and local governments. Why is it that the Legislature breaks its commitments to local government so often? What is it about the intergovernmental shared-resource systems, which are designed to operate dependably and without legislative interference, that makes them so undependable and conspic-

uously subject to legislative manipulation? Why have these agreements been treated so respectfully for many decades by previous legislatures only to be dishonored over the last six years?

Any number of reasons are offered. Here are few that we heard over the last seven months.

Legislature over commits to everyone.

According to this explanation of the problem, the Legislature simply establishes commitments too easily, too readily, and for too many purposes, without due consideration of the long-term consequences. Chalk it up to short-term thinking or short-term political considerations or an all-too-human interest to please or the phenomenon of making unkeepable promises in order to make the enactment of a difficult policy change more palatable. Whatever the proximate causes of establishing such commitments, the simple consequence of this overindulgence in generosity is that sooner or later a certain Piper must be paid. According to this explanation, only very naïve people would believe legislative commitments are bankable products.

Medicaid spending crowd-out. This explanation was often provided by Republicans on the Appropriations Committee to explain the Legislature's incapacity to allow municipal revenue sharing to be distributed as provided



Neither Rep. Mike Carey nor Rep. Nate Libby, who serve on the Appropriations Committee and Taxation Committee, respectively, were shy this session about bringing the specific experiences of their home City of Lewiston to the debate on revenue sharing and what it means in real life to shift a greater burden of governmental spending onto the property taxpayers as was being proposed by Governor LePage. As importantly to the debate, both legislators used their in-depth knowledge of Lewiston's budget issues not to make any unique claim or a special case but, rather, to underscore and better explain the situation facing municipal governments large and small across the state.

Municipal Mandates, Enacted and Not Enacted

It is not uncommon for a number of bills identified as significant municipal mandates to be considered during any legislative session. Many of the proposed mandates of serious municipal concern that received a favorable Committee recommendation were ultimately defeated in the normal back-and-forth decisions of the House and the Senate. A good example of an unfunded mandate that failed final enactment is LD 977, *An Act To Restore Uniformity to the Maine Uniform Building and Energy Code*. LD 977 would have expanded the application of the Maine Uniform Building and Energy Code (MUBEC) throughout the state and significantly expanded municipal enforcement obligations for the towns between 2,000 and 4,000 in population.

Dozens of bills identified as unfunded state mandates were enacted by the Legislature, but most of those bills were identified as mandates for technical reasons, even though the municipal fiscal impacts were truly “insignificant” in nature. Setting aside the many education-related mandates that are routinely enacted without much in the way of resistance by the public school lobby, four municipally related unfunded mandates of some significance were poised to be enacted in the final days of the legislative session. As noted below, two of those mandates failed to garner sufficient support to be finally enacted, one of those bills was successfully vetoed by the Governor, and one was enacted.

- *LD 235 – Firefighters and “Tone-to-Tone” Workers’ Compensation.* LD 235 expands the Workers’ Compensation law to provide a “rebuttable presumption” that a firefighter or EMS provider who gets injured after receiving an emergency tone or call is injured in the course of employment, even if the injury occurs at home or some other place entirely outside the control of the municipal employer. The bill’s fiscal note identifies it as a potential state unfunded mandate with significant statewide local costs.

On the last day of the legislative session, the Legislature failed to garner sufficient votes to enact LD 235.

- *LD 274 - An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans are Buried.* Current law requires municipalities to maintain “in good condition and repair” the graves, headstones, monuments and markers of veterans who served during any war time period in all cemeteries within the municipality. LD 274 requires maintenance for the graves of all veterans, whether or not the veteran served during a war time period. The most costly element of the legislation is that it establishes certain minimum “good repair” standards, including grass height limits of between 1.5 and 2.5 inches, keeping the inscriptions legible, making sure the headstones are always vertically plumb and horizontally aligned, etc. The bill’s fiscal note describes it as an unfunded mandate with significant statewide local costs.

On the last date of the legislative session, LD 274 was overwhelmingly supported in both the House and the Senate. Therefore, the new cemetery maintenance rules will be applied without any financial support from the state.

- *LD 1133 – Municipal Employees – All for Cause.* Current law provides that certain municipal employees appointed directly by a board of selectmen are “at will” employees. LD 1133 mandates that all municipal employees are categorized as “for cause” employees and entitled to heightened job protection and due process proceedings in the event of termination from employment. The bill’s fiscal note describes it as an unfunded mandate of more moderate scope because this bill does not have implications for the larger municipalities operating under a town or city manager system.

On the last day of the legislative session, the Legislature failed to garner sufficient votes to enact LD 1133.

- *LD 1342 - An Act To Ensure Just and Reasonable Sewer Utility Rates.* LD 1342 established a process to ask sewer districts to agree to mediation over proposed sewer rate increases upon receipt of a petition signed by at least 15% of the customers of a sewer utility, or 1,000 customers, whichever is less. Since the bill did not require the sewer district to ultimately agree to mediation, it was not considered a state mandate even though it created a right for customers to formally petition the sewer district when rate increases are being proposed. As municipal officials are aware, a petition process established by statute necessarily entails administrative petition verification and certification protocols.

The Legislature passed this bill to be enacted but Gov. LePage issued a successful veto of the bill on June 24.

by law, not to mention a slew of other commitments to local governments, property taxpayers and others. The observation is that the state’s Medicaid program, known as MaineCare, has been expanded to provide health care insurance to populations at higher income levels than the minimum federal requirements, and those decisions to expand that program have sucked-up the state’s financial capacity to pay for core governmental services. Therefore, “sharing” systems like municipal revenue sharing get crowded out.

Unsustainable income tax cuts. An alternative explanation often provided by Democrats sitting on either the Taxation or Appropriations Committee was the unsustainable nature of the income tax cuts that were adopted by the Legislature as part of the 2011 state budget. That income tax cut package reduced available state revenue for the FY 2014-15 biennium by about \$350 million, which is almost exactly the value of the cuts to the municipal revenue sharing program and other property tax relief programs proposed by Gov. LePage.

If something is “crowding out” the Legislature’s capacity to meet its commitments to local government in the areas of property tax relief, school funding, and road funding, one need look no further than the income tax cuts enacted in 2011 according to this explanation.

Term limits, lack of legislative ownership of the long-standing commitments. This theory is based on the observation that legislators today do not seem to possess the same respect for the long-standing commitments established and long-respected by their

LEGISLATIVE TRANSFERS OUT OF REVENUE SHARING (1972 - 2013)

	Calculated Revenue Sharing Distribution	Legislative Transfer	Actual Revenue Sharing Distribution	Transfer as % of Calculated Rev Share Dist	% Actual Distribution
1972	2,900,000		2,900,000	0%	100%
1973	3,700,000		3,700,000	0%	100%
1974	6,200,000		6,200,000	0%	100%
1975	8,000,000		8,000,000	0%	100%
1976	9,870,130	370,130	9,500,000	4%	96%
1977	9,900,000		9,900,000	0%	100%
1978	12,700,000		12,700,000	0%	100%
1979	14,100,000		14,100,000	0%	100%
1980	15,609,880		15,609,880	0%	100%
1981	17,934,892		17,934,892	0%	100%
1982	19,654,260		19,654,260	0%	100%
1983	21,547,832		21,547,832	0%	100%
1984	27,579,003		27,579,003	0%	100%
1985	35,658,816		35,658,816	0%	100%
1986	41,399,922		41,399,922	0%	100%
1987	49,636,300		49,636,300	0%	100%
1988	56,920,102		56,920,102	0%	100%
1989	63,757,298		63,757,298	0%	100%
1990	60,826,462		60,826,462	0%	100%
1991	62,254,009		62,254,009	0%	100%
1992	64,939,137	12,100,000	52,839,137	19%	81%
1993	67,128,500	6,000,000	61,128,500	9%	91%
1994	66,325,845		66,325,845	0%	100%
1995	69,896,500		69,896,500	0%	100%
1996	72,704,600		72,704,600	0%	100%
1997	77,696,000		77,696,000	0%	100%
1998	89,490,000		89,490,000	0%	100%
1999	96,174,000		96,174,000	0%	100%
2000	107,116,000		107,116,000	0%	100%
2001	109,481,753		109,481,753	0%	100%
2002	100,610,139		100,610,139	0%	100%
2003	102,311,399		102,311,399	0%	100%
2004	110,663,051		110,663,051	0%	100%
2005	117,609,820		117,609,820	0%	100%
2006	123,722,881	2,335,918	121,386,963	2%	98%
2007	128,330,756	6,951,935	121,378,821	5%	95%
2008	135,819,468	2,695,409	133,124,059	2%	98%
2009	123,748,797	2,789,719	120,959,078	2%	98%
2010	122,873,014	25,400,000	97,473,014	21%	79%
2011	130,880,200	37,724,748	93,155,452	29%	71%
2012	137,225,178	40,350,000	96,875,178	29%	71%
2013	138,109,890	44,270,000	93,839,890	32%	68%
2014*	138,306,246	73,306,246	65,000,000	53%	47%
2015*	145,949,391	85,949,391	60,000,000	59%	41%

predecessors, or maybe they don't even know about the deep roots of these commitments. According to this theory, mandatory term limits along with natural legislative turnover and

a growing societal tendency toward short-term attention spans has led to a reduction in the depth of institutional memory among lawmakers. Commitments struck in 1972 (revenue shar-

ing) and 1984 (55% school subsidy) and 1987 (the modern Circuitbreaker program) and 1999 (local road assistance as a percentage of DOT funding) and even as recently as 2004 (55% school funding as a voters' directive) are now considered passé, old-fashioned, out-of-date and potentially irrelevant. According to this theory, a legislative perspective is emerging that suggests long-standing sharing arrangements between the state and local government do not deserve to be treated any differently than annual appropriations.

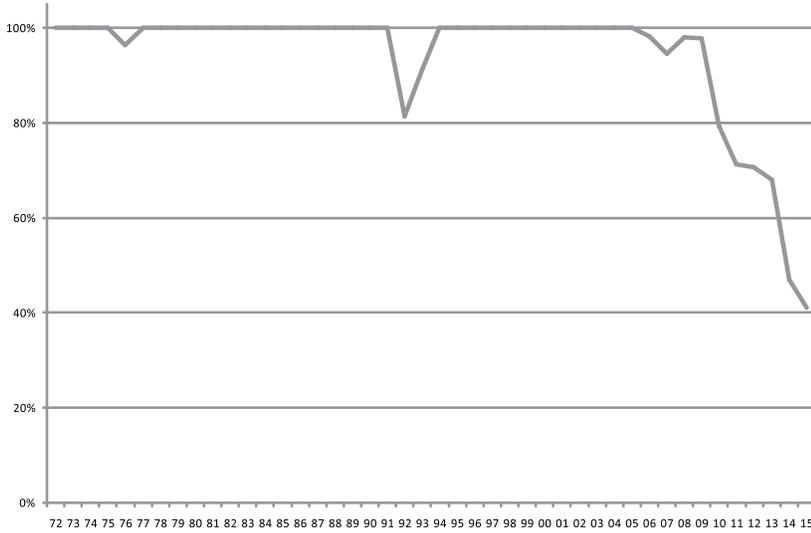
Beyond the Core: the rest of MMA's legislative agenda. Even though MMA's primary legislative agenda was to protect the core intergovernmental financing systems, the Association's Legislative Policy Committee developed six separate legislative proposals to be advanced for consideration this legislative session. The success rate was 50-50. A report card on that part of the legislative agenda follows this article.

Carryover bills and study groups. In a separate article, Kate Dufour chronicles the bills of greatest municipal interest that have been carried over to the 2014 legislative session, along with a half-dozen working groups that were formally established this session to tackle some thorny issues carrying substantial municipal impact.

Municipal mandates, enacted and not-enacted. The creation of new unfunded

% of Local Government Funds Established by Statute Actually Distributed as Municipal Revenue Sharing

1972 - 2015



MMA is indebted to Sen. Brian Langley (Hancock Cty.) and Rep. Sheryl Briggs (Mexico), who each gave their name this session to allow the distribution of the Legislative Bulletin in the State Senate and State House, respectively. The Bulletin can sometimes throw a punch or two, experiment with a far-flung analogy, or express a sharp dose of skepticism. For these reasons and more, it is undoubtedly the case that Sen. Langley and Rep. Briggs take some heat from time to time for their willingness to let yet another irascible voice be heard in the State House. For all of that and more, many thanks from MMA.

state mandates on local government is always a concern for municipal leaders. More than a few significant mandates were in the legislative pipeline this session, but most failed to make it entirely through the process. A number of bills designated as significant municipal mandates were taken up by the Legislature on the final day of the legislative session. A sidebar to this article provides examples of the unfunded municipal mandates of the 2013 legislative session in three categories: an unfunded mandate that was ultimately enacted, a mandate that was enacted but successfully vetoed by the Governor, and a couple of mandates that were nearly adopted but did not garner the necessary two-thirds vote in both the House and Senate to absolve the state of any funding responsibility, and thus “failed enactment.”

New Laws. Over 1,570 separate legislative initiatives were introduced to the Legislature this session. MMA identified 500 of those bills as having some direct impact on municipal government, or 32% of the total. 140 of those municipally related bills were ultimately enacted this session. In the New Laws article, all those enacted bills are listed according to the legislative joint standing committee that considered them, along with a description of each bill.

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Of the nearly 150 newly enacted laws that affect local government much of the change initiated by this legislation (with the noted exception of the state budget) is mainly corrective, clarifying or even ministerial in nature. Except for the years that are cited, the cover of this edition of the Maine Townsman could easily have been the cover of the May 1990 edition, with the banner headline “*Budget Shortfall Dominates Legislative Session*”.

Yogi Berra had it right. It’s déjà vu all over again. [me](#)

LOCAL ROAD ASSISTANCE PROGRAM FUNDING HISTORY

(FY 1999 – FY 2015)

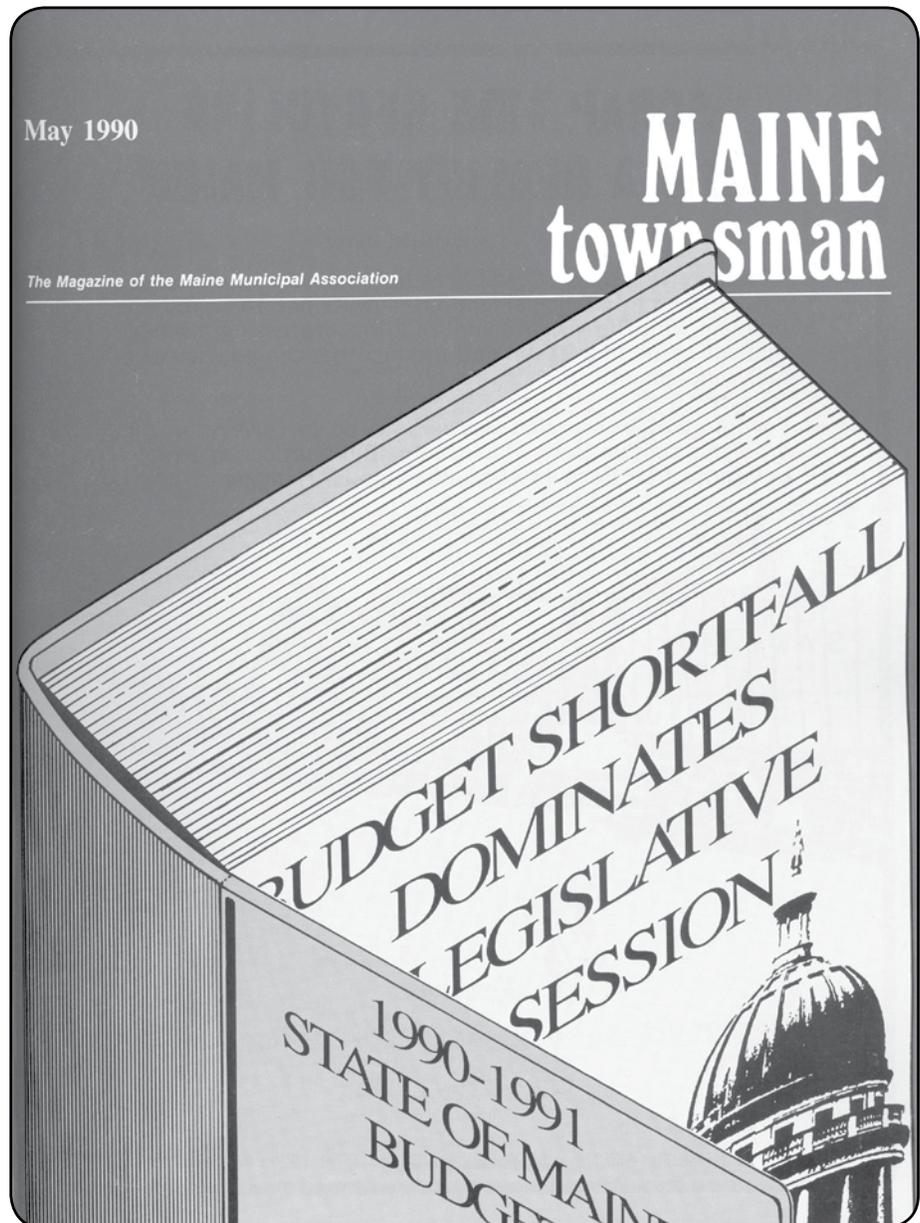
FY	Road Aid
1999	\$19,569,918
2000	\$19,511,892
2001	\$22,149,998
2002	\$22,703,166
2003	\$22,776,821
2004	\$21,794,644
2005	\$21,602,936
2006	\$22,826,176
2007	\$25,628,606
2008	\$26,091,053
2009	\$25,827,695
2010	\$24,707,371
2011	\$27,798,321
2012	\$23,434,666
2013	\$24,029,944
2014	\$23,072,983
2015*	\$20,111,535

Source: Office of Fiscal and Program Review

*The loss of state aid is due to the reduction in the municipal share of the Department of Transportation revenues from approximately 10% to 9%.

NEW OPPORTUNITIES FOR MUNICIPAL STREET LIGHT PROGRAMS

The primary impact for municipalities this legislative session came by way of the two-year state budget. By comparison, most of the non-budgetary legislation was much less substantive. One exception is the legislation to afford municipalities authority over their street light programs, which was quite substantive. A description of that legislation can be found under LD 1559 in the Energy, Utilities and Technology section of the New Laws article. Very capably sponsored by Rep. Mary Nelson of Falmouth, three municipal officials also deserve credit for creating these opportunities to modify and exert greater municipal control over your town or city’s street light system: Falmouth Town Manager Nathan Poore, Rockland City Councilor Larry Pritchett, and Tex Haeuser, Director of Planning and Economic Development for the City of South Portland and Legislative Policy Committee Chair for the Maine Association of Planners. After two failed attempts over the last decade, this carefully constructed and highly detailed version made its way into law as part of the Omnibus energy bill.



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C O U N S E L O R S A T L A W

Report Card on MMA's Legislative Agenda

By Geoff Herman, Director of State & Federal Relations, MMA

In addition to the goal of protecting core intergovernmental programs such as municipal revenue sharing, MMA's Legislative Policy Committee advanced a six-bill legislative agenda this session. Success, at least at some level, was achieved for three of these bills. A fourth bill was carried over to the 2014 legislative session along with a clutch of other borrowing proposals. The two other MMA bills were killed at the legislative committee level. Successful or not, MMA greatly appreciates the effort invested in these initiatives by the bills' sponsors who were more than willing to put their shoulder to the wheel to help the municipal cause.

Here's the report card.

A clean Circuitbreaker victory, of sorts. LD 136, *An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes*, was sponsored on behalf of MMA's Legislative Policy Committee by Rep. Terry Hayes of Buckfield. LD 136 was designed to make sure that people who receive Circuitbreaker payments from the state in order to help with their unaffordable property taxes actually use the cash benefit to pay the tax bill. MMA has been working on this issue for many years, and thanks to the nurturing efforts of Rep. Hayes and the Taxation Committee, the bill finally made it all the way to the finish line.

Report Card. At the same time as this bill was being overwhelmingly supported in both the

House and Senate, however, the state budget was being developed. As described in the New Laws article (LD 1509, under Appropriations Committee), the two year state budget eliminates the Circuitbreaker program in its present form, but continues providing a version of the benefit within the state income tax code as the "property tax fairness credit". In short, the municipalities' Circuitbreaker bill was finally on its way to enactment, only to be thwarted by the repeal and replacement of the entire Circuitbreaker program.

Some headway made in defining

"public records." LD 104, *An Act To Amend the Laws Governing Public Records*, was sponsored by Rep. Mary Pennell Nelson of Falmouth. The bill had several components related to the administration of the Freedom of Access Act at the local level, the most significant of which was to allow for the protection of email addresses belonging to people who do nothing more than sign up with a municipality in order to automatically receive one-way communications from the town or city regarding scheduling issues, meeting cancellations, public



Rep. Roberta "Bobbi" Beavers of South Berwick deserves credit for championing an MMA effort to resolve a deeply embedded unfunded state mandate associated with conducting quality assurance reviews of medically-related E-911 calls.

recreation offerings and emergency notifications. What was occurring in Falmouth and perhaps elsewhere is that the database of subscribers to these benign notifications were being obtained through "Right to Know" requests and used by partisans on both sides of certain local controversies to advocate for their particular perspectives. The subscribers were clearly not signing up for this type of unsolicited partisan advocacy.

Report Card. A version of this subscribers' protection was finally enacted, although a somewhat narrower approach than proposed in LD 104.

Ferretting out a mandate in PSAP operations. LD 196, *An Act Regarding the Implementation of the Quality Assurance Program for Public Safety Answering Points*. Rep. Roberta Beavers sponsored LD 196 on behalf of MMA in an effort to identify an emerging new cost in the delivery of emergency communication services through public safety answering points (PSAPs). The new cost is associated with the task of integrating "quality assurance" systems to oversee emergency medical communications. These quality assurance programs involve additional personnel time to evaluate all medical communications, analyze their accuracy and effectiveness, and provide input and additional training to the PSAP communication personnel. In short, the implementation of the recently enacted "quality assurance" requirements reveals that



Rep. Terry Hayes of Buckfield once again stepped up to the plate to help the Association advance municipally important legislation by sponsoring LD 136, which would require recipients of Circuitbreaker cash benefits to use those funds to pay property tax bills.

the legislation was an unrecognized state mandate when it was enacted.

Report Card. LD 196 is being “carried over” to the 2014 legislative session in order to provide the PUC the time necessary to provide more detailed information about a study or pilot program to be conducted that is designed to evaluate how to implement and properly pay for an all-inclusive emergency medical, police and fire E-9-1-1 call quality assurance program.

Transportation bond all bound up. LD 16, *An Act to Authorize a General Fund Bond Issue to Invest in Transportation Infrastructure.* The “protect the core” theme of MMA’s 2013 legislative agenda prompted the Association’s Legislative Policy Committee to seek the advancement of a \$100 million proposed transportation bond package. Rep. Ann Peoples of Westbrook graciously agreed to sponsor the bill. Although the municipal penchant tends to favor hard-core sand-and-



Thanks are owed to Rep. Ann Peoples of Westbrook for sponsoring MMA’s \$100 million transportation bond proposal, printed as LD 16. As is the case with any strong sponsor, Rep. Peoples’ endorsement of the bond was genuine and especially compelling.

gravel highway and bridge construction, the Policy Committee spent some time prioritizing transportation investments in this case, ultimately proposing an integrated package including \$65 million for highway and bridge work, \$20 million for railroad development, \$10 million for public transit systems and \$5 million for pedestrian infrastructure.

Report Card. Unfortu-

nately, the Legislature has pushed all decisions on major capital borrowing into a future legislative session, so no substantive action will be taken on transportation investments at this time.

Road turnbacks turned back. LD 67, *An Act To Strengthen Collaboration in the Transfer of Responsibilities for State and State Aid Highways.* This bill was sponsored by Rep. Andrea Boland of Sanford on behalf of MMA’s Legislative Policy Committee and the Town of Waterboro.

The goal of the bill was to make the process of turning back a state aid road to a municipality that obtains “urban compact” status more formal, and based on clearer standards to support the “good quality” designation the turned-back roads are supposed to meet.

Report Card. The Transportation Committee’s vote on the bill was “ought not to pass” by a margin of 11-2. The sense of the Committee was that there isn’t a problem in the administration of road turnbacks that needs to be solved.

First it was yes, then it was no on “microdisasters.” LD 122, *An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster,* was sponsored by Rep. Beth Turner of Burlington. MMA’s Legislative Policy Committee developed this bill to provide some disaster relief to communities that undergo highly localized disasters where the breadth

of the regional impact was not sufficient to trigger federal disaster definitions. A real-life example is the microburst flooding that occurred primarily in Brownville in 2012. As printed and further developed at the Committee level, the bill did not entitle any community dealing with highly localized damage to special assistance from the state. Instead, the legislation provided a mere opportunity for the Governor, at the Governor’s discretion, to provide the affected community some relief from the state’s disaster account if certain damage thresholds were reached. The state-local match rate could also be established by the Governor according to the circumstances of the disaster’s impacts.

Report Card. After working the bill to its final wording, the Criminal Justice Committee gave it a unanimous “ought to pass” recommendation. Twenty days later the Committee voted to reconsider the bill and killed it because of a “funding problem.” **mf**



Rep. Beth Turner of Burlington sponsored LD 122 on behalf of MMA’s Legislative Policy Committee, which was crafted to ensure that financial resources are available to municipalities hit by highly localized natural disasters. In her advocacy for a bill that could easily be needed any town uniquely visited by a disastrous experience, Rep. Turner took her sponsorship role very seriously.



On behalf of municipal officials statewide, Rep. Andrea Boland of Sanford sponsored legislation (LD 79) to ensure that municipal officials have a formal seat at the table in the state’s process to turn back to a municipality the responsibility to maintain a state road. MMA appreciates Rep. Boland’s efforts to create a stronger municipal voice in this costly road transfer process.

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Time, Information and Study Needed

By Kate Dufour, Senior Legislative Advocate,
State & Federal Relations, MMA

A Description of the 2013 Carryover & Study Bills

CARRYOVER BILLS

During the first year of each two-year legislative term, it is common practice for legislative committees to decide to carry over into the term's second year those bills that need more debate, discussion and study. What follows are descriptions of several bills of varying municipal significance that will be finally decided next year.

These bills are sorted into five categories: (1) ideas that were too comprehensive to address in a single session; (2) legislation benefiting popular constituencies; (3) ideas that are missing significant details or need more work; (4) bills dealing with issues that may be addressed in other pieces of legislation; and (5) bond bills. For a more detailed description of these bills, please see the LD List which is posted on the Legislative/Advocacy section of MMA's website (www.memun.org).

Game Changing Policy Decisions. Some legislation is simple. Other bills to either comprehensively rework existing law or implement game changing policies are more complex. This session, several legislative committees decided to postpone decisions on ten bills of municipal interest that are complicated, controversial or propose a significant policy change.

- *Reinforcing the Legislature's Commitment to Revenue Sharing.* LD 713 and LD 940 propose to reestablish the Legislature's commitment to the revenue sharing program. LD 713 would incrementally return the revenue sharing distribution to 5% of state sales and income taxes by July 1, 2015. LD 940 establishes the revenue shar-

ing program as an irrevocable trust making it substantially more difficult for the Legislature to use revenue sharing as an ATM machine.

- *Consumer Fireworks.* Both LD 111 and LD 168 seek to significantly amend the consumer fireworks law adopted in 2012 that generally allows for the sales and use of fireworks in Maine unless otherwise regulated by ordinance. LD 111 proposes to repeal the law. LD 168 seeks to amend the existing law by adding restrictions on the use of fireworks, such as in times of fire danger, in the presence of farm animals, when conflicting with the interests of summer residents, tourists and local business, etc.

- *Religious Freedom.* LD 1428 creates the "Preservation of Religious Freedom Act." The Act allows a person to bring an action in court if his or her right to exercise religion is believed to be burdened by a state or local law, regulation, ordinance or other exercise of authority. This right of action allows the claimant to seek equitable or monetary damages unless the government remedies the burden or demonstrates that the action being challenged is the least restrictive means of addressing a compelling government interest.

- *Early Voting.* LD 156 proposes an amendment to the state's Constitution allowing the Legislature to establish an early voting system in election law so voters could cast their ballots just as they do on election day for a specified period of time before the day of the election. The bill also creates a right to absentee balloting for any reasons deemed sufficient rather than, as the Constitution cur-

rently provides, for reasons deemed sufficient with respect to voters either absent or physically incapacitated.

- *CEO Training.* LD 1565 establishes the Bureau of Land Quality Control within the Department of Environmental Protection as the state agency responsible for providing training programs and certification for municipal code enforcement officers. Under current law, the Office of Community Development within the Department of Economic and Community Development is responsible for conducting the CEO training and certification programs.

- *Solid Waste Disposal Fee.* LD 1483 seeks to impose on both publicly and privately funded licensed landfills a formula-based "solid waste stabilization assessment" at a rate to be calculated by the Department of Environmental Protection. The assessed revenues are dedicated to a special account and distributed to qualifying municipalities or recycling or composting programs.

- *Licensing Contractors.* LD 1328 proposes to create the Maine Home Contractor Licensing Act, which establishes licensing standards and continuing education requirements for home contractors and home contractor salespersons.

- *Blocking Access to School-specific Health Claim Data.* LD 300 reverses legislation enacted in 2012 by enabling a health insurance provider to decline a request made by a school administrative unit for employee health claims loss data.

Benefiting Popular Constituencies. Lawmakers often find themselves caught between limited re-

sources and the interests of a popular constituency. Bills of this nature are frequently carried over into the second legislative session so all possible funding options can be explored. Five municipally related bills of this type were carried over.

- **Firefighter Length of Service Award Program.** LD 1154 establishes the framework for a statewide pension-type program for volunteer firefighters and emergency medical series personnel. The bill creates the “Length of Service Award Program” and establishes a seven-member Board of Trustees, charged with administering the program with assistance from private financial benefit management companies. Eligible volunteers vest in the 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. Although the bill had been working its way through the enactment process, LD 1154 was re-committed to the Labor, Commerce, Research and Economic Development Committee in the final days of

the session and carried over into 2014.

- **Property Tax Breaks for Firefighters.** Under existing law, municipalities are authorized to adopt ordinances to compensate the volunteer contributions of seniors through a \$750 property tax exemption. LD 1547 authorizes municipalities to adopt ordinances extending the special property tax exemption to volunteer firefighters and emergency medical services providers.

- **Dig Safe.** LD 965 was proposed as an alternative to the recommendation from the 2012 Dig Safe working group that all municipalities become mandatory members in the underground facility damage prevention program, commonly referred to as the Dig Safe Program. In addition to establishing an advisory board directed to work with the Public Utilities Commission (PUC) to improve the protection of underground facilities, the bill also requires owners of underground facilities that are not members of DIG Safe (e.g., municipalities and water/wastewater districts) to register their facilities with the PUC, mark their facilities

on request, provide 24/7 contact information, etc. Interested parties, including municipal and water utility officials, representatives of the PUC and representatives of for-profit underground utilities may convene over the summer and fall in an attempt to find a common ground solution.

- **Gaming for Veterans’ Organizations.** As proposed in LD 31, charitable nonprofit organizations that are classified as exempt fraternal or veterans’ organizations would be authorized to operate up to five slot machines on premises they own or lease if those premises are the organizations’ primary headquarters for fulfilling their mission and are located in a community where the voters have formally approved the operation of slot machines.

- **Universal Voluntary Pre-K.** LD 1530 requires implementation of universal pre-Kindergarten education by the 2017-2018 school year.

Under Construction. “Under construction” bills generally fall into two categories: (1) those presented to the Legislature as concept drafts;

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and (2) ideas that the legislative committee determined need further development. Concept draft bills are commonly used when a legislator has an idea for legislation, but is unsure how best to implement the proposal. Concept drafts include a summary of the proposal but no statutory details. What follows is a description of “under construction” carryover bills MMA has been following.

- *Emergency Call Quality.* For purposes of ensuring that medically related emergency dispatch calls are handled appropriately, the state mandates that on a monthly basis a sampling of the calls received by PSAPs (public safety answering points) are reviewed, assessed and ranked for their quality. The cost of implementing and managing the quality assurance program is borne by the property taxpayers to the tune of nearly \$500,000 each year. LD 196 and LD 275 both address quality assurance programs for emergency calls. LD 196, sponsored on behalf of MMA by Rep. Roberta Beavers, directs the PUC to implement and fund the existing medical call quality assurance program with non-municipal resour-

es or assessments. LD 275 extends the quality assurance program to police and fire calls, but requires the PUC to fund the expanded program. These bills were carried over into the second session to provide the PUC an opportunity to develop a proposal to best meet the quality assurance and funding goals of the two bills.

- *County Property Growth Factor.* Under the existing LD 1 tax levy limit calculation methodology, counties must rely on municipal data to determine the countywide property growth factor. The reliance on municipal data, at times, causes a delay in the county’s ability to calculate its limit in order to meet its own budget adoption timeframes. As proposed, LD 211 amends the methodology for calculating the county property growth factor using the state valuation data that is annually published by Maine Revenue Services. Although all parties expressing an interest in the bill believe the change in methodology is necessary, there isn’t consensus regarding the state valuation-based formula presented in the bill. As a result, the State and Local Government Committee directed

the interested parties to develop an alternative and present findings and recommendations to the Committee next year.

- *Standard Water District.* As originally proposed, LD 1004 mandated that all standard water districts hold a referendum in the process of enacting or amending charters, electing trustees or establishing debt limits, whether or not the community had adopted the secret ballot voting process. Instead of moving forward with the election mandate, the Energy, Utility and Technology Committee directed the interested parties to develop a model charter to be adopted by standard water districts that would include uniform charter adoption and election procedures.

- *On Deck.* Some legislative initiatives are carried over into the second session to await the fate of similarly crafted bills, which will step up to home plate first. What follows are a list of carryover bills with subject matters being addressed in other pieces of legislation.

- *Service Charges on Tax-exempt Institutions.* LD 936 authorizes municipali-

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ties to assess a service charge against a number of tax-exempt institutions, including charitable institutions, literary and scientific organizations, chambers of commerce and fraternal organizations. A similar provision enacted as Part AA of the FY 2014-15 budget (LD 1509) directs a task force to identify how to impose a temporary tax on large-scale property tax exemption institutions. A more in-depth description of the study is described in the following Study Bills section of this article.

• *Studying Tax Expenditures.* Two tax expenditure-related bills were presented to the Taxation Committee this year. LD 1120 proposes to establish a task force to undertake a comprehensive analysis of the state's "tax expenditures," which is another term for sales and income tax exemptions. LD 1463 directs the Taxation Committee to examine how best to achieve efficiency, transparency and accountability with respect to the implementation of tax expenditures. A similar provision enacted as Part S of the FY 2014-15 budget charges a study group with examining all "tax

expenditures", including state-level and local-level exemptions. A more in-depth description of the study is described in the following Study Bills section of this article.

Single Issuing Entity for Concealed Weapons. As proposed in LD 222, the Chief of the State Police would be the only authority in Maine to issue concealed weapons permits. Under existing law, municipalities may provide the service locally. One hundred-thirty communities have retained the concealed weapons permit issuing authority. LD 222 was carried over pending the Legislature's consideration of LD 660, which proposes to repeal the permit requirement for the carrying of a concealed weapon. Since the "no permit" initiative failed enactment, LD 222 will be in play when the Legislature convenes next January.

Bond Bills. The bond bill carryover this year was on the wholesale level. The decision to postpone all bond bills was fueled by the fact that the FY 2014-2015 General Fund budget does not include funding for debt service. What follows is a description

of the carried-over bond bills supported by municipal officials.

• *Transportation.* Sponsored on behalf of MMA by Rep. Ann Peoples of Westbrook, LD 16 asks the voters of Maine to support a \$100 million transportation bond. As proposed, \$65 million is dedicated to state and municipal roads, highways and bridges, \$20 million dedicated to railroad infrastructure, \$10 million dedicated to public transit, and \$5 million dedicated to pedestrian trails.

• *Economic Development.* Municipal officials supported the economic development bond proposals found in LD 1105 and LD 1163. LD 1105 sends out to the voters a proposed \$10 million bond issue to be used as seed money to capitalize the Downtown Revitalization fund, which is a revolving loan and grant fund to encourage business development in downtown areas. LD 1163 is a \$20 million bond proposal for main street and downtown economic development projects, with \$12 million of those proceeds provided to municipalities that are not automatic recipients of federal CDBG funds and \$8 million of those



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proceeds open to all municipalities on a competitive grant basis.

- *Maintenance of Water, Wastewater and Stormwater Infrastructure.* LD 1010 sends out to the voters a proposed \$50 million bond issue to assist municipalities in addressing water quality control problems and dealing with Clean Water Act mandates, including separate and combined sewer and stormwater overflow infrastructure and sewage treatment. LD 1455 sends out to the voters a \$50 million bond issue to protect the state's water resources, which is designed to focus more squarely on the storm water control and remediation requirements that many municipalities are now required to address.

Other Carryover Bills. Of the 500 municipally related bills MMA was tracking this year, 65 were carried over into the 2014 legislative session. Descriptions of those bills can be found on the LD List posted on MMA's website at www.memun.org under Legislative-Advocacy.

STUDY BILLS

Between July and late November, interested parties will be involved in efforts to study sales, income and property tax exemptions, state mandates, Maine's discontinued and abandoned roads laws, the county jail unification system and the further deployment of broadband infrastructure. What follows are descriptions of the seven working groups MMA staff will be monitoring throughout the summer and fall months.

Any municipal official interested in receiving information on the progress of these study groups is encouraged to contact Laura Veilleux at lveilleux@memun.org or 1-800-452-8786 and ask to be placed on our "interested parties" list.

- *Studies in the Budget Bill.* Embedded in LD 1509, the FY 2014-2015 General Fund budget, is the establishment of four study groups of municipal interest, which include:

- Tax Expenditure Review Task Force (Part S). This 13-member task force includes four legislators, four appointees with economics, tax or business expertise, a state budget process expert, a representative experienced in municipal budgeting and property taxes, a person representing a business enterprise, a person rep-

resenting the general public and the Commissioner of the Department of Administrative and Financial Services (DAFS). The task force is charged with: (1) examining and evaluating sales, income and property tax exemptions; (2) reviewing standards adopted in other states to measure the effectiveness of exemptions; (3) determining the purpose and economic impacts of each exemption; (4) prioritizing exemptions and giving highest priority to those exemptions that reduce the tax burden on necessities of life, avoid pyramiding of taxes, or are essential to economic growth and job creation; (5) developing a process for the ongoing evaluation of tax exemptions; and (6) recommending the repeal or reduction of exemptions to achieve at least \$40 million in savings. Failure to achieve the \$40 million savings goal by July 1, 2014 will result in a corresponding reduction in revenue sharing distributions to municipalities. The task force must submit its findings and recommendations to the Appropriations Committee no later than Dec. 4, 2013.

- Nonprofit Tax Review Task Force (Part AA). This nine-member task force includes the commissioner of DAFS, two members of the Appropriations Committee, two members of the Taxation Committee, a representative of the Maine Association of Nonprofits, a representative of the Maine Municipal Association and two other interested parties appointed by the Governor from a list of suggestions provided by the Speaker of the House

and President of the Senate. The task force is charged with: (1) evaluating the desirability for imposing a temporary assessment on certain nonprofit organizations to annually generate \$100 million in revenues; (2) studying how other states treat nonprofit organizations with respect to the application of service charges, payments in lieu of taxes and property taxes; and (3) preparing a report that includes recommendations for: (a) identifying the nonprofit organizations impacted by a land, building and equipment value based assessment; (b) developing a method for calculating the assessment that includes adjustments for organizations with fixed assets that are disproportionate to the size of the organization's operating budget; (c) developing a method for crediting payments made in lieu of taxes; and (d) creating a process for transferring the assessment revenues to municipalities. The task force must submit its findings and recommendations to the Taxation Committee no later than Dec. 1, 2013. The Appropriations Committee is authorized to submit a bill implementing the recommendations in 2014.

- Municipal Mandates (Part WW). The Commissioner of DAFS is directed to convene a working group to review mandates imposed by the state on local governments and invite interested parties, including representatives from a statewide association representing municipalities, to participate in the review. The working group is tasked with: (1) identifying

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the financial impacts of state mandates on municipal budgets; (2) determining how those mandates can be mitigated or eliminated; and (3) identifying the cost to the state for mitigating or eliminating the mandates. The working group's findings and recommendations must be reported to the Appropriations Committee no later than Dec. 1, 2013.

o **BETR/BETE Conversion Task Force (Part K).** The five-member task force includes a representative of a statewide business advocacy organization, an organization that represents municipal interests, and a manufacturer that is a significant user of the Business Equipment Tax Reimbursement (BETR) program, as well as the commissioners from the DAFS and Economic and Community Development. The task force is charged with reviewing options for transitioning business equipment covered under the BETR program to the Business Equipment Tax Exemption (BETE) program and the financial impacts of this transition on program recipients, municipal budgets, the state budget and the larger business investments. The task force must report its findings to the Taxation Committee no later than Dec. 1, 2013.

• **Discontinued Roads Study.** LD 1177, which advanced the recommendations of a 2012 Discontinued and Abandoned Stakeholder Group, would radically amend the existing road discontinuance and abandonment laws and hold municipalities and property taxpayers responsible for funding and implementing all recommended changes. In response to the sharp opposition from the municipal community, the members of the State and Local Government Committee decided that more study and information gathering was necessary. As a result, four members of the Committee will be meeting with interested parties throughout the summer to determine what changes, if any, need to be made to the existing road discontinuance and abandonment statutes.

• **Study of Unified County Corrections System.** This 13-member commission is established pursuant to a legislative "joint order" (House Paper 1132) and charged with reviewing the current structure of the county jail corrections system, including its sources

of revenues, in order to determine methods for long-term sustainability of funding. The commission is also directed to propose revisions to the mission and authority of the State Board of Corrections and clarify the structure of the unified corrections system and authority of the State Board that governs it. The commission is composed of two legislators, three county commissioners, three county managers, two jail administrators, two sheriffs and a member of the public. At issue from the municipal perspective is whether proposals to eliminate the cap on property tax resources that must be appropriated to the unified county corrections system will surface within this working group process.

• **Broadband Deployment.** The ConnectME Broadband Authority has been directed by LD 876 to convene a

working group for the purpose of facilitating the deployment of broadband conduit for fiber-optic communications. One focus of the working group effort appears to be how to overcome obstacles to deployment associated with road and bridge construction, because the group is charged with reviewing all the rules and policies regarding highway and bridge construction to see if broadband conduit installation can or should be part of that process. In addition to the ConnectME Authority, the working group membership includes the state's Chief Information Officer, the Departments of Economic and Community Development and Transportation, as well as the Maine Turnpike Authority, Maine School and Library Network, Maine State Chamber of Commerce, the Public Advocate's Office and the Maine Municipal Association. 

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NEW LAWS

126th Legislature

Effective dates. Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is so-noted before the Public Law (PL) citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted this session will be October 8, 2013. Some of the new laws have yet to be assigned a PL chapter. These laws are designated PL 2013, c. xxx.

Mandate preamble. Legislation enacted with a “mandate preamble” contains the following language: *“This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two-thirds of all of the members elected to each House have determined it necessary to enact this measure.”* If the new law was enacted with a mandate preamble, it is so-noted along with the Public Law citation.

Agriculture, Conservation & Forestry

LD 33 – Resolve, Regarding Pesticide Applications and Public Notification in Schools. (Reported by Rep. Dill of Old Town for the Board of Pesticides Control.) **Emergency Passed; Resolves 2013, c. 63 (6/22/13)**

This Resolve finally authorizes Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, which are rules provisionally promulgated by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control (the Board). The Resolve also directs the Department of Education to collaborate with the Board to develop standards and guidelines related to school construction projects that would minimize or avoid the necessity of using pesticides on school grounds. The report on this effort must be submitted to the Legislature by March 15, 2014.

LD 285 – An Act To Electronically Issue Permits for Burning. (Sponsored by Sen. Boyle of Cumberland Cty.) **PL 2013, c. 35**

This Act expands the system whereby open burning permits can be obtained online by directing the Division of Forestry to expand the existing system, which applies only in certain regions, to a statewide system. The person obtaining the permit online must pay the existing \$7 fee established in statute, but the Act changes the allocation of the fee revenue. Under current law, \$6 of the fee is deposited in the General Fund and \$1 is used to cover administrative costs. For the organized areas of the state, this Act directs \$4 of the fee to be deposited in the General Fund, \$2 to be provided to the municipality where the permit is being used, and \$1 for administrative costs.

LD 292 – Resolve, Directing the Department of Agriculture, Conservation and Forestry to Develop a Plan for the Protection of the Public Health from Mosquito-borne

Diseases. (Sponsored by Rep. Gifford of Lincoln.) **Resolves 2013, c. 13**

This Resolve directs the Department of Agriculture, Conservation and Forestry to develop a plan for the protection of the public health from mosquito-borne diseases. The plan must be submitted to the Legislature by December 15, 2013.

LD 334 – An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment. (Sponsored by Rep. Long of Sherman.) **PL 2013, c. 190**

This Act repeals the minimum weight and width requirements that define snowmobile “trail grooming” equipment so as to allow normal-scale snowmobiles to qualify, and allows nonprofit organizations with contracts approved by the Department of Agriculture, Conservation and Forestry to register those snowmobiles as trail grooming equipment.

LD 457 – An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry. (Sponsored by Rep. Gifford of Lincoln.) **PL 2013, c. 37**

This Act eliminates a requirement that the Maine Forest Service monitor the implementation of recommendations it makes regarding forest insects and diseases to individuals and municipalities as part of the forest health and monitoring program.

LD 484 – An Act To Revise the Animal Welfare Laws. (Sponsored by Rep. Gifford of Lincoln.) **PL 2013, c. 115**

This Act makes several changes to the animal welfare laws. The Act defines the term “small animals” and includes small animals under the laws relating to animal shelters and animal control officers and provides guidelines for the disposition of small animals. The Act provides standards to permit the humane trapping of animals by animal control officers and clarifies that humane trapping of domestic animals for population control or animal control is excluded from the crime of cruelty to animals. The Act provides that laws relating to abandoned dogs apply to all abandoned animals including animals that are part of a population control program. The Act also creates the term “dog licensing agent” to mean the animal shelters or veterinarians authorized under current law to issue dog licenses along with municipal clerks.

LD 1283 – An Act To Amend the Laws Governing Animal Trespass. (Sponsored by Sen. Saviello of Franklin Cty.) **PL 2013, c. 348**

This Act amends the animal trespass laws in the following ways. The Act: (1) makes the fine for an animal trespass violation \$1,000 (rather than the current \$500 maximum) for a second offense (i.e., after a previous violation has been adjudicated); (2) makes the fine for a 3rd or subsequent violation \$2,500; (3) authorizes a court to order a repeat violator to pay the reasonable court costs and attorney’s fees incurred by the Department of Agriculture, Conservation and Forestry, municipality or law enforcement agency bringing an enforcement action to court; and (4) authorizes a state or local animal control and enforcement agency to bring a forfeiture action to court in the case of repeat violations that threaten the public health, welfare or safety, and authorizes a court to order the forfeiture of an animal of a repeat violator if the court finds

that the repeat violation jeopardizes the public health, welfare or safety of the community.

Appropriations & Financial Affairs

LD 250 – An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013. (Sponsored by Sen. Hill of York Cty.) **Emergency Enacted; PL 2013, c. 1 (3/06/13)**

This Act amends the state's FY 2013 budget to bridge a \$35 million projected revenue shortfall, as well as unanticipated state Medicaid expenditures. Of particular municipal interest, the Act reduces the state appropriation for K-12 school subsidy in the middle of school year 2012-2013 from \$910.6 million to \$895 million, with \$12.6 million of that reduction representing direct cuts to school systems. The total cost of providing K-12 education to achieve adequacy according to the Essential Programs and Services funding model for FY 13 is \$1.993 billion, so the adjusted appropriation of \$895 million represents 45% of that share, 10 percentage points below the state share called for in law.

LD 1440 – An Act To Amend the Retirement Laws Pertaining to Participating Local Districts. (Sponsored by Rep. Rotundo of Lewiston.) **PL 2013, c. 391**

This Act makes the following changes to the Participating Local District Consolidated Retirement Plan as administered by the Maine Public Employees Retirement System (MainePERS): (1) reduces the cost of living adjustment cap from 4% to 3%; (2) increases from 6 months to 12 months the length of time that a retiree must be retired in order to receive a cost of living increase; (3) raises the normal retirement age from 60 to 65 years for new hires; and (4) increases the early retirement reduction from 2 ¼% to 6% for new hires. The Act also allows the Board of Trustees of MainePERS to establish by rule the rate at which plan members contribute. In addition, the Act directs MainePERS to study the Participating Local District Retirement Program and Consolidated Retirement Plan for the purposes of determining the benefits and necessity of codifying each of the plans in state statute and generally providing the current level of legislative oversight to the participating local districts' operations and governance. The MainePERS report must be submitted to the Legislature by January 15, 2014.

LD 1509 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015. (Sponsored by Rep. Chase of Wells.) **Emergency Enacted; PL 2013, c. 368 (6/26/13)**

This Act is the budget designed to fund state government over the FY 2014-15 biennium. Of particular municipal interest and concern:

- **Revenue Sharing.** The budget reduces municipal revenue sharing over the biennium by one-third relative to the distributions over recent years, and cuts the program by over 55% relative to the distributions that are supposed be provided as a matter of law. Specifically, \$65 million in revenue sharing will be distributed in FY 2014 and \$60 million in FY 2015. This compares to approximately \$95 million that was distributed each year of the present biennium, which was itself a 33% reduction of the \$135 - \$145 million that is supposed to be distributed as a matter of long-established law. The Legislature, as it often makes abundantly clear, is above the law. This part of the budget also amends the law governing the calculation of a

municipality's "property tax levy limit" to allow for an upward adjustment to the tax levy limit to reflect the revenue sharing reduction at the same time that the reduction is occurring rather than one or two years after the fact.

- **Education Funding.** The budget appropriates \$942 million for General Purpose Aid to Local Schools for FY 2014. This appropriation represents 46.3% of the total cost of K-12 education as measured by the Essential Programs and Services school funding model, which will now include the total "normal cost" of the teachers' retirement premium. The appropriation represents approximately \$29 million over the distribution of school subsidy for FY 2013 before that appropriation was reduced by \$12.6 million through a curtailment order issued by Governor LePage in December 2012 as an emergency procedure to keep the state budget in balance. The \$29 million increase, however, is not new money to the school systems because the budget also places the financial obligation on the schools, rather than the state, to pay for the "normal costs" of teachers' retirement under the Maine Public Employees Retirement System. That new cost to the school systems statewide is \$29 million a year.

- **General Assistance.** The changes to the General Assistance program in this budget include: (1) adjusting the "overall maximum level of assistance", which for 20 years has been calculated at 110% of the HUD "fair market rental" values, to be 90% of that calculation; (2) creating an express General Assistance ineligibility for fugitives from justice and applicants who have committed unemployment fraud; (3) amending the system for calculating a prorated benefit when a member of the household has been disqualified; (4) amending the calculation of the duration of ineligibility related to the receipt of lump sum income to base it entirely on actual basic needs; and (5) counting Circuitbreaker benefits, which will from now on be the "property tax fairness" income tax credit, if refunded, as income.

- **Circuitbreaker Program.** The Circuitbreaker property tax relief and rent rebate program as it is currently administered is repealed by the budget bill and replaced with a similarly, but not identically designed refundable "property tax fairness credit" within the state's income tax code. The refundable "property tax fairness credit" will kick-in for the 2013 state income tax filings submitted in 2014. Therefore, there will be no traditional Circuitbreaker application period beginning on August 1st of this year. The income tax credit will be available to Maine resident filers who own or rent a primary residence with incomes up to \$40,000. The benefit is 40% of the amount of property taxes (or assumed property taxes in the case of renters) that exceed 10% of income. Benefits are capped at \$300 for a qualifying homeowner or renter under the age of 70 and \$400 for applicants 70 years of age or older. For renters, the assumed property tax "benefit base" is 25% of the gross rent actually paid. The program is projected to provide \$36 million a year in property tax relief benefits, which represents approximately 80% of the total benefits issued under the current Circuitbreaker program.

- **Charges to various working groups.** The budget includes several study groups designed to explore other revenue-raising or expenditure-reducing options and to perform other tasks. Those recommendations are to be reported back to the Appropriations Committee for possible implementation in 2014.

- One of those study groups is designed to thoroughly review municipal mandates and identify any mandates that should be repealed or actually funded by the state.

- Another study group is charged with identifying how to impose a temporary tax on large-scale tax exempt institutions for the purpose of providing municipal government with additional revenue.

- Another study group is charged with examining all "tax expenditures", which is the formal term for tax exemptions,

including exemptions from state-level taxes and exemptions from local property taxes, and recommending the repeal or adjustments to those exemptions that would provide \$40 million in revenue to the state budget. This section of the budget bill provides that if legislation created according to the recommendations of the study group is not enacted by July 1, 2014 that generates an increase in General Fund revenues of at least \$40 million, then \$40 million dollars will be automatically subtracted from the FY 15 revenue sharing distribution, essentially bringing revenue sharing down to nothing.

◦ A fourth study group is charged with exploring how the non-retail property currently enrolled in the Business Equipment Tax Reimbursement program (BETR) can be converted to tax exempt status.

• **“Sudden and Severe Valuation Adjustment” and “Enhanced BETE Reimbursement.”** Several substantive changes are made in this budget with respect to the “sudden and severe” valuation disruption program and the administration of the Business Equipment Tax Exemption program (BETE) as it relates to receiving enhanced reimbursement over the normal 50% reimbursement rate, including:

Sudden and Severe. Applications for an expedited state valuation to compensate for a sudden and severe loss in municipal valuation attributable to a large, single taxpayer will remain in the following circumstances: cessation of business operations, the removal of the taxable property from the municipality, the destruction or damage to the property resulting from a disaster, and losses related to functional or economic obsolescence that are not due to short term market volatility, provided these occurrences either happened in the tax year immediately prior to the year of application or, in the circumstance of obsolescence, could not have been “earlier determinable.”

Qualifications of applicants. The applications for a sudden and severe valuation adjustment or enhanced BETE reimbursement request with respect to a property that is valued at 2% or more of the municipality’s entire tax base must either include a property appraisal report prepared by a third-party professional appraiser or be submitted by a qualified municipal assessor. A qualified municipal assessor is defined as a Certified Maine Assessor with at least five years’ experience determining the just value of real and personal property of a commercial and industrial nature using the three standard methods of valuation, and who attests in writing to those qualifications to the State Tax Assessor.

Required information from the taxpayer, municipal certification. The large, single property taxpayers, whose property is valued at 2% or more of the entire municipal tax base, must provide in their applications for BETE status sufficient information to allow the municipal assessor to determine the value of the subject property, including income and expense information as necessary. Failure to provide that information to the municipal assessor disallows a BETE exemption for that tax year. As a follow-up to that requirement, the municipal assessor must ultimately certify to the State Tax Assessor that the taxpayers receiving the BETE reimbursement have provided the municipality with the required information and that the assessor has considered that information in the determination of the assessed value of the BETE property. This certification will presumably be built into the Municipal Valuation Return. Failure to provide the necessary certification will result in the municipality losing its enhanced BETE reimbursement for that year.

• **Tax changes.** The proposed budget increases the general sales tax rate from 5% to 5.5% for the biennium and the meals-and-lodging sales tax rate from 7% to 8% for the biennium, with both increases beginning on October 1, 2013 and running through June 30, 2015, at which point they are automatically repealed. Those two rate increases generate approximately \$180 million in additional revenue to help fund the budget.

Criminal Justice & Public Safety

LD 298 – An Act Regarding the Membership of the Emergency Medical Services’ Board. (Sponsored by Rep. Werts of Auburn.) **PL 2013, c. 62**

This Act changes the composition of the 11-member Emergency Medical Services Board by reducing the number of public members from 2 to 1 and adding a fire chief to the list of membership, which already includes a representative of a statewide association of fire chiefs.

LD 326 – An Act To Update the Maine Emergency Management Laws. (Sponsored by Sen. Gerzofsky of Cumberland Cty.) **PL 2013, c. 146**

This Act amends the Maine Emergency Management Act primarily to update and modernize its language and organization and make other minor substantive changes. Of municipal interest, the Act: (1) amends the municipal, county and regional responsibilities to prepare and keep a current disaster emergency plan to require plan approval by the jurisdiction’s governing body, adopting by reference the various necessary elements of the plan, and expanding the list of institutions that must be consulted when developing the plan; (2) changes the general dam hazard evaluation requirement from at least once every 6 years to at least once every 12 years and changes the time frame for hazard evaluations from within 30 days of a request to within 60 days of a request; and (3) changes the dam condition inspection frequency of high and significant hazard dams from at least every 4 years to at least every 6 years.

LD 381 – An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work. (Sponsored by Rep. Dion of Portland.) **PL 2013, c. 114**

This Act authorizes a court to order a person adjudicated as having violated a municipal ordinance to perform a specific number of hours of community service work for the benefit of the state, a county, a municipality, a school system or other public entity, or a charitable institution or another entity approved by the court if the municipality whose ordinance was violated has a community service work program that provides oversight of the community service order.

LD 498 – An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility. (Sponsored by Rep. Pouliot of Augusta.) **PL 2013, c. 161**

Current law authorizes a municipality to enact an ordinance to prevent certain sex offenders from residing within 750 feet of public or private schools or real property owned by a municipality where children are the primary users, such as a park or playground. This Act expands the ordinance authority to also include state-owned property that is leased to a non-profit organization for purposes of a park, athletic field or recreational facility that is open to the public.

LD 1432 – An Act To Revise the Laws of the Maine Criminal Justice Academy. (Sponsored by Sen. Plummer of Cumberland Cty.) **PL 2013, c. 147**

This Act makes a number of minor, minor substantive and substantive changes to the law governing the Maine Criminal Justice Academy (MCJA) and its law enforcement officer training functions. Among the dozen-plus changes, the Act: (1) makes some definitional amendments to the terms “full-time law enforcement officer”, “law enforcement officer” and “part-time law enforcement officer”; (2) clarifies training and certification requirements; (3) specifies that all law enforcement officers and corrections officers must complete the in-service

training and may be disciplined by the MCJA Board of Trustees for not doing so; (4) makes more specific and expands the list of behaviors subject to disciplinary action by the Board; and (5) amends the law governing the requirement for the “hiring” governmental entity to reimburse the “training” governmental entity for the costs of training a full time law enforcement officer if that officer becomes employed by the hiring governmental entity within five years of being MCJA certified at the expense of the training governmental entity. Under current law, reimbursement is not required if the training governmental entity terminates the law enforcement officer and he or she subsequently becomes employed by another governmental entity. This Act repeals that limitation, and requires reimbursement even in the event of termination.

Education & Cultural Affairs

LD 61 – An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Home-schooled. (Sponsored by Rep. Espling of New Gloucester.) **PL 2013, c. 400**

This Act allows a student who is being home schooled to be eligible for tuition subsidy as a “subsidizable pupil” for post secondary courses if the post secondary institution has space available for the student, all the prerequisite courses have been completed by the student, and the student is determined to be academically qualified for the course.

LD 130 – An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation. (Sponsored by Sen. Millett of Cumberland.) **PL 2013, c. 203**

This Act requires the “fiscal capacity” component of the Essential Programs and Services (EPS) school funding formula to be calculated on the basis of a 2-year average of the property values of the school system’s municipalities in FY 2015 and a 3-year average of those property values in FY 2016 and thereafter.

LD 439 – An Act To Improve Maine’s Charter School Laws. (Sponsored by Sen. Mason of Androscoggin Cty.) **PL 2013, c. 272**

This Act makes changes to the public charter school approval and funding process. With respect to the charter school funding process, the Act changes the way payments are made to public charter schools by the public schools of “residence” when the public charter school student count changes during the course of the school year. Under current law, if the charter school student count changes in mid-year, the adjustment in payment requirements are roughly reconciled in the last (June) payment. Under this Act, the last two payments of the year (March and June) are based on the February 1st count of students in the charter school.

LD 485 – An Act To Amend and Clarify Certain Education Laws. (Sponsored by Rep. Johnson of Greenville.) **PL 2013, c. 167**

This Act makes a number of technical, minor, minor substantive and substantive changes to the laws governing public education. Of particular municipal interest, the Act separates the voting criteria with respect to the referendum vote to finally approve a school withdrawal plan. For those school districts that were not reformulated as a regional school unit pursuant to the school consolidation law of 2007, the current voting criteria pertains, which is a majority vote provided a quorum of voters is achieved equaling 50% of the number of voters in the municipality who voted in the last gubernatorial election. For those school districts that were reformulated as regional

school units pursuant to the 2007 school consolidation law, the voting criteria is at least a two-thirds vote, without any designated quorum requirement. The Act also requires the school system’s annual audit to include a schedule of expenditures of “federal awards.”

LD 530 – An Act To Ensure That the Standard of a Student’s Best Interest Is Applied to Superintendent Agreements for Transfer Students. (Sponsored by Rep. Nelson of Falmouth.) **PL 2013, c. 337**

This Act establishes procedures designed to ensure that the “superintendents’ agreement” process results in a student being allowed to attend a school system that is not the system of his or her residency if the transfer is in the student’s best interest. First, any superintendents’ decision to deny the transfer request must be made in writing. Second, the Commissioner of the Department of Education must review the decision and either approve or disapprove the transfer notwithstanding the superintendents’ decision. Third, the parents of the student or either superintendent may appeal the Commissioner’s decision to the State Board of Education, and the Board’s decision is final and binding.

LD 609 – An Act to Increase Suicide Awareness and Prevention in Maine Public Schools. (Sponsored by Rep. Gilbert of Jay.) **(Mandate) PL 2013, c. 53**

This Act, identified as a state mandate, requires each school system to develop a plan for suicide prevention awareness education for all school personnel and suicide prevention and intervention training for certain personnel. With respect to the suicide prevention awareness education, all school personnel must take a one-hour to two-hour in service training course on the subject. With respect to the suicide prevention and intervention program, a minimum of 2 staff persons per school district must take a one-day course on the subject, with a larger number of specially trained personnel required to take the one-day course depending on the size of the school, up to 16 staff persons for the largest school systems. The training requirements must be met for high schools beginning on the commencement of the school year in 2014, and for elementary and middle schools beginning on the commencement of the school year in 2015.

LD 667 – An Act To Increase Funding to Schools. (Sponsored by Rep. Maker of Calais.) **PL 2013, c. 171**

This Act provides a three year transition period to phase out the law that allows a school system to raise less than its required local share to leverage full state subsidy provided the lesser amount is not proportionately less, as a matter of percentage, than the state’s failure to provide a full 55% of the cost of K-12 education. For the FY 2014 school year, the schools will be allowed to leverage full school subsidy by at least matching on a percentage basis the state’s shortfall toward meeting the 55% funding obligation (approximately 82%). For FY 15, the schools will have to match the state’s shortfall by that state percentage plus raise 33% of the difference between that amount of local contribution and the fully required local contribution. For FY 16, the schools will have to match the state’s shortfall by that state percentage plus raise 66% of the difference between that amount of local contribution and the fully required local contribution. For FY 17 and thereafter, full funding of the local contribution will be required.

LD 944 – Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws. (Sponsored by Sen. Langley of Hancock Cty.) **Emergency Passed; Resolves 2013, c. 74 (7/3/13)**

This Resolve directs the Commissioner of Education to establish a task force to review the effect of unfunded educa-

tion mandates on school administrative units and career and technical regions in the state and to evaluate the efficacy of current education laws. The task force membership is made up of nine representatives of the various school organizations (e.g., Maine School Boards Association, Maine School Superintendents' Association, Maine Principals' Association, etc.). Some of the specific charges to the task force include: (1) reviewing the analysis of unfunded educational mandates as prepared by the Department of Education; (2) reexamining the parameters of that analysis as established by the Department; (3) assessing the costs and benefited of the unfunded or underfunded education mandates; (4) analyzing whether the mandates contributed to the improvement of student performance and academic success or the prevention of dropouts; (5) reviewing alternative funding mechanisms or solutions proposed or adopted in other states to address the adverse effect of unfunded education mandates on public schools systems; and (6) developing by consensus a list of priority recommendations regarding unfunded state educational mandates and other regulatory burdens that should be repealed or amended. The task force report must be submitted to the Legislature by January 10, 2014.

LD 1106 – An Act To Develop a Grant Program To Establish a Teacher-led School Model. (Sponsored by Rep. Moonen of Portland.) **PL 2013, c. 303**

This Act 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 1505 – An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School. (Sponsored by Sen. Valentino of York Cty.) **PL 2013, c. xxx**

This Act increases the insured value factor portion of the tuition rate that a private school may charge for public tuition students from 5% to 6% of the tuition rate in school year 2014-2015. The Act further provides that beginning in school year 2015 -2016, the sending school is not required to pay an insured value factor to the private school that is greater than the previous year's factor adjusted by a percentage equal to the percentage change in the state share percentage of the total cost of funding public education in the prior school year.

Energy, Utilities & Technology

LD 81 – An Act To Amend the Charter of the Ogunquit Sewer District. (Sponsored by Sen. Hill of York Cty.) **Emergency Enacted ; P & SL 2013, c. 3 (4/09/13)**

This Act makes a technical correction to the Ogunquit Sewer District charter.

LD 179 – An Act To Amend the Anson and Madison Water District Charter. (Sponsored by Rep. Dunphy of Embden.) **P & SL 2013, c. 5**

This Act makes technical and minor substantive amendments to the charter of the Anson and Madison Water District.

LD 215 – An Act To Protect Landlords When Tenants Fail To Pay Utility Bills. (Sponsored by Rep. Malaby of Hancock.) **PL 2013, c. 250**

This Act requires an electricity transmission and distribution utility to enter into an agreement, upon a landlord's request, whereby an electric service provided in the tenant's

name will be automatically transferred to a service in the landlord's name if the electricity service would otherwise be disconnected.

LD 372 – An Act To Transfer the Responsibilities of the Department of Public Safety, Maine Communications System Policy Board to the Bureau of Consolidated Emergency Communications. (Sponsored by Sen. Youngblood of Penobscot Cty.) **PL 2013, c. 19**

This Act transfers the powers and duties of the Department of Public Safety, Maine Communications System Policy Board, to the Bureau of Consolidated Emergency Communications within that department.

LD 441 – Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities. (Sponsored by Sen. Haskell of Cumberland Cty.) **Resolves 2013, c. 47**

This Resolve directs the Public Utilities Commission (PUC) to develop a plan to reform the regulation of water utilities. It is not clearly stated in the Resolve what the reform is supposed to achieve, but the directive requires the plan to make sure the regulations are the minimum necessary to protect the public welfare while preserving water utility obligations to meet environmental requirements, water quality safety standards, consumer protection policies, etc. The regulatory reform may make distinctions between consumer-owned water utilities based on the utilities' available resources and expertise, as well as the form of local government. The PUC recommendations must be submitted to the Legislature by January 31, 2014.

LD 675 – An Act To Amend the Charter of the Veazie Sewer District. (Sponsored by Rep. Guerin of Glenburn.) **Emergency Enacted; P & SL 2013, c. 13 (5/24/13)**

This Act amends the charter of the Veazie Sewer District to expand its boundaries and amend various provisions regarding the election of the District's trustees.

LD 876 – Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment. (Sponsored by Sen. Johnson of Lincoln Cty.) **Resolves 2013, c. 28**

This Resolve directs the ConnectME authority to convene a working group to identify technical, legal, funding and jurisdictional challenges to the deployment of broadband conduit for fiber-optic communications and to develop recommendations to facilitate its deployment. The working group must include the state's Chief Information Officer or designee, the Commissioners of the Department of Economic and Community Development and the Department of Transportation, or their designees, representatives of the Maine Turnpike Authority, the Maine School and Library Network, the Public Advocate's Office, the Maine State Chamber of Commerce, the Maine Municipal Association and the general public. Among the specific charges, the working group is to review laws, rules and policies related to highway and bridge



Sen. John Cleveland (Androscoggin Cty.), a former Mayor of Auburn, brought a level-headed approach to his chairmanship of the Energy, Utilities and Technology Committee. Sen. Cleveland helped usher the municipal street light bill through the process (part of LD 1559). He also represented municipal concerns very well with a bill that would have expanded Workers' Compensation law for just one group of municipal employees (LD 235).

construction, reconstruction and utility accommodation, including an evaluation of the feasibility for broadband conduit to be part of the highway and local road construction process. The working group's report must be submitted to the Legislature by February 1, 2014.

LD 1026 – An Act To Amend the Charter of the Ashland Water and Sewer District. (Sponsored by Sen. Jackson of Aroostook Cty.) **P & SL 2013, c. 10**

This Act amends the charter of the Ashland Water and Sewer District.

LD 1293 – An Act To Create the Presque Isle Utilities District. (Sponsored by Rep. Willette of Mapleton.) **P & SL 2013, c. 15**

This Act combines the sewer district and the water district in Presque Isle to create the Presque Isle Utilities District.

LD 1442 – An Act To Establish a Pilot Natural Gas District in Maine. (Sponsored by Rep. Nadeau of Winslow.) **Emergency Enacted; P & SL 2013, c. 17 (6/29/13)**

This Act establishes the Kennebec Regional Gas District, a quasi-municipal corporation established as a public utility serving the City of Waterville, the Town of Winslow and four adjoining communities (of which there are seven). The Act establishes the district's governance structure as well as the voting procedures for the adjoining towns to agree to become part of the district.

LD 1457 – An Act To Amend the Charter of the South Berwick Sewer District. (Sponsored by Rep. Eves of North Berwick.) **P & SL 2013, c. 11**

This Act amends the charter of the South Berwick Sewer District.

LD 1559 – An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment. (Reported by Rep. Hobbins of Saco for the Joint Standing Committee on Energy, Utilities and Technology.) **Emergency Enacted; PL 2013, c. 369 (6/26/13)**

This is an "omnibus" energy Act designed in a variety of ways to reduce energy costs in the state, maximize energy efficiency, reduce the state's reliance on fuel oil, and ensure adequate electricity and natural gas supplies. Of particular municipal interest, this emergency Act provides municipalities with more direct control of their street lighting programs by requiring electricity transmission and distribution utilities to provide three service options. The first option could be called the "utility-provided services" option, where the utility provides all of the street lighting infrastructure, maintains the infrastructure, and powers the lighting from an electricity provider of the municipality's choice. The second option could be called the "municipally owned, utility-installed" option, which involves the utility installing lighting infrastructure purchased and owned by the municipalities, with the municipality maintaining that infrastructure using qualified municipal or contracted personnel. The third option is the "municipally owned, installed and maintained" option, which involves the municipality controlling all elements of the street lighting program, except for actually delivering the electricity to the lighting infrastructure. The legislation directs the Public Utilities Commission to establish the various rates that may be charged for utility-provided services, as well as how the street and area lighting will be placed on the utility poles, at what rates or by what method the electricity delivery charges may be assessed, and how a municipality may transition from one option to another.

LD 1562 – An Act To Amend the Charter of the Alfred

Water District. (Sponsored by Sen. Tuttle of York Cty.) **Emergency Enacted; P & SL 2013, c. 16 (6/21/13)**

This Act amends the charter of the Alfred Water District with respect to the process of filling vacancies.

Environment & Natural Resources

LD 141 – Resolve, Directing the Department of Environmental Protection To Develop Quantitative Odor Management Standards. (Sponsored by Rep. Fredette of Newport.) **Resolves 2013, c. 43**

This Resolve requires the Department of Environmental Protection to adopt regulations by March 15, 2014 concerning facilities that process wastewater treatment sludge from publicly owned treatment works and septage processing facilities to incorporate quantitative odor management standards.

LD 470 – An Act Regarding Working Waterfront Projects. (Sponsored by Rep. Welsh of Rockport.) **PL 2013, c. 231**

This Act creates an exception to the general rule restricting the creation of cleared openings within the first 100 feet of a shoreland zone and otherwise retaining a well-distributed stand of trees. The exception applies to construction of a structure or establishment of a land use within 75 feet of the high water line of a protected waterbody that is specifically allowed by municipal ordinance in a general development district, commercial facilities and maritime activities district or other equivalent zoning district approved by the Commissioner of Environmental Protection. The Act also slightly amends the allowable selective cutting standard in the shoreland zone by allowing the harvesting of up to 40% of the total volume of trees over a 10-year period that are 4.0" in diameter at 4 ½ feet rather than 4.5" in diameter.

The Act also authorizes the Board of Environmental Protection to adopt rules that allow for 70% of a lot to be nonvegetated in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner. The Act further provides that the cleared opening and selective harvesting limitations do not apply in the commercial development activity zones that are part of a state or federal brownfields program or "volunteer response action program."

Finally, the Act amends the Natural Resources Protection Act by providing definitions to the terms "working waterfront activity" and "working waterfront land" and exempting lost habitat compensation obligations with respect to applicants for a license for working waterfront activity or working waterfront land that is part of a state or federal brownfields program.

LD 596 – An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Deck over a River within a Downtown Revitalization Project. (Sponsored by Rep. Parry of Arundel.) **PL 2013, c. 140**

This Act authorizes a municipality to adopt an ordinance that allows the construction of a deck of up to 700 square feet in area over a river without meeting certain state-level water and wetland setback requirements if the proposed deck will be located within a downtown revitalization project that has been approved by the voters and the deck is either attached to or accessory to a structure, such as a mill building, that was built prior to 1971.

LD 641 – An Act To Exempt Agriculture, Timber Harvesting and Public Employees from Certain Oversight in Shoreland Areas. (Sponsored by Sen. Saviello of Franklin Cty.) **Emergency Enacted; PL 2013, c. 242 (6/12/13)**

Current law requires excavation contractors working within the shoreland zone to have at least one person on site who has

been certified in erosion control practices. This emergency Act exempts a person or firm engaged in agriculture or timber harvesting from that requirement provided best management practices for erosion control are being used. The Act also exempts municipal, state and federal employees from the requirement with respect to shoreland area projects associated with that employment. The Act includes a definition of "agriculture" related to this exemption.

LD 642 – An Act To Exempt All-terrain Vehicle Trail Management From Storm Water Management Requirements. (Sponsored by Sen. Saviello of Franklin Cty.) **PL 2013, c. 43**

Under this Act, a statewide all-terrain vehicle trail system meeting the "Maine Trails System" standards is exempt from needing a storm water permit from the Department of Environmental Protection. This exemption parallels the exemption for snowmobile trail systems meeting the "Trails Systems" standards.

LD 694 – An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities. (Sponsored by Sen. Cain of Penobscot Cty.) **PL 2013, c. 243**

This Act prohibits the Department of Environmental Protection (DEP) from processing or acting on an application for a new, modified or amended license for a solid waste disposal facility acquired by the state after January 1, 2007 until the facility has applied for and received a public benefit determination. The Act also requires such a determination to be made of a state-owned solid waste disposal facility acquired by the state prior to January 1, 2007 that is seeking to expand. The Act authorizes the DEP to require an application for a modified public benefit determination for the pre-2007 state-owned solid waste disposal facilities if the Department finds that a material change in the underlying facts or circumstances of such a facility has occurred or is being proposed.

LD 695 – An Act To Amend the Site Location of Development Laws. (Sponsored by Sen. Boyle of Cumberland Cty.) **PL 2013, c. 183**

This Act amends the state's Site Location of Development Act (Site Law) with respect to development proposals to expand or modify existing development already permitted under Site Law. The Act would exempt from review subsequent development of the originally permitted development as long as the subsequent development does not create non-revegetated areas exceeding 10,000 square feet in any calendar year and 20,000 square feet in total, and does not involve the division of a parcel.

LD 966 – An Act To Clarify an Exemption to the Municipal Subdivision Laws. (Sponsored by Rep. Moriarty of Cumberland.) **PL 2013, c. 126**

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

LD 1102 – An Act Regarding Reconstruction of Residential Structures on Sand Dunes. (Sponsored by Sen. Goodall of Sagadahoc Cty.) **Emergency Enacted; PL 2013, c. 277 (6/18/13)**

This Act repeals previously enacted law on the subject of permitted reconstruction of existing damaged residential

structures in sand dune areas and requires the repeal of associated regulations. The Act also directs the Department of Environmental Protection to adopt rules governing that type of reconstruction with express limitations on the size, height, and location of the residential structures that may be constructed, as well as their tenure of nonconformity that permits the reconstruction opportunity

LD 1335 – An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine. (Reported by Rep. Welsh of Rockport for the Joint Standing Committee on Environment and Natural Resources.) **PL 2013, c. 315**

This Act establishes a framework for the implementation of product stewardship programs, which are systems that require the manufacturers of certain products to arrange for the collection, recycling and ultimate disposal of those products when disposed of by the consumers. This Act provides the structure for implementing new product stewardship programs, but does not identify any new products that should be made subject to implementation. The Act also makes minor technical amendments to the current laws that require the Department of Environmental Protection to provide the Legislature with reports on the annual collection of thermostats, mercury lamps, and cell phones.

LD 1363 – Resolve, To Ensure Landfill Capacity and Promote Recycling. (Sponsored by Rep. Chipman of Portland.) **Resolves 2013, c. 46**

This Resolve imposes a moratorium on the issuance of licenses to expand solid waste landfills until after April 30, 2014.

LD 1430 – An Act To Clarify the Permitted Use of Aquatic Pesticides. (Sponsored by Sen. Saviello of Franklin Cty.) **PL 2013, c. 193**

This Act allows the Department of Environmental Protection to issue permits for certain discharges of pesticides into Maine waters that are the unintended and incidental result of pesticide spraying, applied in compliance with federal labeling instructions and applied in compliance with all laws, rules and best management practices. The purpose of the Act is to adjust the state's environmental law as a result of a federal court decision that purportedly requires all discharges of pesticides to be governed by the National Pollutant Discharge Elimination System (NPDES).

LD 1490 – An Act To Amend the Mandatory Shoreland Zoning Laws. (Sponsored by Sen. Sherman of Aroostook Cty.) **PL 2013, c. 320**

This Act makes a number of clarifying, minor substantive and substantive changes to the state's shoreland zoning laws, including: (1) reorganizing the method of calculating the allowed expansion of a nonconforming structure within the 100' setback from a protected water body by folding the current "alternative" calculation system into the standard 30% expansion system; (2) exempting persons engaging in agriculture, timber harvesting and municipal, state and federal employees from the general requirement that contractors working within the shoreland area must be certified as knowledgeable about best management practices according to a program conducted by the Department of Environmental Protection; and (3) creating an exception to the general rule restricting the creation of cleared openings within the first 100 feet of a shoreland zone and otherwise retaining a well-distributed stand of trees. The exception applies to construction of a structure or establishment of a land use within 75 feet of the high water line of a protected waterbody that is specifically allowed by municipal ordinance in a general development district, commercial facilities and maritime activities district or other equivalent

zoning district approved by the Commissioner of Environmental Protection. The Act also slightly amends the allowable selective cutting standard in the shoreland zone by allowing the harvesting of up to 40% of the total volume of trees over a 10-year period that are 4.0" in diameter at 4 ½ feet rather than 4.5" in diameter, and provides that rules adopted by the Board of Environmental Protection may allow for 70% of a lot to be non-vegetated in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner. The Act further provides that the cleared opening and selective harvesting limitations do not apply in the commercial development activity zones that are part of a state or federal brownfields program or "volunteer response action program."

LD 1497 – An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection. (Sponsored by Rep. Welsh of Rockport.) **PL 2013, c. 300**

This Act makes minor changes to the laws administered by the Department of Environmental Protection to remove inconsistencies and inefficiencies. Among the minor amendments, the Act removes a preference for household hazardous waste collection grants that currently applies to municipalities that participate in a household hazardous waste collection region.

Health & Human Services

LD 253 – An Act Regarding Registration of Fetal Deaths. (Sponsored by Sen. Craven of Androscoggin Cty.) **PL 2013, c. 14**

This Act allows a fetal death certificate to be filed with either the State Registrar of Vital Statistics or the clerk of the municipality where the delivery occurred. Current law requires the filing to be submitted to the municipal clerk.

LD 634 – An Act Regarding Permits for Final Disposition of Dead Human Bodies. (Sponsored by Sen. Craven of Androscoggin Cty.) **PL 2013, c. 20**

Under current law, only municipal clerks may issue disposition permits required for the transportation, burial, cremation or other disposal when a dead human body is disinterred or removed. This Act adds the State Registrar of Vital Statistics as a source for obtaining that permit. The Act also requires the person in charge of burial grounds or a crematory to add the date the body was disposed of on the disposition permit and return the permit to the municipal or state authority that issued the permit.

LD 882 – An Act To Amend the Laws Governing Confidentiality of Health Care Information To Enhance Public Safety. (Sponsored by Sen. Craven of Androscoggin Cty.) **PL 2013, c. 289**

This Act amends the law governing when health care practitioners may reveal information to law enforcement officials to allow the release of that otherwise confidential information to avert a serious threat to the health and safety of others if certain conditions as described in the applicable code of federal regulations are met.

LD 1274 – An Act To Sustain Emergency Medical Services throughout the State. (Sponsored by Sen. Tuttle of York Cty.) **PL 2013, c. xxx**

This Act appropriates \$60,000 in FY 2015 (beginning July 1, 2014) in General Fund resources as the projected state share associated with increasing the reimbursement rate for ambulance services to 65% of the average allowable reimbursement rate under the Medicaid program.

LD 1334 – An Act To Create Child Advocacy Centers in Maine. (Sponsored by Sen. Craven of Androscoggin Cty.) **PL 2013, c. 364**

This Act provides for the establishment of child advocacy centers throughout the state by authorizing the creation of one center in each of the state's 9 public health districts. Each center is responsible for coordinating the investigation and prosecution of child sexual abuse and neglect and referral of victims for treatment. Each center is governed by a board that must include one representative from each of the following agencies: Sheriff's Department, Bureau of Child and Family Services, District Attorney, State Police, a municipal police department, sexual assault support center and a county mental health organization. The actual child advocacy center is established upon the execution of a memorandum of understanding among the entities represented on the board within the district, including municipal law enforcement agencies that investigate child sexual abuse and other child abuse and neglect within the district.

Inland Fisheries & Wildlife

LD 63 – Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Allow Veterans with Lower Limb Loss To Obtain "Any-deer" Hunting Permits. (Sponsored by Rep. Dunphy of Embden.) **Resolves 2013, c. 16**

This Resolve directs the Commissioner of the Department of Inland Fisheries and Wildlife to issue an "any deer" hunting permit (where those types of permits are otherwise allowed) to a veteran who has lost all or part of one or more lower limbs and holds a valid disabled hunting license.

LD 229 – An Act To Simplify and Encourage the Sale of Hunting and Fishing Licenses and Permits. (Sponsored by Rep. Shaw of Standish.) **Emergency Enacted; PL 2013, c. 322 (6/21/13)**

This Act amends the laws governing the administration of hunting and fishing licensing to: (1) allow antlerless deer permits to be transferred to any other hunter regardless of age provided a resident transferee operates under resident transferor's license and a non-resident transferee operates under a non-resident transferor's license; (2) direct the Department of Inland Fisheries and Wildlife to survey users of its online system for persons to purchase licenses and registrations known as MOSES (Maine Online Sportsman's Electronic System) and develop a plan for updating that system to be presented to the Legislature by December 1, 2013; and (3) direct the Department to commission an actuarial review of expanding the availability of lifetime hunting and fishing licenses, with any recommendation to be presented to the Legislature by February 1, 2014.

LD 280 – Resolve, Concerning Rights-of-way over Eastern Road in Scarborough. (Sponsored by Sen. Haskell of Cumberland Cty.) **Resolves 2013, c. 11**

This Resolve ratifies certain conveyances made by the Department of Inland Fisheries and Wildlife that grant access to Eastern Road in the Town of Scarborough.

LD 307 – An Act To Exempt Persons Who Serve in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License. (Sponsored by Rep. Davis of Sangerville.) **PL 2013, c. 139**

This Act provides that a member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from the requirement to show proof of having taken a hunter safety course, an archery hunter education course, or a crossbow

The Municipal RISK MANAGER

JULY 2013

A Publication of the Maine Municipal Association

Enjoy Special Events by Planning for the Exposures

Parades, fireworks displays, art shows and other events bring people together to enjoy themselves. But before the first attendee sets foot on public ground, officials of a city, town, plantation, district, or school should consider possible liabilities, and their liability coverage.



MMA Property & Casualty Pool members who sponsor events are covered for third-party liability claims and losses subject to all terms, conditions and exceptions contained in the Property & Casualty Member Agreement. But a private group that organizes and runs an event needs to know what protections, if any, it has under the Property & Casualty Pool's coverage. The Property & Casualty Pool recommends that members transfer the risk back to the sponsoring organization by requiring

the organization to obtain its own liability insurance.

This coverage may be obtained through a local agent-broker or by contacting the Property & Casualty Pool Member Services Department

for assistance utilizing the *Tenant User Liability Program*. The local government should require that the private group has its liability policy endorsed to name the local government as an additional insured and to provide the local government with a certificate of insurance evidencing such coverage. If the organization is unable to obtain liability insurance, the local government must decide if it is willing to assume the risk. A local government should be careful when providing coverage to a third party under any agreement because if that party is not a governmental entity it may not be covered. The key to a successful event is to focus on planning to prevent or reduce potential loss exposures.

Adopt a Special Events Policy that Does the Following:

- Manages and regulates events on local government property sponsored by other organizations.
- Protects the health, safety and property of participants and attendees.
- Determines whether the event would create an insupportable burden on the community, making it impractical or impossible to hold.
- Communicates the policy to appropriate departments, organizations, businesses and individuals who may be affected.

Story Continued on Page 34



Welcome New Members

Property & Casualty Pool

Town of Harrison
Harrison Water District
Sanford Water District
Van Buren Housing Authority
Town of Vinalhaven
Town of Windham

Workers Compensation Fund

Harrison Water District
Town of Prospect

Unemployment Fund

Town of Eustis

Welcome New Loss Control Staff



Dan Whittier has joined the Loss Control Department as a Loss Control Consultant. Dan has building construction experience and an AAS degree in Building Construction from Eastern Maine Community College. He has experience as an Energy Auditor for Penquis CAP and most recently gained municipal experience as Code Enforcement Officer in Lincoln Maine. He will provide consulting services to participating members of the Property/Casualty Pool and Worker's Compensation Fund primarily in central and "downeast" coastal Maine. 🏠

Special Events *(cont'd)*

Create a Planning Committee and an Event Coordinator

The committee or coordinator's job is to take charge of planning that includes administrative controls (including insurance coverage), site evaluation, traffic and parking controls, crowd management, security and medical services. The coordinator is responsible for the event; uses checklists for consistency in selecting and evaluating events; and establishes a communication network with public officials, event organizers and promoters, corporate sponsors, police, fire, vendors, insurers and others.

Use a Special Events Application to Regulate, Manage Events by Outside Groups

Require an outside organization to complete an application. The applicant should include all information pertinent to decision making and planning, specifying any service, material, or property that it expects the local government to provide. Have the application reviewed by the event coordinator or committee in a timely manner. Notify applicants in writing of approval or denial of all special event requests. (Special events must be carefully managed to make the safety and health of the participants and the protection of public property the focus while minimizing the impact on citizens who are not involved.) Local government representatives should work together to ensure a safe event and to eliminate liabilities. It is also important to note that guidance and risk control procedures can reduce the potential and severity of incidents.

This article is intended to be informational and is not meant to be used as the basis for any compliance with federal, state or local laws, regulations or rules, nor is it intended to substitute for the advice of legal counsel. ■■

EXCITING NEWS: Dividends Approved

We are pleased to announce that, due to the continued good risk management practices and favorable loss experience of its members, the Board of Trustees of the MMA Workers Compensation Fund and the Board of Directors of the MMA Property and Casualty Pool approved the payment of annual dividends to eligible members of the two programs.

On May 24th, 2013 the respective Boards approved the scheduled distribution of **\$1,200,000** in dividends to their members. We look forward to delivering your dividend check later this summer. ■■

Timely Reporting Saves and Protects

The successful defense of a claim is achieved by a quick determination of the true chain of events. The effectiveness and accuracy of the information collected during the investigation changes over time. Therefore, timely reporting of all claims is not only helpful, it is essential.

Prompt reporting gives your Risk Management Services claims professionals the opportunity to investigate and interview witnesses while the facts are fresh and before evidence is moved or lost. Timely reporting also provides you with the assurance that the claim shall be recorded and that an assessment of the potential liabilities will be conducted. As a member you will also receive advice to minimize future exposures and potential corrective actions to prevent other

losses from occurring.

Sometimes members are afraid to report potential claims or attempt to administer the claims themselves in an attempt to avoid increased costs. In many cases the opposite is true and coverage can be jeopardized by not reporting. The timely reporting of claims saves money by allowing our claims team to proactively manage the claim and protect you the member.

Please help us protect you by reporting all claims in a timely manner. Members of the Property & Casualty Pool and Workers Compensation Fund can locate claims forms on our website, www.memun.org. If you have any questions about claims or have suggestions for us to improve our services, please call 1-800-590-5583. ■■



The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

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Adopt Policy to Avoid Social Media Risk

Social media is a new world of opportunity for local governments to communicate with citizens and receive feedback. Its risks are similar in nature to those of other types of communication, but with a different twist because material circulates so widely and there are many potential contributors. One recommended tool for addressing these risks is to adopt a social media policy. But what should be in that policy? It is not an easy question to answer.

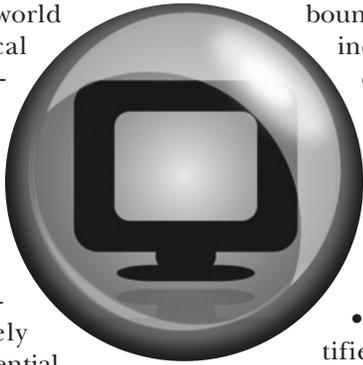
You can find many local government social media policies posted online, but this is an area where one size definitely does not fit all. Social media policies do not stand in isolation. They usually incorporate related policies by reference, and policies that address other issues are often amended to include social media specific provisions. Thus, social media policies are often a web of interrelated policies. Each government must take an individual approach to ensure that all these diverse parts come together to meet its unique needs.

In case you don't think a social media policy is necessary for your local government, or if you just aren't sure why it could be so important, consider the following scenarios and what the impact would be if one of them happened to you.

A local government employee uses his or her personal social media to post something that reflects poorly on your entity.

An emergency responder posts on his or her social media site photos in uniform with comments on medical calls to which he or she has responded.

Both work and social media are integral parts of employees' lives, but they often do not realize how much the



boundaries blur. In the past, indiscretions had limited circulation. Now they can go viral. With that power comes potential harm to the employer if the employment relationship is identifiable.

- Have a policy that identifies information considered to be private or confidential and not for release on social media sites, such as a fellow employee's health or personnel status, medical care provided to an injured citizen or personal injury lawsuits against the city.

- Remind employees that posts on social media outlets can be traced by anyone, anytime. There is no privacy in social media.

- Discuss and determine how policies on personal use of social media will be enforced. Decide how the local government will respond if it receives a complaint.

- Train employees that the employee code of conduct applies to their off-duty social media activities just as it would to other off-duty activities.

- Have a written policy regarding inappropriate behavior by employees that could reflect on the local government, whether it occurs on- or off-duty.

- Get legal advice before taking employment action against an employee for personal or professional postings; your coverage for a wrongful termination suit depends on this.

Employees often network with their peers through personal social media or professional social media. Professional networking is actually useful to the local government, because its employees can learn from others in similar positions. With that benefit, however, comes the possibility that the employee will occasionally say some-

thing unfavorable about the employer.

Another area of potential risk is generated by public postings. Many local government social media sites are open for comments by the public. Employees who are members of that community can post as citizens, but they are subject to the same comment rules as anyone else.

- Train all employees that they are subject to the requirements of the comment policy when posting on their own behalf.

- Include compliance with the comment policy as part of the government's employee code of conduct and include specifics about possible employment ramifications for employee comment policy violations.

- Have a policy that requires employees posting on sites where their employment by the government is apparent to disclose that their comment reflects their own personal opinion, and not that of their government employer.

- Have proper take down procedures to remove postings that violate your entities social medial policy.

Social media is a powerful tool for local governments looking for new and cost-effective ways to engage their citizens but there are risks to undertaking any new activity. Just be sure to adopt social media with due consideration and planning. This means having clear objectives, knowing the target audience, selecting the right social media for the task, and taking the time to develop the right policy. Social media evolves quickly, so it is a good practice for the social media policy to remain platform neutral, and to review and revise it frequently to meet the changing environment. For more information or a sample Social Media Policy contact MMA Risk Management Services Underwriting Department at (800) 590-5583. 🏠

Reduce The Risk Of Driving Personal Vehicles For Work

Many municipalities think nothing of allowing or encouraging the use of personal vehicles for work related purposes. However, employees that take trips to the bank, Post Office, or travel to and from meetings can place the municipality at risk and the consequences can at times be devastating.

“Everywhere employees drive is a non-owned auto exposure” and a loss that exceeds their personal auto insurance coverage has the potential to go back to the employer’s auto liability coverage. Many organizations do not realize that the exposure exists. This false sense of security could prevent some entities from implementing risk management practices that can reduce the likelihood of the liabilities associated with an automobile accident.

The following tactics may help to protect your municipality and your employees:

Develop an Approved Driver List

An employee who will be on the road for any length of time should first be cleared to drive by a member of the management team who is responsible for safety. Municipalities should have strict requirements when it comes to these approvals and should not allow employees with poor motor vehicle records and insufficient auto liability insurance to drive for business purposes. By reviewing your employees’ driving records, requiring that they have auto insurance with appropriate policy limits and ensuring that they meet age requirements to drive for work can help reduce your exposure.

Communicate Your Policy

Every entity needs to have a workplace driving policy that is clearly communicated to any employee who may be getting behind the wheel. While some employers may already have rules that forbid workers from drinking and driving, not all have considered other

road risks. The policy should include rules on cell phone or other mobile device use while driving a car, limit the number of passengers an employee can drive at one time as well as prohibiting the use of motorcycles for work related purposes.

Get Appropriate Liability Insurance

Even though a municipality should require its employees to carry their own auto insurance, it’s still necessary to have a policy that will protect your municipality in case any incidents



should occur. If you compensate your employees for driving their vehicles for work, you should ask for a copy of their insurance certificate on an annual basis and request that their auto policy not have a business exclusion clause.

Review Rental Car Policies

If your employees are on the road for business trips, meetings and industry conferences, they often use rental cars, which is another form of non-owned auto exposure. You may wish to instruct your employees on what insurance coverage to accept as part of the rental agreement as well as which coverage can be waived. ■

Rewarding Safety

Maine Municipal Association Risk Management Services continues to reward safety. Since 1999 Risk Management Services has been assisting the safety efforts of participating members of the Workers Compensation Fund through the Safety Enhancement Grant Program. The Grant program has awarded more than **\$2.8 Million** through the funding of Safety Enhancement Grants and Scholarship Grants.

The Safety Enhancement Grant and Scholarship Grant Programs offer financial incentives to members of the Maine Municipal Association Workers Compensation Fund. Safety Enhancement Grants are used to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries. Grants are awarded in May and October each year.

Ed MacDonald, Loss Control Manager for MMA Risk Management Services, reported that the program received **152** grant applications for the May 2013 period and that the committee approved **121 grants** totaling **\$153,068**.

For those of you who missed the May application deadline, please note you can again apply for Safety Enhancement Grants by the end of September for the October Grant period. All that you need to do is follow the instructions and FAQ information that is available on the MMA Risk Management Services Website at <http://www.memun.org/rms/lc/grant.htm>. Further information can be obtained by contacting your assigned Loss Control Consultant or Ed MacDonald, Loss Control Manager at 1-800-590-5583. ■

hunter education course in order to obtain a hunting license. This exception is provided only if the applicant's military service records show that Maine is his or her home state of record.

LD 540 – An Act To Amend the Laws Governing the Discharge of a Firearm or Crossbow near a Dwelling or Building. (Sponsored by Rep. Shaw of Standish.) **PL 2013, c. 215**

This Act amends the law that generally prohibits the discharge of a firearm or crossbow within 100 yards of a building or residential dwelling to define the term "projectile" and also prohibit the act of causing a projectile to pass within that 100 yard setback. A "projectile" is defined as a bullet, pellet, shot, shell, ball, bolt or other object propelled or launched from a firearm or crossbow.

LD 541 – An Act To Amend the Laws Governing Complimentary Hunting, Trapping and Fishing Licenses for Disabled Veterans. (Sponsored by Rep. Wilson of Augusta.) **PL 2013, c. 404**

This Act amends the level of disability necessary to obtain a complimentary hunting, fishing and trapping license for veterans from 100% (or 70% for certain combat-related disabling injuries) to 50% or more for all resident disabled veterans.

LD 600 – An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band. (Sponsored by Rep. Mitchell of the Penobscot Nation.) **PL 2013, c. 136**

This Act adds an archery hunting license to the list of complimentary licenses issued to members of federally recognized Indian nations, bands and tribes. It also exempts members of federally recognized Indian nations, bands and tribes from trapper evaluation programs and archery hunter education courses that may otherwise be required.

LD 717 – An Act To Provide Free Fishing Licenses to Certain Children in the Custody of the Department of Health and Human Services. (Sponsored by Rep. McCabe of Skowhegan.) **PL 2013, c. 93**

This Act allows a complimentary fishing license to any resident 16 or 17 years of age who is in the custody of the Department of Health and Human Services.

LD 857 – An Act To Examine Fees Charged by Municipalities Concerning Outdoor-related Activities. (Sponsored by Rep. Espling of New Gloucester.) **PL 2013, c. 199**

This Act amends the statute that generally preempts municipalities from attempting to regulate hunting, fishing or trapping activities to expressly preempt any municipal ordinance or regulation that charges a fee for hunting, fishing or trapping or that regulates or charges a fee for the possession or use of any hunting equipment, besides firearms, that is permitted under the state's hunting laws.

LD 879 – An Act To Increase State Wildlife Revenues and Grow the Hunting and Fishing Industries. (Sponsored by Sen. Tuttle of York Cty.) **PL 2013, c. 145**

This Act allows a 100% disabled veteran who is a resident of New Hampshire or Vermont to obtain free hunting, trapping and fishing licenses if the veteran's state of residence has reciprocal agreement with Maine.

LD 932 – An Act To Promote Fishing by Youth. (Sponsored by Rep. Pease of Morrill.) **PL 2013, c. 380**

This Act establishes that all youths under the age of 16 may fish in Maine without a license, whether they are residents or nonresidents, and takes effect January 1, 2015.

LD 1435 – An Act To Amend Certain Provisions of the Fish and Wildlife Laws. (Sponsored by Rep. Shaw of Standish.) **PL 2013, c. 408**

This Act makes a number of changes to the state's fish and wildlife laws, many of which do not directly affect local licensing agents. Three elements of the Act that could relate to the administration of licensing at the local level are: (1) the Act creates an antique motorboat registration fee for any boat that is over 50 years old and has a motor that is at least 50 years old. The boat may only be used for the purpose of traveling to and from exhibition events or occasional personal use and may not be used for commercial purposes. The fee for the registration is \$33; (2) the Act expands the special allowance for low cost fishing and hunting licenses for residents in the military stationed outside of the state to include trapping licenses as well; and (3) the Act specifies that the \$34 fee for the nonresident junior hunting license covers all the costs associated with any additional permits, stamps or permissions that may be required as well.

Insurance & Financial Services

LD 133 – An Act To Allow an Operator of a Motor Vehicle To Show Proof of Insurance by Electronic Means. (Sponsored by Rep. Fitzpatrick of Houlton.) **PL 2013, c. 72**

This Act allows for evidence of liability insurance to be provided in electronic form when an operator of a motor vehicle registers a motor vehicle and when an operator is stopped by a law enforcement officer for a moving violation or is involved in an accident. The Act further provides that showing proof of insurance on a portable electronic device does not constitute consent for a law enforcement officer to access other contents of the portable electronic device.

Judiciary

LD 64 – An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe. (Sponsored by Rep. Soctomah of the Passamaquoddy Tribe.) **PL 2013, c. 91**

This Act adds certain land in Centerville, located in Washington County, to the Passamaquoddy Indian Territory if that land is acquired by the U.S. government prior to January 31, 2023 for the benefit of the Passamaquoddy Tribe.

LD 104 – An Act To Amend the Laws Governing Public Records. (Sponsored by Rep. Nelson of Falmouth.) **PL 2013, c. 339**

This Act protects against publicly releasing email addresses collected for the sole purpose of disseminating non-interactive notifications, updates, and cancellations that are issued from the municipality to the subscribers of the notification service. Now, subscribers' email addresses, when gathered for such non-interactive notifications, are not "public records" that must be provided to a third-party upon request under the state's Freedom of Access laws. An amendment was made to LD 104 to keep email addresses obtained for newsletters public, however.



Rep. Mary Pennell Nelson, past Chair of the Falmouth Town Council and past President of the Maine Municipal Association, successfully introduced bills this session to protect the privacy of citizens' email addresses and afford municipalities the freedom to choose between various street lighting options.

LD 206 – An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials. (Sponsored by Rep. Graham of North Yarmouth.) **Emergency Enacted; PL 2013, c. 160 (5/29/13)**

This Act establishes an expedited process for a public employee or elected or appointed public official to get a court to declare that a lien filed against the property of the public employee or official in a registry of deeds was filed without legal basis and for the purpose of harassing or hindering the public official if the court makes that finding on the evidence presented. The bill also establishes a civil penalty for filing a lien without legal basis against a public employee or official for the purposes of harassment.

LD 345 – An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information. (Sponsored by Rep. Wilson of Augusta.) **(Mandate) Emergency Enacted; PL 2013, c. 54 (4/26/13)**

Under current law, the information contained on a person's concealed weapons permit must be made available for public inspection by the issuer of the permit. This Act reverses that law and makes the personal and identifying information on a concealed weapons permit completely confidential to the general public.

As enacted, this Act makes the personally identifying information on all concealed weapons permits confidential by providing that the only public information about any concealed weapons permit is the date of issue, the date of expiration, and the permit holder's municipality of residence. There appears to be at least two ways 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 is 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 redacted to remove all information except the issuance and expiration dates and the permit holder'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.

LD 415 – An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device. (Sponsored by Sen. Katz of Kennebec Cty.) **PL 2013, c. 409**

This Act prohibits a government entity from obtaining the location information of a cellular telephone or other electronic device without a valid warrant, except that such information may be obtained with the consent of the owner or user of the electronic device, to respond to the user's call for emergency services, or to respond to certain emergency situations when a warrant cannot be issued in time to avert death or serious physical injury. If the law enforcement agency obtains the location information without a valid warrant, the Act requires the owner to be notified within 3 days of obtaining the location information if the owner can be identified, or within three days of identifying the owner. When applying for a warrant, the applying government entity may request a delay up to 180 days in notifying the owner or user.

LD 576 – Resolve, To Protect Concealed Handgun



Rep. Stephen Moriarty, former Cumberland Town Council Chair and former member of MMA's Legislative Policy Committee, dealt with several difficult Freedom of Access issues on the Judiciary Committee and strongly advocated for the privacy of citizens' email addresses when in municipal possession merely for notification purposes.

Permit Information on a Temporary Basis. (Sponsored by Sen. Jackson of Aroostook Cty.) **Emergency Passed, Resolves 2013, c. 1 (2/19/13)**

This Resolve places a moratorium between the date of enactment of the Act and April 30, 2013, during which period of time the information about the concerned weapons permits that have been issued by the appropriate issuing authority, which would be a "public record" except for this emergency Resolve, will be confidential. The rule of confidentiality does not prevent the disclosure of the otherwise confidential information to law enforcement officers and issuing authorities for criminal justice and permitting purposes. The Resolve was enacted as a temporary measure and the provisions of LD 345 (see above) were enacted to replace the terms of this resolve.

LD 619 – An act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State. (Sponsored by Rep. Guerin of Glenburn.) **PL 2013, c. 283**

This Act provides that if a person submits an e-mail address as part of the application process for a motor vehicle license or registration, the e-mail address is confidential and may not be disclosed to anyone outside the Department of Secretary of State except law enforcement and judicial officers.

LD 900 – An Act Regarding the Disclosure of Certain Records in Criminal Matters. (Sponsored by Rep. Dion of Portland.) **PL 2013, c. 201**

This Act allows for the disclosure of otherwise confidential personnel records in the custody of state, municipal or county governments to the Attorney General's Office or a district attorney's office when the release is necessary for the determination of whether or not a defendant has a constitutional right to any of the information in the records.

LD 973 – An Act To Make Veterans' Property Tax Exemption Applications Confidential. (Sponsored by Rep. Briggs of Mexico.) **(Mandate) Emergency Enacted; PL 2013, c. 222 (6/10/13)**

This Act, identified as a state mandate, makes entirely confidential all documentation filed by a person seeking the homestead-style exemption from property taxation provided to a veteran or the family of a deceased veteran.

LD 1040 – An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner. (Sponsored by Sen. Thomas of Somerset Cty.) **PL 2013, c. 382**

This Act generally prohibits a person from placing a camera or electronic surveillance equipment that records images or data of any kind while unattended on the private property of another without the written consent of the landowner or pursuant to a warrant.

LD 1204 – An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal. (Sponsored by Rep. Hobbins of Saco.) **PL 2013, c. 144**

This Act amends the law governing the jurisdiction of a municipality's Board of Appeals (BOA) to allow a BOA to review a decision of a code enforcement officer (and, subsequently, a court to review a BOA's decision) unless the municipal charter

or ordinance expressly provides that the locally-made decisions are only advisory and may not be appealed.

LD 1216 – An Act To Amend the Freedom of Access Act. (Sponsored by Rep. Carey of Lewiston.) **PL 2013, c. 350**

This Act amends Maine's Freedom of Access Act to require governmental officials to acknowledge receipt of a request for public records within 5 working days of receiving the request. The Act further provides that within a reasonable time of receiving the request, a good faith, nonbinding estimate of the time necessary to comply with the request and the cost estimates of complying with the request must be provided. The Act allows any person aggrieved by a refusal, denial or failure to provide access to the requested records the right to appeal to Superior Court within 30 days of the receipt of the written notice of refusal or denial or failure to properly respond.

LD 1377 – An Act To Protect Cellular Telephone Privacy. (Sponsored by Sen. Katz of Kennebec Cty.) **PL 2013, c. 402**

This Act prohibits a governmental law enforcement entity from obtaining information communicated by means of a cellular telephone or other electronic device without a valid warrant, except that state or local law enforcement may obtain that information with the consent of the owner or user of the electronic device or when the law enforcement agency cannot obtain a warrant in time to address an emergency that involves or is believed to involve an imminent threat to life or safety. Under the terms of the bill, and unless a properly issued warrant provides otherwise, a law enforcement agency that obtains content information from a person's electronic device must notify the person that the information was obtained within three days of obtaining the information. This Act does not apply to information disclosed by the person publicly.

LD 1511 – An Act Regarding Coordinated Access to Public Records of State Agencies. (Sponsored by Sen. Cain of Penobscot Cty.) **PL 2013, c. 229**

This Act directs the Public Access Ombudsman within the Attorney General's Office to develop a system to keep track of compliance efforts conducted by all state agencies to facilitate record keeping and annual reporting of the number of requests for information, the average response time and the costs of processing requests. The Act also directs a feasibility analysis of a centralized system whereby Freedom of Access requests for public records could be made through a single website address, a single e-mail address and a directory for the public to use to make request for public records of all state agencies. The Public Access Ombudsman must report back to the Legislature on the development of that feasibility study by January 5, 2014.

LD 1523 – An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect. (Sponsored by Rep. Malaby of Hancock.) **PL 2013, c. 268**

This Act requires any "required reporter" of suspected child abuse or neglect to report to the Department of Health and Human Services if a child under 6 months of age or who is otherwise nonambulatory exhibits evidence of a bone fracture, substantial or multiple bruising, subdural hematoma, burns, poisoning or injury resulting in substantial bleeding, soft tissue swelling or impairment of an organ. From the municipal sector, school personnel, fire inspectors, law enforcement personnel, code enforcement officers and school bus drivers or bus attendants are "required reporters."

Labor, Commerce, Research & Economic Development

LD 1 – An Act To Amend the Maine Workers' Compensation Act of 1992. (Reported by Sen. John Patrick [Oxford Cty.] for the Workers' Compensation Board) **PL 2013, c. 63**

This Act makes several minor or minor substantive amendments to Maine's Workers' Compensation laws, as recommended by the Workers' Compensation Board. A number of changes are clarifications and corrective fix-ups in response to a significant restructuring of the Workers' Compensation law enacted in 2012 as PL 2011, chap. 647. In addition to those administrative corrections, and of greatest interest to municipal officials familiar with the inner workings of the workers' compensation process, this Act: (1) extends to 2 years, rather than 1 year, the period within which an employee can petition for reinstatement to an employer with 200 or fewer employees; and (2) establishes that an employer is required to reimburse its insurer if the employer is responsible for the late filing of a first report of injury.

LD 246 – An Act To Provide for the 2013 and 2014 Allocations of the State Ceiling on Private Activity Bonds. (Sponsored by Sen. Patrick of Oxford Cty.) **P & SL 2013, c. 2**

This Act establishes the allocation for the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2013 and 2014, and allocates the state ceiling among the state-level issuers of tax exempt bonds, including the Maine Municipal Bond Bank, the Finance Authority of Maine, the Maine State Housing Authority, etc.

LD 605 – An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events. (Sponsored by Rep. Briggs of Mexico.) **PL 2013, c. 142**

This Act allows minors who are at least 14 years of age and volunteer participants in a career-oriented law enforcement program to perform traffic control duties at daylight civic events after receiving the required training to perform those duties by the Department of Transportation. The Act establishes the supervision requirements that must be employed by law enforcement officers and specifies the types of events where volunteer traffic control duties may not be performed.

LD 1498 – An Act To Amend the Labor Laws as They Relate to Payment for Required Medical Examinations. (Sponsored by Sen. Tuttle of York Cty.) **PL 2013, c. 363**

This Act amends the law governing a prospective employer's requirement to cover the cost of a prospective employee's physical examination, if an examination is required for employment, by establishing that the employer may not require an employee or accepted applicant for employment



Sen. Andre Cushing (Penobscot Cty.), a former Hampden Town Councilor and Deputy Mayor, serves on the Legislature's Labor, Commerce, Research and Economic Development Committee. For many of the bills with municipal impacts that came before that Committee, Sen. Cushing used his municipal experience to contribute constructively to the debate.



Now in her second term, Rep. Amy Volk (Scarborough), a member of the Labor, Commerce, Research and Economic Development Committee, has earned respect on both sides of the aisle for her thoughtful efforts to find consensus on workers' compensation and other difficult labor issues. Rep. Volk also demonstrated the courage to work in a bipartisan way on the comprehensive tax reform proposal (LD 1496).

to bear the expense of any copayments or other out-of-pocket expenses when the employer pays the medical expense of a medical exam ordered or required by the employer.

Marine Resources

LD 946 – An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields. (Sponsored by Sen. Langley of Hancock Cty.) **PL 2013, c. 230**

This Act gives the Commissioner of Marine Resources authority to establish by rule “dive-only” areas in harbors where there are 5 or more moorings within that municipality. A “dive only” area could be implemented at the written request of a municipality. In “dive-only” areas, a person may not fish for or take scallops by any means other than by hand. This Act provides that dragging for scallops in a dive-only area is prohibited, and that a violation of this prohibition is a civil violation with mandatory fines.

State & Local Government

LD 27 – An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County. (Sponsored by Rep. Knight of Livermore Falls.) **(Mandate) PL 2013, c. xxx**

This Act authorizes the Town of Livermore Falls to be removed from Androscoggin County to join Franklin County. The transfer only takes effect upon the ratification by the voters of Livermore Falls at referendum, and the subsequent approval of the voters of both Androscoggin County and Franklin County at their respective referenda.

LD 106 – An Act To Abolish the Trustees of Public Cemeteries for the City of Waterville. (Sponsored by Rep. Longstaff of Waterville.) **Emergency Enacted; P&SL 2013, c. 1 (3/27/13)**

This Act abolishes the Trustees of the Public Cemeteries for the City of Waterville and transfers all associated duties to the City.

LD 155 – An Act To Streamline the Approval of Accessibility Structures. (Sponsored by Rep. Morrison of South Portland.) **Emergency Enacted; PL 2013, c. 186 (5/31/13)**

In the circumstance where a person with a disability is seeking permission to install disability-related structures necessary for access to or egress from a building and the construction will necessarily require variance approval from the municipal board of appeals to overcome a setback requirement, current law requires the variance to be approved by the Board of Appeals before the permit is issued by the code enforcement officer. This emergency Act allows a municipality to adopt an ordinance that authorizes its code enforcement officer to issue the permit and, if necessary, authorize the variance without the need to obtain the variance from the Board of Appeals.

LD 274 – An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans are Buried. (Sponsored by Sen. Saviello of Franklin Cty.) **(Mandate) PL 2013, c. xxx**

This Act amends the law requiring municipalities, in all cemeteries within town or city limits, to maintain “in good condition and repair” the graves, headstones, monuments and markers of veterans who served during any war time period to require that maintenance for the graves of all veterans, whether or not the veteran served during a war time period. The Act also establishes standards to measure “good condition and repair” which include re-grading the grave site if the grave has

sunk 3 or more inches, maintaining the proper height, plumb and orientation of all headstones, monuments or markers, ensuring that inscriptions on the headstones are visible and legible, ensuring that the average height of the grass is between 1.5 and 2.5 inches and no more than 3 inches, and keeping the burial place free of debris. The Act also allows a municipality to designate a caretaker to perform the municipal function.

LD 357 – An Act To Amend the Charter of the Augusta Parking District. (Sponsored by Sen. Katz of Kennebec Cty.) **P & SL 2013, c. 4**

This Act amends previously enacted “private and special law” (P&SL) to repeal the part of the P&SL that requires the dissolution of the Augusta Parking District upon payment of all bonds issued by the District.

LD 559 – An Act To Change Document Filing and Copying Fees for County Registries of Deeds. (Sponsored by Rep. Morrison of South Portland.) **PL 2013, c. 370**

This Act increases the filing fee for the first page of an instrument filed with a registry of deeds by \$6, from \$13 to \$19 for general records and from \$15 to \$21 for plans. The Act also amends current law regarding the fees for digital abstracts and images to provide for a fee of 5 cents per image or electronic abstract for acquiring downloads of 1,000 or more consecutive electronic images or abstracts from a county registry equipped to provide those downloads. The Act also provides for no charge per image from a registry’s website for the first 500 images or electronic abstracts acquired by a person in a calendar year, with a fee of 50 cents per image or electronic abstract over that number.

LD 586 – An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money. (Sponsored by Rep. Johnson of Greenville.) **PL 2013, c. 206**

This Act authorizes municipalities to raise and appropriate money to establish revolving loan fund programs to assist local for-profit and nonprofit enterprises in their job creation and retention efforts, provided the program is approved by the municipality’s voters at a referendum election.

LD 805 – An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located. (Sponsored by Rep. Wilson of Augusta.) **PL 2013, c. 537**

This Act focuses on municipalities hosting or potentially hosting a residential facility that provides services to patients who have been acquitted of a criminal act for reason of mental illness. The Act requires the Commissioner of the Department of Health and Human Services to provide the host municipality with specific information on the location of the residential facility at least 120 days prior to the facility opening or the Department signing a contract for those services with an existing community agency. The Act requires DHHS to review any response from the notified municipality prior to opening the facility or signing the contract.

LD 833 – An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments. (Sponsored by Rep. Moonen of Portland.) **PL 2013, c. 197**

This Act allows municipalities to place liens on real estate to enforce the collection of fees that may be established to finance storm water disposal systems in the same manner as liens are allowed to enforce sewer liens. The term “storm water disposal system” is defined in the Act to mean storm water and flood control devices, structures, conveyances, facilities or systems, including natural streams and rivers and other water bodies used wholly or partly to convey or control storm water or floodwater. As is the case with the law governing the levy and

collection of sewer system fees, even though storm water fees are typically assessed against the property owner, this Act specifies that a municipality must provide the landlord or the landlord's agent, if requested, with the current status of a tenant's storm water disposal system service account if nonpayment of that service could result in a lien against the property.

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. (Sponsored by Rep. Hayes of Buckfield.) **Resolves 2013, c. 53**

This Resolve gives the Commissioner of Administrative and Financial Services authority to sell or lease certain properties in Bangor and Boothbay Harbor, and further authorizes the proceeds from a sale of property in Hallowell to be deposited in the Department's capital repair and improvement account.

LD 1084 – Resolve, Directing the Androscoggin County Commissioners To Make Changes to the Androscoggin County Charter. (Sponsored by Sen. Mason of Androscoggin County.) **Resolves 2013, c. 62**

This Resolve directs the Androscoggin County Commissioners to amend the county charter to reflect changes to that document that were apparently adopted by the voters at referendum but for the fact that the wrong document was posted for the referendum vote.

LD 1139 – An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements. (Sponsored by Rep. Graham of North Yarmouth.) **PL 2013, c. 261**

Current law allows municipal officers, unless prohibited by municipal charter or ordinance, to authorize the chief of police for that municipality to allow police officers to assist other municipalities when requested, or to request the assistance of police officers from other locations. This Act allows the same authorities and allowances to be provided among county governments. The Act also allows for the requests and mutual aid to be made from municipalities to counties and from counties to municipalities, provided the requests and mutual aid assistance is authorized by the respective municipal and county officers.

LD 1280 – An Act Authorizing the Deorganization of the Town of Bancroft. (Sponsored by Sen. Sherman of Aroostook Cty.) **PL 2013, c. 390**

This Act provides for the deorganization of the Town of Bancroft in Aroostook County subject to approval at local referendum.

LD 1408 – An Act To Amend the Laws Relating to Secession by a Municipality from a County. (Sponsored by Rep. Knight of Livermore Falls.) **Emergency Enacted; PL 2013, c. 210 (6/05/13)**

The process by which a municipality secedes from its county and joins a neighboring county occurs in three steps. This Act 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 Act 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 vote of final approval in each of the affected counties.

LD 1561 – An Act To Amend the Laws Governing Secession from a Municipality. (Sponsored by Rep. Theriault of Madawaska.) **Emergency Enacted; PL 2013, c. 384 (7/01/13)**

This Act establishes a requirement that persons seeking to initiate the process to secede an inhabited area from a municipality must obtain from the Legislature authorization to proceed with the extended process after an initial public hearing on the proposal is held in the affected municipality. The Act also authorizes the Legislature's State and Local Government Committee to develop and report-out an Act related to the secession process during the 2014 legislative session.

Taxation

LD 346 – An Act Concerning the Collection of Sales Tax by any Business Making Sales to Persons in Maine. (Sponsored by Rep. Knight of Livermore Falls.) **PL 2013, c. 200**

This Act creates rebuttable presumptions in the state's sales tax code that apply to certain retailers (or "sellers") which, if un-rebutted or unsuccessfully rebutted, would require those sellers to collect and remit the state's sales and use tax from their customers in the same way as sellers physically present in the state. Those sellers subject to the rebuttable presumption are those who are affiliated with a seller with a physical presence in the state, sellers who engage in certain activities such as selling a line of products similar to that of an in-state seller, sellers maintaining an office or distribution center in the state to facilitate delivery of products, and sellers with an agreement with a person to refer potential customers to the seller and the seller generates more than \$10,000 in sales in the state annually. The Act also directs the Legislature's Office of Fiscal and Program Review (OFPR) to identify changes in the state's sales and use tax laws necessary to conform Maine's code to the national "Streamlined Sales and Use Tax Agreement" effort, which is designed to lead to an authorization by Congress that would require the application of the sales and use tax uniformly among on-line, catalogue and bricks-and-mortar retailers. The report required by this Resolve must identify any changes to Maine's sales tax code that are needed to conform those laws to the options that provide authority with the Agreement, and the fiscal and policy impacts of the various options to obtain conformity. The OFPR report must be submitted to the Legislature by January 15, 2014.

LD 563 – An Act To Clarify Tax Increment Financing. (Sponsored by Rep. Rochelo of Biddeford.) **PL 2013, c. 184**

This Act makes a number of minor substantive and clarifying changes to the statutes governing the municipal tax increment financing (TIF) system. Specifically, the Act: (1) establishes that on and after April 1, 2014, the "original assessed value" of a TIF district is the taxable assessed value of the district as of March 31 of the year preceding the municipal designation of the district; (2) removes the \$50 million county-wide limitation on the aggregate value of general obligation



Rep. Ken Theriault of Madawaska deserves kudos for successfully shepherding through the legislative process a change to the municipal secession laws. Due to his efforts, a loophole that allows just a single property owner to engage a municipality in the costly secession process has been closed (LD 1561).



The Taxation Committee was very capably chaired this session by Sen. Anne Haskell (Cumberland Cty.) and Rep. Adam Goode (Bangor). It seems obvious to most observers that chairing a legislative committee with competence and grace is a practiced skill acquired after much study, rather than a gift of birth. Sen. Haskell is a master. With an approach that can only be characterized as unassuming, Rep. Goode appears to be a natural.

indebtedness associated with TIF programs; (3) establishes that the 30 year life limit of a TIF agreement means 30 tax years, beginning with the tax year in which the designation of the development district is effective or, if specified in the development program, the subsequent tax year; (4) expands the authorized cost section that

pertains to job training programs for municipal residents to include the costs of equipment related to those training programs, as well as educational scholarships to in-state or potentially on-line educational or training entities to provide training for jobs created or retained in the municipality; and (5) allows the term length of bonds issues pursuant to TIF agreements to be as long as 30 years rather than 20 years.

LD 719 – An Act To Ensure Access to Information in the Property Tax Abatement Process. (Sponsored by Rep. Johnson of Greenville.) **(Mandate) PL 2013, c. 182**

This Act, identified as a state mandate, amends the law governing the contents of the written decisions that need to be issued in response to abatement requests at each stage of the abatement request process to require those decisions to include the reason or reasons supporting the decision to approve or deny the abatement request.

LD 915 – An Act To Expand the Sales Tax Exemption for Certain Public Libraries To Include Sales by Those Libraries or Their Supporting Organizations. (Sponsored by Rep. Tipping-Spitz of Orono.) **PL 2013, c. xxx**

This Act expands the sales tax exemption that currently applies to any sales to nonprofit free public libraries by providing the exemption to any sales by those libraries or any nonprofit corporation organized to support those libraries, provided the proceeds from the sales are used to benefit those libraries.

LD 1164 – An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption. (Sponsored by Sen. Goodall of Sagadahoc Cty.) **(Mandate) PL 2013, c. xxx**

This Act, identified as a state mandate, extends the \$4,000 homestead-type property tax exemption for persons who are blind to residents of a cooperative housing corporation.

LD 1218 – An Act To Amend the Law Regarding Affordable Housing Tax Increment Financing. (Sponsored by Rep. Moonen of Portland.) **PL 2013, c. 312**

This Act amends the law governing affordable housing municipal tax increment financing agreements along the lines of LD 563 (above) and to allow the costs of case management and support services to be included as an allowable program cost within the agreement.

LD 1228 – An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2013-14. (Reported by Rep. Goode of Bangor for the Administrator of the Unorganized Territory.) **Emergency Enacted; PL 2013, c. 174 (5/30/13)**

This Act establishes the “municipal cost components” for state and county services provided to the unorganized territory that make up, in the aggregate, the assessment that is applied to the property owners in the unorganized territories. In 2012 the total assessment was \$17.9 million. The total assessment in this Act is \$21.6 million.

LD 1379 – An Act Regarding the Valuation of Certain Vehicles. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2013, c. 263**

This Act establishes the system of applying the motor vehicle excise tax to trucks over 26,000 lbs. that have been reconstructed using a prepackaged kit, sometimes called a “glide rack,” that is used to effectively recreate a new truck around the existing engine and drive train. Specifically, this bill provides that in the circumstances of a reconstructed truck using a prepackaged kit, provided a new certificate of title has been issued, the amount of the excise tax is based on the manufacturer’s list price of the prepackaged kit.

Transportation

LD 11 – An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices. (Sponsored by Rep. Volk of Scarborough.) **Emergency Enacted ; PL 2013, c. 61 (5/07/13)**

This Act allows a vehicle owned or contracted by a municipal, county or state agency engaged in snow removal or sanding operations on a public way to use a preemptive traffic light device that can be operated inside the plow truck to coordinate the traffic lighting so as not to impede the truck’s activities. The Act requires the municipal use of this authority to be expressly approved by the municipal officers.

LD 14 – Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew J. Lanigan Bridge. (Sponsored by Rep. Casavant of Biddeford.) **Emergency Passed; Resolves 2013, c. 6 (4/09/13)**

This Resolve directs the Department of Transportation to name a bridge between Kennebunk and Kennebunkport the Mathew J. Lanigan Bridge.

LD 109 – An Act Relating to Vehicles Delivering Home Heating Fuel. (Sponsored by Rep. Davis of Sangerville.) **PL 2013, c. 55**

This Act provides that rules adopted by the Department of Transportation (DOT) regarding the proper use of public ways so as to prevent abuse are “routine technical” rules and that municipal or county regulations or restrictions on the use of public ways are not subject to the rulemaking procedures required under the state’s Administrative Procedures Act. The Act also directs the DOT to include in its regulatory definition of “home heating fuel” oil, gas, coal, stove length wood, propane and wood pellets.

LD 127 – An Act Relating to Ways under the Jurisdiction of the Midcoast Regional Redevelopment Authority and the Loring Development Authority. (Sponsored by Sen. Gerzofsky of Cumberland Cty.) **PL 2013, c. 48**

This Act provides that law enforcement authorities may enforce the state’s traffic laws within the jurisdictional area of

the Midcoast Regional Development Authority and the Loring Development Authority.

LD 324 – An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013. (Sponsored by Rep. Theriault of Madawaska.) **Emergency Enacted; PL 2013, c. 42 (4/16/13)**

This Act is the first of two supplemental budgets enacted this session to balance the Highway Fund budget for FY 2013 (see LD 1550, below).

LD 567 – An Act To Amend the Definition of “Special Mobile Equipment” in the Motor Vehicle Laws. (Sponsored by Rep. Maker of Calais.) **PL 2013 c. 84**

This Act amends the definition of “special mobile equipment” in the motor vehicle law. The current definition includes “trucks used only to plow snow and carry sand only for ballast”. The amended definition is “trucks used only to plow snow and for other duties pertaining to winter maintenance, including sanding and salting...”. Maine’s motor vehicle excise tax law is applied to special mobile equipment on the basis of the vehicle’s actual sales price rather than its manufacturers’ suggested retail price.

LD 568 – Resolve, To Name Bridge Number 2975 in Kenduskeag the Kenduskeag Veterans Bridge. (Sponsored by Rep. Guerin of Glenburn.) **Resolves 2013, c. 7**

This Resolve directs the Department of Transportation to designate a bridge in the Town of Kenduskeag the Kenduskeag Veterans Bridge.

LD 589 – An Act To Strengthen the Law Regarding Texting and Driving. (Sponsored by Rep. Peoples of Westbrook.) **PL 2013, c. 188**

This Act increases the financial penalties for the violation of operating a motor vehicle while texting. The Act also requires the Secretary of State to suspend the driver’s license of a person who violates the texting law a second or subsequent time after having been found guilty of violating the law within the previous 3-year period. The length of the suspension depends on the number of subsequent violations.

LD 655 – An Act To Amend or Repeal Outdated or Underutilized Laws Related to Transportation. (Sponsored by Rep. Theriault of Madawaska.) **PL 2013, c. 36**

This Act makes a number of changes to the laws governing programs administered by the Department of Transportation. Of municipal interest, the Act: (1) repeals the section of law that provides municipalities with access to incentive funding for regional transportation planning efforts; (2) repeals the subchapter of law providing state matching financing for major collector or arterial road construction projects that municipalities are able to invest in; and (3) amends the clause in the law allowing the DOT to provide loans to local governments, state agencies and others from the State Infrastructure Bank to prevent those loans from being provided to public and private utility districts.

LD 721 – An Act To Provide Transparency in Public-private Partnerships for Transportation Projects. (Sponsored by Rep. McCabe of Skowhegan.) **PL 2013, c. 208**

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

establishes those records as public records unless the records are designated by the private entity submitting them as a trade secret or as information that, if disclosed, would result in a business or competitive disadvantage, loss of business, invasion of privacy or other significant detriment to the private entity.

LD 918 – An Act To Remove the Provision That a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards. (Sponsored by Rep. Gilbert of Jay.) **PL 2013, c. 100**

This Act repeals certain defenses in the law governing excessively loud motorcycle mufflers which are available to the motorcyclist to avoid prosecution if able to prove the motorcycle’s performance falls within certain decibel standards.

LD 919 – An Act To Require an Operator To Provide Evidence of Liability Insurance or Financial Responsibility at the Scene of an Accident. (Sponsored by Rep. Shaw of Standish.) **PL 2013, c. 291**

This Act requires the operator of a vehicle to provide to the injured party or anyone acting on the injured party’s behalf evidence of liability insurance or financial responsibility if the person is involved in a motor vehicle accident that results in personal injury or death, damage to an attended or unattended vehicle, or property damage of any kind. The Act also establishes violation of that requirement to be a traffic infraction.

LD 943 – An Act To Amend Provisions of the Law Pertaining to Motor Vehicles. (Sponsored by Sen. Mazurek of Knox Cty.) **PL 2013, c. 112**

This Act makes several changes to the laws governing motor vehicle operations. Among the changes, the Act creates a traffic infraction of failing to properly register a motor vehicle as to its current actual use or motor vehicle type, such as a motor vehicle registered as an antique that fails to meet the statutory definition.

LD 985 – Resolve, To Repeal the Requirement That the Department of Transportation Facilitate a Feasibility Study of an East-west Highway and Provide for Public Access to Certain Documents. (Sponsored by Sen. Mazurek of Knox Cty.) **Resolves, 2013, c. 41**

This Resolve repeals a resolve enacted in 2012 that requires the Department of Transportation to facilitate and oversee a study of the feasibility of an East-West highway. The Resolve also specifies that any documents created in connection with that earlier resolve are public documents and are not confidential.

LD 1356 – An Act To Improve the Statutes Governing Road Associations. (Sponsored by Sen. Goodall of Sagadahoc Cty.) **PL 2013, c. 198**

This Act amends many of the provisions of law regarding the formation, scope and function of road associations formed for the purpose of repairing and maintaining a private road, a private way or bridge.

LD 1392 – An Act To Amend the Motor Vehicle Laws. (Sponsored by Sen. Mazurek of Knox Cty.) **PL 2013, c. 381**

This Act makes numerous clarifying and minor substantive amendments to the state’s motor vehicle laws, primarily in the areas of specialty license plates and licensing regulations. Among the many amendments, and in the context of operating a motor vehicle while texting, the Act defines the term “operate” to include being stationary in the public way while waiting for a traffic light or at a stop sign, but “operate” does not include being pulled over to the side of or off a public way, with the motor running or not running, provided the vehicle has halted and can safely remain stationary.

LD 1460 – An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways. (Sponsored by Rep. Jorgensen of Portland.) **PL 2013, c. 241**

This Act strengthens the law governing the protection of bicyclists when motor vehicles are making right and left turns on or off the public ways and shifts the presumption of responsibility onto motorists by establishing that the collision of a motor vehicle with a person operating a bicycle is prima facie evidence of a violation of the general rule that motor vehicles give bicyclists at least 3 feet of clearance.

LD 1464 – An Act To Streamline the Laws Related to Transportation. (Sponsored by Rep. Theriault of Madawaska.) **PL 2013, c. 220**

This Act allows the Department of Transportation (DOT) more flexibility to grant exceptions to the prohibition against allowing access to controlled access highways when the DOT Commissioner determines that such access will not adversely affect public safety and will not have a negative impact on the mobility of through travelers.

LD 1467 – Resolve, To Establish Demonstration Projects To Promote Economic Development in the Forest Products Industry. (Sponsored by Sen. Jackson of Aroostook Cty.) **Emergency Passed; Resolves 2013, c. 64 (6/22/13)**

This Resolve authorizes the Commissioner of the Department of Transportation to establish two demonstration projects in Aroostook County that allow commercial vehicles carrying logs and wood biomass at gross vehicle weights up to 200,000 lbs. to travel less than two miles from a private logging road system to proposed wood processing facilities in the towns of Ashland and Masardis.

LD 1480 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015. (Sponsored by Rep. Theriault of Madawaska.) **Emergency Enacted; PL 2013, c. 354 (6/26/13)**

This Act implements the FY 2014-2015 Highway Fund budget. Of municipal interest, the Act decreases the financial assistance provided to municipalities under the Local Road Assistance Program (LRAP). Under the existing road assistance program, approximately 10% of DOT's Highway Fund budget is distributed to municipalities to be used for capital improvements on local roads. The historical roots of this distribution is to provide financial support for the maintenance municipalities provide to state aid roads. As enacted, the payments to municipalities in FY 2014 would remain at 10%, or \$23.1 million. Beginning in FY 2015, the municipal share of DOT revenues would be reduced to 9%, thereby reducing the revenues annually distributed to municipalities to \$20.1 million. The adopted budget also makes two "administrative changes" to the local road funding program. One directs the Department to issue all funds in the month of December, rather than quarterly. The second eliminates the "hold harmless" clause that was enacted when the program was overhauled in 2000, which guaranteed that municipalities would receive no less in state road aid than provided in 1999. In addition to LRAP-related changes, the FY14-15 Highway Fund budget: (1) provides \$1.2 million to nine municipalities as the state share of the construction of sand-salt facilities; and (2) increases General Fund responsibility for Maine State Police services from 51% to 65% and decreases Highway Fund responsibility from 49% to 35%.

LD 1484 – An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles. (Sponsored by Rep. Willette of Mapleton.) **Emergency Enacted; PL 2013, c. 195 (6/04/13)**

Current law allows a 4-axle single unit vehicle registered as a farm truck and hauling potatoes a tolerance weight of 64,000 pounds until October 1, 2013. This emergency Act removes the date restriction, making the weight allowance permanent.

LD 1550 – An Act To Make Supplemental Allocations from the Highway Fund for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013. (Sponsored by Rep. Theriault of Madawaska.) **Emergency Enacted; PL 2013, c. 321 (6/21/13)**

This Act is the second supplemental Highway Fund budget necessary to bring that budget into balance for FY 2013 in accordance with a downgrading of Highway Fund revenues according to the state's Revenue Forecasting Committee. The Act identifies various reductions in various Highway Fund-related programs, including a \$195,000 reduction to the Local Road Assistance Program distribution.

Veterans & Legal Affairs

LD 504 – An Act To Amend the Election Laws and Other Related Laws. (Sponsored by Sen. Tuttle of York Cty.) **PL 2013, c. 131**

This Act makes a number of technical and minor substantive changes to the laws governing elections, with many of those changes focused on procedures to be followed by the Secretary of State. Of municipal interest, this Act: (1) allows a voter to sign a primary nomination petition within 15 days of changing party enrollment (which is not allowed under current law) as long as the 15 day period has elapsed by the time the nomination petition is certified; (2) deletes the requirement for municipal election clerks to complete a form and submit it to the Secretary of State's Office whenever a person changes party enrollment in order to serve as an election clerk in a balanced ballot-counting operation; (3) authorizes the Secretary of State to act administratively to facilitate voting in the circumstance of a natural disaster or declared state of emergency, including centrally issuing ballots for state and federal elections utilizing procedures developed for uniformed service voters and overseas voters; (4) relocates in statute the language regarding the requirement for municipal clerks to seal the unopened envelopes containing rejected absentee ballots in tamper-proof ballot security containers; (5) allows municipal clerks to send to the Secretary of State their notice of the municipality's intent to process absentee ballots prior to election day as a scanned attachment to an e-mail address established by the Secretary of State; and (6) changes the validity period for an application for an absentee ballot by a uniformed service voter or overseas voter from 2 years to 18 months.

LD 508 – An Act To Remove the Disqualification from Obtaining a Liquor License for a Law Enforcement Officer Who Does Not Directly Benefit Financially. (Sponsored by Sen. Saviello of Franklin Cty.) **PL 2013, c. 168**

This Act amends the law governing the eligibility of certain full time law enforcement officers to be eligible for a liquor license to provide that the ineligibility pertains to applicants who are law enforcement officers and applicants who would provide a direct financial benefit to law enforcement officers.

LD 768 – An Act To Increase Access to Voter Lists. (Sponsored by Rep. Chipman of Portland.) **PL 2013, c. 330**

This Act adds any person who has been elected to a state, federal, county or municipal office to the list of people who can purchase from the office of the municipal registrar reports of voter participation records directly related to a campaign. Current law provides that a political party or an individual or organization engaged in “get out the vote” efforts or activities directly related to a campaign may purchase those lists.

LD 769 – An Act To Create Fairness in Political Party Enrollment Deadlines. (Sponsored by Rep. Chipman of Portland.) **PL 2013, c. 173**

Under current law, a voter must file an application to change party enrollment by January 1 to be eligible to file a petition as a candidate from within the new party in that year’s election, but that general rule does not apply to a person who moves from one municipality to another. This Act repeals the exception to the general rule and requires all candidates in any year’s election to be enrolled in their chosen political party by January 1.

LD 941 – An Act To Facilitate the Expansion of the State’s Liquor Distribution System. (Sponsored by Sen. Alford of Cumberland Cty.) **PL 2013, c. 253**

This Act authorizes the licensing of 10 agency liquor stores in municipality with a population over 50,000, up from the current top-limit of 8. Portland is the only municipality in Maine with a population over 50,000.

LD 1299 – An act To Amend Campaign Finance Laws. (Reported by Sen. Tuttle of York Cty. For the Commission on Governmental Ethics and Election Practices.) **PL 2013, c. 334**

This Act makes over two dozen changes to the Maine’s campaign finance laws. Among all the proposed changes, the Act expressly permits the clerks of municipalities that are governed by the state’s campaign finance law to refer substantial violations to the Commission on Governmental Ethics and Election Practices for enforcement. Substantial violations include accepting contributions in excess of the limitations established in law and failing to file a report that substantially complies with established disclosure requirements. [\[m\]](#)

New Faces: Town Meeting Elections

By Liz Chapman Mockler

Following are among the results from municipal elections in June.

Buckfield: A vote recount verified that Cheryl Coffman was elected over former Town Manager Glen Holmes by a single vote, 106-105.

Buxton: Eighteen-year incumbent Selectman Clifford Emery was re-elected, while Peter Burns won the second available seat on the board. The race featured four candidates, with Burns collecting the most votes with 303, while Emery picked up 258. The two other candidates received 216 and 167 votes, respectively.

Canton: Voters elected Brian Keen and Robert Walker with 118 and 103 votes, respectively, for three-year terms. In a three-way race for a two-year term, Fire Chief Shane Gallant collected 56 votes to win. The seats opened because of the resignations earlier this year of Donald Hutchins and Scott Kilbreth, while Gallant's term expired this year.

Chebeague Island: Brother and sister Mark Dyer and Susan Campbell were easily elected to the Board of Selectmen, with incumbent Dyer collecting 115 votes and Campbell receiving 105 votes to hold off challenges by two other candidates, each of who won 89 votes. Mary Holt did not seek re-election.

Cumberland: Newcomers Peter Bingham and Michael Edes received 658 and 558 votes, respectively, to replace outgoing Councilors Michael Perfetti and Jon Jennings, who did not seek re-election.

Dixfield: Two of five candidates won seats on the Board of Selectmen, including Dana Whittemore, with

186 votes, and incumbent Malcolm "Mac" Gill, who received 181 votes. Incumbent Norine Clark was among the three who were defeated. She won 159 votes, while the remaining candidates collected 121 and 72, respectively.

Dover-Foxcroft: Incumbent Selectman Gail D'Agostino and newcomer Jane Conroy received 256 and 220, respectively, to win three-year terms on the board. Benjamin Cabot defeated four challengers to win a one-year term with 169 votes. Jeffrey Merchant did not seek re-election.

Glenburn: Resident Mark Lagasse was elected to a three-year term as selectman with six write-in votes.

Gray: Matthew Doughty defeated one challenger, 343-183 to fill a vacant seat on the Board of Selectmen.

Holden: Paul Amoroso was re-elected with 179 votes in a three-way race for two seats on the Board of Selectmen. Thomas Copeland won the most votes with 229 to defeat Planning Board member Malcolm Coulter Jr., who received 87 votes.

Litchfield: Selectman Chairman Rayna Leibowitz defeated Bruce Pelkey, 121-73, to win another term.

Livermore: Rod Newman received 122 votes to defeat a challenger for a two-year term as selectman, replacing Wayne Timberlake, who did not seek another term. Meanwhile, Mark Chretien collected 191 votes to win a three-year seat being vacated by Tom Berry, who did not run for re-election.

Livermore Falls: Laurie Sanborn defeated incumbent Selectman Jeffrey Bryant, 179-95, to win a two-year term on the board. Former Selectman Kenny Jacques was uncontested for a one-year term, collecting 221 votes.

Manchester: Thomas Oliver re-

ceived 248 votes and Paula Thomas won 234 to win election to open seats on the Board of Selectmen. A third candidate, Lance Boucher, received 154 votes.

Mexico: Incumbent Selectmen Byron Ouellette and Reginald Arsenault retained their seats, defeating one challenger with votes of 345, 305 and 238, respectively.

Mount Vernon: Paul Crockett was elected selectman with 110 write-in votes after the position failed to attract an official candidate.

Mechanic Falls: Louis Annance and Stephen Bolduc were elected to three-year seats on the Town Council with 137 and 100 votes, respectively. A third candidate received 75 votes.

Milford: Cory LaBelle received 240 votes to easily defeat a challenger to replace outgoing Selectman Scott Libby. Voters also returned incumbent Michael Georgia to the board with 219 votes.

New Gloucester: Incumbent Selectmen Steve Libby and Joshua McHenry defeated their challengers by votes of 458 and 413, respectively. Libby will serve his sixth term; McHenry was re-elected to a second term. Libby defeated Fire and Rescue Chief Gary Sacco, who collected 291 votes, while McHenry defeated Stephen Hathorne, who received 176 votes.

Newburgh: Leonard "Bud" Belcher received 100 votes to hold off a write-in candidate for a seat on the Board of Selectmen.

North Yarmouth: In a three-way race for two selectmen seats, Chairman Steve Palmer was re-elected with 336 votes. Clark Whittier collected 349 votes to win the second open seat, while a third candidate received 139

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votes.

Norway: Bruce Cook, a former selectman and member of the Planning and Budget committees, was elected to replace Irene Millett, who did not seek re-election. Cook received 165 votes.

Old Orchard Beach: In an unprecedented recall election, all but one of seven councilors were recalled following a simmering dispute over the firing of the town manager in March. Only Robert Quinn was not recalled. The six who lost their seats early were Laura Bolduc, Linda Mailhot, Sharri MacDonald, Dana Furtado, Michael Coleman and Robin Dayton. Voters elected replacements Roxanne Frenette, Kenneth Blow, Jay Kelley, Joseph Thornton, Shawn O'Neill and Malorie Pastor.

Orrington: Incumbent Selectman James Goody easily defeated four challengers with 56 votes to win another term on the board.

Paris: Selectmen Chairman Sam Elliot picked up 403 votes to win re-election, while another incumbent, Robert Wessels, collected 456; the pair held off Budget Committee members Janet Jamison, who received 257

votes, and Mike Risica, who garnered 196 votes in the election.

Phillips: Incumbent Selectman Andy Phillips held off a challenger by a vote of 47 to 21 to win another term on the board.

Pownal: Tim Giddinge was re-elected with 112 write-in votes, although he did not seek another term as selectman.

Readfield: In a three-way race for two open seats, Valerie Pomerleau collected the most votes with 376.

Alan Curtis eked out a win against Raymond Renner by a vote of 326-323.

Rumford: Selectmen Brad Adley and Frank DiConzo retained their seats, garnering 733 and 653 votes, respectively. They defeated three challengers who collected 612, 375 and 359.

Standish: Lynn Olson defeated former Councilor Wayne Newbegin by a vote of 557-468 votes to win re-election a three-year term.

Thomaston: Former Selectman

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Mona Stearns received the most votes with 189 in a four-way race for two seats on the board. Vice Chairman William Hahn was re-elected with 186 votes, outpacing the two challengers by a 2-to-1 margin. Jonathan Eaton did not seek re-election.

Veazie: Write-in selectman candidate Robert Rice won the most votes with 147, followed by Karen Walker, who received 138 votes to take the second available seat. Incumbent Jonathan Parker placed last with 114 votes. Brian Perkins did not seek re-election.

Waldoboro: Ronald Miller won a three-way contest for a vacant seat on the Board of Selectmen. He received 264 votes, while his challengers garnered 237 and 61 votes, respectively.

Wilton: Tiffany Maiuri collected 158 votes to defeat one challenger to fill the seat vacated by Russell Black.

Winterport: Incumbent Selectman Stephen Cooper retained his seat with 133 votes, while newcomer Peter Rioux collected 106 votes to defeat three other contestants, including incumbent Joseph Brooks, who received 80 votes. 

The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine.

MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.

For more information visit the MMA website:

www.memun.org



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Are You Ready for Health Care Reform?

By Anne Wright, Assistant Director,
Health Trust Services, MMA

The federal Affordable Care Act (ACA) may have been passed in 2010, but many of its provisions will begin to affect employers in late 2013 and throughout 2014. In an effort to help municipalities understand those provisions of the Affordable Care Act that will directly affect them as employers, the Maine Municipal Employees Health Trust will provide information on several of these key provisions to participating employer groups throughout the coming months.

Written communications will be sent on a bi-weekly basis throughout the summer. A number of topics will be covered, including:

- **The 90-day waiting period limit.** Effective Jan. 1, 2014, employers will no longer be able to impose a waiting

periods for health insurance coverage that exceed 90 calendar days. Since most health plans begin coverage on the first of the month following the end of the waiting period, this means that the waiting period designated by the employer cannot exceed 60 days. The Health Trust will contact all employer groups with waiting periods that currently exceed 60 days, and will work with them to change their waiting period on or before Jan. 1, 2014.

- **W-2 reporting requirements.** Under the ACA, employers with 250 or more W-2 employees are required to report the total cost of health insurance coverage for those employees, beginning with the 2013 tax year. Employees will not be taxed on these benefits at the present time. For em-

ployers with fewer than 250 employees, this reporting is optional at the present time. However, such reporting may become mandatory once further guidance is provided by the IRS.

- **Employer notice requirements.** The ACA requires that employers provide several different notices to employees. One such notice is the Summary of Benefits and Coverage (SBCs), which must be provided to eligible employees prior to their enrollment in health insurance coverage and on an annual basis. If the employee is able to choose among different plans, the employer must provide him with a separate SBC for each plan in which he is eligible to enroll. Employers must also provide employees with a new notice

Day/Date	Time	Location
Wednesday, July 31	1:00-4:00 p.m.	Augusta – MMA
Friday, August 2	1:00-4:00 p.m.	Presque Isle – City Hall
Wednesday, August 7	1:00-4:00 p.m.	Wells – Activity Center
Thursday, August 8	9:00 a.m.-noon	South Portland – Community Center
Wednesday, August 14	9:00 a.m.-noon	Ellsworth – City Hall
Wednesday, August 21	1:00-4:00 p.m.	Houlton – Town Office
Thursday, August 22	9:00 a.m.-noon	Orono – Municipal Building
Wednesday, August 28	9:00 a.m.-noon	Auburn – Auburn Hall
Thursday, August 29	9:00 a.m.-noon	Freeport – Community Library

describing the availability of coverage under the health care Exchange (also known as the Health Insurance Marketplace). This notice must be provided to all employees, regardless of whether or not they are covered under the employer's health insurance coverage. Employers will also be required to personalize certain areas of the Exchange notice for individual employees. (Note: The Health Trust will provide samples of both the SBC and the Exchange notice to all participating employer groups.)

• **General information about the Exchanges.** The Exchanges are scheduled to begin operation on Oct. 1, 2013, enrolling employees for a Jan. 1, 2014 effective date. Employers will be required to provide notice to employees of their ability to enroll in the Exchange (as described above). Those employees who meet certain income criteria may be eligible for premium subsidies under the Exchange, to help them pay for their coverage. Information will be provided regarding eligibility requirements for subsidies under the Exchange.

• **The Employer Shared Responsibility provision of the ACA.** This provision, frequently referred to as "Play or Pay," applies to employers with 50 or more full-time employees and/or full-time equivalents. These larger employers may be subject to a penalty if they do not offer health insurance coverage to employees, or if the coverage that they offer is not affordable as defined by the ACA. Although this provision was originally scheduled to

become effective in 2014, the Obama administration recently announced that implementation would be postponed until 2015.

• **The Cadillac tax.** This tax, which will be assessed against insurers and plan sponsors offering health insurance plans with annual premiums exceeding a certain level, is slated to go into effect on Jan. 1, 2018. Further guidance is needed from the IRS regarding the implementation and enforcement of this tax.

This information will also be available on the Health Trust's website, at www.mmeht.org. Click on the link for Health Care Reform; this will bring you to links for all of the ACA notices. This page will be updated throughout the summer, as notices are developed and sent out.

The Health Trust, in conjunction with the Maine Municipal Association, also will sponsor a series of regional workshops on the ACA during the months of July and August. These workshops will be held on the dates shown on the previous page.

Each workshop will cover all of the topics listed above and will include time for questions and answers. You may register for these workshops online at: www.mmeht.org. Click on the link for Health Care Reform. Registration is limited to 50 participants per workshop.

For more information on either the ACA updates or the Health Care Reform workshops, please contact Anne Wright, Health Trust Assistant Director, at awright@memun.org. 

MMA Personnel Services and On-site Consulting Services

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For more information visit the MMA website: www.memun.org

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**60 Community Dr.,
Augusta, ME 04330**



2013 MMA Convention

October 2-3, 2013 - Augusta Civic Center

DON'T MISS THESE SPECIAL FEATURES & EVENTS!



Keynote - Capt. Mark Adamshick

Moral Leadership, Reconciling Differences and Getting to Yes!

Wednesday, October 2 - 9:10-10:15 a.m.

Our special guest is Capt. Mark Adamshick, USN (ret.), Ph.D. Chair for the Study of Officership at the Simon Center for the Professional Military Ethic, U.S. Military Academy, West Point.

An essential skill for today's leaders is breaking impasse and getting to yes! This talk will outline the necessity of maintaining public trust and the essentiality of moral behavior and character among our elected and appointed municipal leaders. We explore why seemingly good people sometimes do bad things and suggest a framework for exercising moral leadership and decision-making.



Civility in City Hall

Wednesday, October 2 - 10:30-11:45 a.m.

One of the purest predictors of success for your community is the morale of your citizens and staff. This session highlights the relationship between the cultural environment and your community's future. By extension, as individual behaviors improve, each community becomes a more enjoyable place to live. A surface examination of the human condition in our present culture reveals deterioration in "citizenship" and provides evidence that self-reflection, if it occurs at all, often does not lead to self-improvement. This session will identify evaluation points and action steps designed to move the work environment toward a positive, successful culture.

Michael G. Fann, Director of Loss Control, Tennessee Municipal League Risk Management Pool. (This appearance sponsored by MMA's Risk Management Services Department.)



Dynamic Downtowns

Thursday, October 3 - 8:30-9:45 a.m.

Nothing makes a municipality look and feel better than a healthy, busy downtown. But building one is far from easy. The recipe can require community buy-in, vision, municipal loans, consistent communication - and lots of patience.

Delilah Poupoure, Director, Heart of Biddeford; Audrey Lovering, President, Lovering & Associates, Rockland, former Director, Main Street Skowhegan.



Municipal Service: The Key to Democracy

Thursday, October 3 - 12:00-1:30 p.m.

The Honorable Chris Coleman, Mayor of St. Paul, Minn. and incoming President of the National League of Cities, joins us to speak about his experience as a two-term Mayor and to offer national perspective about the challenges and promise of city and town government. Mayor Coleman lists establishment of a light rail system, downtown development and construction of a baseball stadium among his major achievements. He is seeking a third term as Mayor of St. Paul this fall.

2013 MMA Convention

General Sessions & Events (preliminary)

Wednesday, October 2, 2013

7:30 a.m. Registration Begins

7:30-8:45 a.m. Continental Breakfast in Exhibit Area

9 a.m.-10:15 a.m. WELCOME AND KEYNOTE

Moral Leadership, Reconciling Differences and Getting to Yes!

Our special guest is **Capt. Mark Adamshick**, USN (ret.), Ph.D., Chair for the Study of Officership at the Simon Center for the Professional Military Ethic, U.S. Military Academy, West Point.

An essential skill for today's leaders is breaking impasse and getting to yes! This talk will outline the necessity of maintaining public trust and the essentiality of moral behavior and character among our elected and appointed municipal leaders. We explore why seemingly good people sometimes do bad things and suggest a framework for exercising moral leadership and decision-making. *(This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services, 1.25 points through MTCMA Certification – Ethics category.)*

10:15 a.m. – 10:30 a.m. Break Time with Exhibitors

10:30 a.m. – 11:45 a.m. SPECIAL SESSION!

Civility in City Hall

One of the purest predictors of success for your community is the morale of your citizens and staff. This session highlights the relationship between the cultural environment and your community's future. By extension, as individual behaviors improve, each community becomes a more enjoyable place to live. A surface examination of the human condition in our present culture reveals deterioration in "citizenship" and provides evidence that self-reflection, if it occurs at all, often does not lead to self-improvement. This session will identify evaluation points and action steps designed to move the work environment toward a positive, successful culture. *(This session approved for the following credits: 1.25 points through MTCMA Certification – Leadership & Human Resources categories.)*

Presenter: Michael G. Fann, Director of Loss Control, TML Risk Management Pool. **(This appearance sponsored by MMA's Risk Management Services Department.)**

10:30 a.m. – 11:45 a.m. CONCURRENT SESSIONS

Property Values, Economic Trends & Underused Assets

The long-running myth in Maine has it that the state's economy is forever mired in the doldrums. But that isn't the whole story. Pockets of economic activity – some in surprising places – have existed throughout Maine, even during the recent recession. This workshop points out why and how targeted development and property values played important roles. *(This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services, 1.25 points through MTCMA Certification – Finance/Budget category.)*

Presenters: Dave Eldridge, Senior Vice President and Manager of Commercial Lending, Androskoggin Bank; Drew Sigfridson, Designated Broker, CBRE/The Boulos Company, Portland; Denis Lachman, Principal, Lachman Architects & Planners, Portland.

Pesticide Use & Safety

Protecting public health and safety, keeping outdoor spaces well maintained and meeting citizen expectation and budgets can be successfully achieved through Integrated Pest Management. Please attend this workshop to learn more about using an integrated approach to pest management that includes access to all of the "tools in the toolbox" to manage pests and maintain property, and hear first-hand how the concept is applied in municipalities in Maine. *(This session approved for 1.25 CMA/CAT recertification credits through Maine Revenue Services.)*

Presenters: Karen Reardon, Vice President for Public Affairs, RISE (Responsible Industry for a Sound Environment); Paul Sevigny, President, Mainely Grass, York.

11:45 a.m. – Noon Break Time with Exhibitors

Noon – 1:20 p.m. AWARDS LUNCHEON CELEBRATION!

1:20 p.m. – 1:30 p.m. Break Time with Exhibitors

1:30 p.m. – 4:00 p.m. Special Event

Visit the Interactive Wellness Fair!

1:30 p.m. – 2:30 p.m. MMA Annual Business Meeting

1:30 p.m. – 2:30 p.m. CONCURRENT SESSIONS

State Budget: What Just Happened?

The Governor and Legislature last session made dramatic changes to the municipal revenue picture but also put forth four areas for study: a thorough review of "tax expenditures" with an eye to retiring \$40 million in tax breaks; state mandates, and which ones can be repealed; the mechanics of taxing large, non-profit institutions to address municipal revenue shortfalls; and, the proposed BETR/BETE "conversion." Can it be done? Come here for an update on the progress of these efforts. *(This session approved for the following credits: 1 point through MTCMA Certification – Finance/Budget category.)*

Presenters: Geoff Herman, Director of State & Federal Relations, MMA; other speakers TBD.

Libraries in the Digital Age

Even the slogans are changing. Operating a municipal library today is far from what it was like 10 or more years ago, as patrons expect wifi service, laptop access, computer advice, DVDs, audio books – and more. The Mark & Emily Turner Library in Presque Isle embraces the trend with the slogan: "A Rural Library Connecting Globally."

Presenters: Sonja Plummer Morgan, Library Director, City of Presque Isle; Lisa Shaw, Assistant Library Director, City of Presque Isle.

Maine's Commodities Purchasing Program

It shouldn't be a secret, but perhaps it still is. The State of Maine buys many products and services in bulk – and a fair number of its vendors want to extend discounts to municipalities. Our presenters talk about the program's genesis, current status and offer contact information for businesses that want to work – with you. *(This session approved for 1 point through MTCMA Certification – Finance/Budget category.)*

Presenters: Todd Cummings and Bambi Trefl, State of Maine, Division of Purchases.

Wednesday, October 2, 2013

2:30 p.m. – 2:45 p.m. Break Time with Exhibitors

2:45 p.m. – 4:00 p.m. CONCURRENT SESSIONS

Stormwater Runoff: Solutions that Work

At our 2012 Convention, speakers talked about federal changes to storm water regulations and the municipal impact. This time: How to make changes in construction, landscaping and other activity to manage runoff and improve conditions “on the ground.”

Presenters: Tamara Pinard, Cumberland County Soil & Conservation District; Phil Ruck, PE, CES Engineering, Brewer.

Breaking Up /s Hard: The RSU Dynamic

2013 may go down as the year of the RSU withdrawal. Small and medium-sized communities throughout the state considered leaving their Regional School Units, and in some cases they did so. This workshop explores the phenomenon, the law and offers pro and con advice.

Presenters: Paul Frederic, First Selectman, Town of Starks; Sarah Newell, Esq., Shareholder, Eaton Peabody, Bangor.

Recreation, Open Space & Economic Development

Increasingly, communities are seeing their natural assets – riverfront, miles of trails, woods, lakes, mountains or whitewater – as integral parts of their economic-development efforts. Please join our speakers as they talk about their ongoing experiences – the challenges and successes – with turning any town’s natural treasure into a community asset. *(This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services, 1.25 points through MTCMA Certification – Finance/Budget and Leadership categories.)*

Presenters: Denise LeBlanc, Director, Town of Skowhegan Parks & Recreation; Dick Ranaghan, Senior Vice President, Gorham Savings Bank.

4:00 p.m. – 5:30 p.m. Member Appreciation Reception

Enjoy the “Gypsy Jazz” sounds of Mes Amis – Exhibit Area

Thursday, October 3, 2013

7:30 a.m. – 8:30 a.m. Registration and Breakfast

8:00 a.m. – Noon: Special Event

Visit the Interactive Wellness Fair!

8:30 a.m. – 9:45 a.m. CONCURRENT SESSIONS

Dynamic Downtowns

Nothing makes a municipality look and feel better than a healthy, busy downtown. But building one is far from easy. The recipe can require community buy-in, vision, municipal loans, consistent communication – and lots of patience. *(This session approved for the following credits: 1.25 points through MTCMA Certification – Leadership category.)*

Presenters: Delilah Poupoure, Director, Heart of Biddeford; Audrey Lovering, President, Lovering & Associates, Rockland, former Director, Main Street Skowhegan.

Recall Fever

Why are Maine communities recalling their elected officials or considering doing so? This workshop will walk attendees through one town’s experience with recalls and look at the underlying sentiments that can lead to skepticism about government – and vindication. *(This session approved for the following credits: 1.25 points through MTCMA Certification – Leadership and Elected Relations categories.)*

Presenters: Kim McLaughlin, Clerk, Town of Old Orchard Beach; James Melcher, Professor of Political Science, University of Maine at Farmington.

The Federal Government is Here, and It Can Help

Every municipality is in the economic-development game and many have small businesses in need of assistance. Come and listen as experts representing key federal economic development-assistance agencies describe their programs, offer pathways to other resources and talk about Maine success stories.

Presenters: William Card, Economic Development Specialist, U.S. Small Business Administration, Augusta; Bob Jacobs, owner of Jacobs Glass, Winslow; other presenter TBD.

9:45 a.m. – 10:15 a.m. Break Time with Exhibitors

MMA Tour: Stroll over to the MMA building and let the staff there show you around.

10:15 a.m. – 11:45 a.m. CONCURRENT SESSIONS

Hidden Costs of Budget Cuts

Cut. Cut. Cut. Town and city leaders have heard the mantra for years now. But there are costs beyond the obvious reductions in staffing and municipal services. These experts explore unintended consequences in areas such as morale, succession planning, delayed community projects and employee benefits. *(This session approved for the following credits: 1.5 points through MTCMA Certification – Leadership and Finance/Budget categories.)*

Presenters: The Honorable William Stokes, Mayor, City of Augusta; Bill Bridgeo, Manager, City of Augusta; Laurie Smith, Manager, Town of Wiscasset; Todd Souza, Parks & Recreation Director, Town of Wiscasset.

Right to Know

Attorneys from MMA’s Legal Services Department offer Right to Know training for both Elected Officials and municipal Public Access Officers. *(This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services. 1.25 points through MTCMA Certification – Legal category.)*

Presenters: William Livengood, Director, and Richard Flewelling, Assistant Director, Legal Services Department, MMA. **(Attending this session counts as completing the state-required Freedom of Access training.)**

Best Labor Practices for Municipalities

The Maine Department of Labor promotes a healthy, safe and fair workplace, as well as cooperative employee-management relations through consultation services, training resources, worksite inspections and regulatory enforcement. And municipal employers are no exceptions. Learn more about the state’s approach and its Safety Works! Recognition program. *(This session approved for the following credits: 1.25 points through MTCMA Certification – Human Resources category.)*

Presenter: David Wacker, Director, Maine Department of Labor, Workplace Safety Division.

11:45 a.m. – Noon Break Time with Exhibitors

Noon – 1:30 p.m. LUNCHEON AND FEATURED SPEAKER!

Municipal Service: The Key to Democracy

The Honorable Chris Coleman, Mayor of St. Paul, Minn. and incoming President of the National League of Cities, joins us to speak about his experience as a two-term Mayor and to offer national perspective about the challenges and promise of city and town government. Mayor Coleman lists establishment of a light rail system, downtown development and construction of a baseball stadium among his major achievements. He is seeking a third term as Mayor of St. Paul this fall.

1:30 p.m. – 2:00 p.m. Dessert in the Exhibit Area

Along with Grand Prize drawing, Exhibitor Prizes and more – on the main stage.

2:00 p.m. – 3:00 p.m. CONCURRENT SESSIONS

Road Salt, Sand and Modern Applications

It's kind of an age-old dilemma: Are towns and cities better off using sand or salt – or newer applications – to clear their roads in winter? Weather conditions and the actual roads being plowed and treated are factors. So, too, are emerging technologies that could make a difference.

Presenters: Peter Coughlan & Phil Curtis, Maine Local Roads Center; and Shawn Bennett, Pownal Road Commissioner.

Grant Writing

During tight financial times – heck, all the time – municipal officials and staff want to know more about grant writing and how to win! Our expert will walk attendees through the complicated, but potentially rewarding, grant process. *(This session approved for the following credits: 1 point through MTCMA Certification – Finance/Budget category.)*

Presenter: Chris Shrum, President, The Vibrancy Group.

Animal Control: When Wild Things Move In

Coyotes, turkeys, moose – even bears! As certain wild animal populations rebound and grow, and as some “suburban sprawl” continues into established habitats, interaction between humans and wild animals becomes increasingly commons. Our experts discuss the trend of critters moving into human areas and vice versa.

Presenters: Kevin Upton, Animal Control Officer, Town of Houlton; Patrick Faucher, Animal Control Officer, Town of Oakland.

3:00 p.m. – 4:00 p.m. NEW FEATURE: ASK THE EXPERTS!

These “off the news,” discussion-type sessions will have a casual feel, where attendees meet experts in various fields, hear updates and ask questions.

General Assistance Changes

Each session, the Legislature tinkers with General Assistance programs and funding, and 2013 was no exception. Our panel recaps the recent revisions, takes a look at the future – and takes your questions.

Panelists: Kate Dufour, Senior Legislative Advocate, State & Federal Relations Department, MMA; other speakers, TBD.

The Affordable Care Act – And You!

The federal Affordable Care Act may have been passed in 2010, but many of its provisions will begin to affect employers in late 2013 and throughout 2014. In this session, representatives from the Health Trust will provide updates on several key provisions, including the Employer Shared Responsibility (Play or Pay) provision that will affect larger employers. *(This session approved for the following credits: 1 point through MTCMA Certification – Human Resources category.)*

Panelists: Anne Wright, Assistant Director, Maine Municipal Employees Health Trust; Steve Gove, Director, Maine Municipal Employees Health Trust and Deputy Director, MMA.

Public Employee Retirement Trends

Tough financial times and a shifting municipal-revenue picture have some cities and towns taking new looks at retirement packages. This panel looks at the trend, plan changes and GASB 68 pension liability reporting requirements. *(This session approved for the following credits: 1 point through MTCMA Certification – Human Resources category.)*

Panelists: Sandy Matheson, Executive Director, Maine PERS; Stephanie Fecteau, PLD Plan Administrator, Maine PERS; David Barrett, Director of Personnel Services & Labor Relations, MMA.

Overnight Accommodations

Overnight Rooms have been blocked for MMA Convention attendees at the Best Western Plus in Augusta. The rate is \$72.00/night (All prices are subject to Maine State Sales Tax – current rate is 7%). To reserve your overnight room, please call 207-622-4751 and mention the Maine Municipal Association (MMA) Attendees & Exhibitors group rate. Rooms are available for reservation until September 17, 2013 on a first-come, first-served basis.

The Best Western Plus is located within the Civic Center Complex and is within walking distance of the Augusta Civic Center.

If requesting tax exemption, you will be asked to provide your tax exemption certificate and municipal payment (municipal credit card or check) at the time of check-in.

Affiliate Association Programs

Please see full convention program for additional offerings, highlights, special events and CEU/Certification credits/points. The following sessions have been prepared by and are sponsored by individual affiliate associations. All sessions are open to all attendees.

Maine Association of Assessing Officers (MAAO)

Certification: See general sessions for programs and sessions that offer CMA/CAT CEU credits through Maine Revenue Services.

Maine Chapter International Association of Assessing Officers (Maine Chapter IAAO)

Wednesday, October 2

10:30 – 11:45 Website Resources for Assessors:

All the information an assessor could ever want is available to us whether we're working at our desktop computers or in the field with a laptop, iPad or smart phone. The Maine Office of GIS, Maine Revenue Services, IAAO LibraryLink, State Board of Property Tax Review, Superior and Law Court decisions, MLS, and so much more – the information resources available can be as overwhelming as they are valuable. Our moderator, Winslow Assessor Judy Mathiau, and her panel of experts will show us what's out there and how to access and make use of it all.

Presenters: Judy Mathiau, Assessor, Town of Winslow; Panel includes Ben Thomas – MMA Web and Social Media; Elizabeth Sawyer, Assessor; Matt Sturgis, Assessor; Bill van Tuinen, Assessor

Certification: This session approved for 1 CMA/CAT recertification credit through Maine Revenue Services.

Maine Fire Chiefs' Association (MFCA)

Wednesday, October 2

1:30 – 2:30 p.m. Disaster Response Planning

MFCA sponsored session co-sponsored by the Maine Town, City and County Management Association

This presentation is intended to provide for discussion by public safety, government, and community leaders about their community's ability to respond effectively to a disaster. Every community must consider the possibility that a disaster such as Hurricane Sandy, Blizzard of 2013, and the Brownville, Maine flooding may occur. Most importantly, issues related to lessons learned and recommendations will be presented. Level of training to key department heads and community leaders is important to qualify for Federal Funding reimbursement from disasters. Disasters of this magnitude force us to look at new ways to ensure communities are supported, and that every town/city has an Emergency Operation Plan.

Presenters: Peter Joseph, Town Manager of Freeport; Darrel Fournier, Fire Chief, Town of Freeport; Steve Mallory, Maine Emergency Management Agency.

2:30 – 4:00 p.m. MFCA Annual Meeting and Fire Chief of the Year Awards Celebration

Thursday, October 3:

8:30 – 10:00 a.m. When Flame Retardants Burn: Exposure and Health Risks in Firefighters

With the passing of Maine's Cancer Presumption Law, there are many questions left unanswered. What does it mean? What do we do? What changes to our operations are needed to keep our people safe? Come hear from Dr. Susan Shaw, from Blue Hill Maine, who conducted a study of flame retardants and the exposure and health risks they have towards Firefighters. Listen to what she found and what operational changes you may want to consider to help keep your Firefighters and their families safe.

Presenter: Susan D. Shaw DrPH, Founder and President, Marine Environmental Research Institute, Professor, Department of Environmental Health Sciences, School of Public Health, State University of New York, Albany, NY.

10:30 – 11:45 a.m. Fire Department Legal Considerations for Municipal Elected and Appointed Officials

This presentation will provide elected and appointed municipal officials information on legal considerations for providing fire protection through a municipal fire department. Topics will include fire protection laws, municipalities and the fire chief, legal considerations for fire and life safety, mutual aid and liability.

Presenters: William Guindon, Director, Maine Fire Service Institute; Darrel Fournier, Fire Chief, Town of Freeport; William St. Michel, Fire Chief, Town of Durham

2:00 – 4:00 p.m. Fire Department Training Safety and Risk Management for Elected and Appointed Municipal Officials in Maine

This presentation will provide elected and appointed municipal officials information and best practices in the development of a Fire Department Training, Safety and Risk Management Program. Topics will include firefighter safety, risk management, training program management, professional development, certifications and credentialing.

Presenters: William Guindon, Director, Maine Fire Service Institute; Darrel Fournier, Fire Chief, Town of Freeport; William St. Michel, Fire Chief, Town of Durham.

Maine Municipal Tax Collectors' and Treasurers' Association (MMTCTA)

Wednesday, October 2

2:45 – 4:00 p.m. IFW, BMV and MMA Legislative Updates – co-sponsored with the Maine Town & City Clerks' Association

Presenters will give updates on new laws and regulations for Inland Fisheries & Wildlife and the Bureau of Motor Vehicles. MMA State and Federal Relations will discuss legislation enacted in 2013 of interest to municipal tax collectors, treasurers and clerks.

Presenters: Bill Swan, Inland Fisheries & Wildlife; Terry Phelps, Municipal Coordinator, Administrative Office of Motor Vehicle; Geoff Herman, Director, State and Federal Relations, Maine Municipal Association.

Affiliate Association Programs

Thursday, October 3

8:30 – 10:15 a.m. **Zombie Foreclosures – MMTCTA sponsored session**

This session will focus on the foreclosures that have been started and left in limbo and how municipal process and regulation is affected by it.

Presenters: Wendy Paradis, Esq., Bernstein Shur; Mark Susi and Eric Wright, Bureau of Consumer Credit Protection.

Certification: The MMTCTA will allow 15 points for each day of full attendance to its sponsored and co-sponsored programs.

Maine Resource Recovery Association (MRRA)

Thursday, October 3

10:15 – 11:45 a.m. **S.M.A.R.T. Save Money and Reduce Trash: Cost Effective Strategies for Solid Waste Management**

Maine Town & City Clerks' Association (MTCCA)

Wednesday, October 2

2:45 – 4:00 p.m. **IFW, BMV and MMA Legislative Updates – co-sponsored with the Maine Municipal Tax Collectors' and Treasurers' Association**

Presenters will give updates on new laws and regulations for Inland Fisheries & Wildlife and the Bureau of Motor Vehicles. MMA State and Federal Relations will discuss legislation enacted in 2013 of interest to municipal tax collectors, treasurers and clerks.

Presenters: Bill Swan, Inland Fisheries & Wildlife; Terry Phelps, Municipal Coordinator, Administrative Office of Motor Vehicle; Geoff Herman, Director, State and Federal Relations, Maine Municipal Association.

Thursday, October 3

10:15 – 11:45 a.m. **Elections Update from the Secretary of State's Office**

This session will provide an overview of recent changes to elections laws and procedures as well as a discussion regarding upgrades implemented in the Central Voter Registration System.

Presenter: Julie Flynn, Deputy Secretary of State, State of Maine.

11:45 – 3:00 p.m. **MTCCA Annual Meeting & Awards Luncheon**

11:45 – 12:15: Awards / 12:15 – 1:15: Luncheon / 1:15 – 3:00: Annual Meeting & Networking Day Activities

3:00 – 3:45 p.m. **Maine Office of Vital Statistics**

This session will focus on the DAVE Application (EDRS & EBRs) and an overview of the Office of Vital Statistics.

Presenter: Roberta Fogg, Deputy State Registrar, Data Research and Vital Statistics, State of Maine.

3:45 – 4:00 p.m. **Networking Day Grand Finale!**

Certification: The MTCCA Certification Program allows for 5 optional points for attending Networking Day (Thursday, October 3). It also allows for 2 optional points per year for attending the MMA Convention. Members who attend Networking Day on Thursday, October 3 would be eligible for 5 optional points. Members who attend the full Convention would be eligible for 7 optional points. Members who attend the convention on Wednesday, October 2 only would be eligible for 2 optional points.

Maine Town, City and County Management Association (MTCMA)

Wednesday, October 2

1:30 – 2:30 p.m. **Disaster Response Planning – MFCMA sponsored session co-sponsored by the Maine Fire Chiefs' Association**

This presentation is intended to provide for discussion by public safety, government, and community leaders about their community's ability to respond effectively to a disaster. Every community must consider the possibility that a disaster such as Hurricane Sandy, Blizzard of 2013, and the Brownville, Maine flooding may occur. Most importantly, issues related to lessons learned and recommendations will be presented. Level of training to key department heads and community leaders is important to qualify for Federal Funding reimbursement from disasters. Disasters of this magnitude force us to look at new ways to ensure communities are supported, and that every town/city has an Emergency Operation Plan. (*This session approved for 1 point through MTCMA Certification – Leadership category.*)

Presenters: Peter Joseph, Town Manager of Freeport; Darrel Fournier, Fire Chief, Town of Freeport; Steve Mallory, Maine Emergency Management Agency.

Certification: See general sessions for additional programs and sessions that offer points through MTCMA Certification Program.

MISSION OBJECTIVE:

Your mission, should you choose to accept it, is to share the MMA Convention experience with as many of your municipal associates and officials as possible.

FILE NOTES:

For 77 years, the MMA has presented its Annual Convention to its members providing quality education, exhibits, member benefit information and networking opportunities. As your member service Association, this is your Convention! Come and enjoy all that the MMA Convention has to offer - you won't be disappointed!

MISSION REQUIREMENTS:

- Your municipality must be a current member of the MMA in good standing for 2013.
- Registrants must be paid conference attendees - elected or appointed officials and/or municipal staff.
- Attendees who work for more than one municipality will be counted toward the municipality that paid for the registration or is indicated on the attendee's registration form.

MISSION COMPLETION:

After the conclusion of the 77th MMA Convention, each municipality that meets or exceeds the minimum registration count in each population category will be entered into a drawing for a 2014 MMA Training Package that includes:

- 2 complimentary registrations to any 2014 MMA sponsored workshop.
- 1 complimentary registration to the 2014 Municipal Technology Conference.
- 1 complimentary registration to the 78th MMA Convention, meals included.

POPULATION SIZE CATEGORIES:

	<u># of Paid Attendees:</u>	
0 - 2,500	2 or more	(One drawing per population size category.)
2,501 - 5,000	4 or more	
5,001 - 10,000	6 or more	
Greater than 10,000	8 or more	



Good Luck! Should you meet this **Mission: Possible**, the MMA will acknowledge your successful mission completion with an entry into this drawing. Winners will be notified post-Convention via de-classified message.

Attendee Registration Form

MMA Convention – Augusta Civic Center – October 2 & 3, 2013

One registrant per form (please photocopy for additional registrations)

BILLING INFORMATION:	NAME BADGE INFORMATION: <small>*Name badge will read as indicated here.</small>
Full Name: _____	First Name: _____
Employer: _____	Last Name: _____
Billing Address: _____	Primary Title: _____ <small>(Please list one)</small>
City, State, Zip: _____	Employer: _____
Phone: _____	
Email: _____	

I plan to attend (choose ONE): Wed 10/2 Thur 10/3 Both Days First Time Attendee? Yes No

CONVENTION REGISTRATION FEES (For one or both days)		Cost
<input type="checkbox"/> MMA Members/Affiliate/Patron	Pre-Registration - must be postmarked/received by 9-10-13	\$ 60.00
<input type="checkbox"/> MMA Members/Affiliate/Patron	Registration - after 9-10-13	\$ 75.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - must be postmarked/received by 9-10-13	\$ 120.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - after 9-10-13	\$ 135.00
<input type="checkbox"/> Business Representative	Pre-Registration - must be postmarked/received by 9-10-13	\$ 100.00
<input type="checkbox"/> Business Representative	Registration - 9-10-13	\$ 115.00
Registration Fee		\$

WEDNESDAY LUNCHEON-OCT 2	Location	Cost
Awards Luncheon (Buffet)	Civic Center (North Wing)	\$ 15.00
Wednesday Meal		\$

THURSDAY LUNCHEONS-OCT 3	Location	Civic Center Luncheons:	Cost
Luncheon & Featured Speaker (Buffet)	Civic Center (North Wing)	Due to ticket demand, there are two luncheon rooms - assigned on a first-come, first-served basis. There will be a live video feed of the presentations in the 2nd luncheon room.	\$ 15.00
Maine Chapter of American Public Works Association (MCAPWA)	Augusta Elks Lodge		\$ 17.00
MTCCA Annual Meeting Luncheon	Civic Center (Cumberland)		\$ 15.00
Thursday Meal			\$

TOTAL (Registration Fee & Meals) \$

SPECIAL PROGRAMMING - for Wednesday, October 2 and Thursday, October 3 - PLEASE CHECK ALL THAT APPLY

MMA Building Tour: <input type="checkbox"/> Thursday, October 3 (9:45-10:15 a.m.)	Right-To-Know Training: <input type="checkbox"/> Thursday, October 3 (10:15-11:45 a.m.)	MTCCA Annual Meeting & Networking Day: <input type="checkbox"/> Thursday, October 3
For planning purposes, please select which complimentary activity you plan to attend:		
<input type="checkbox"/> I plan to attend the complimentary Continental Breakfast on Wednesday 10/2. <input type="checkbox"/> I plan to attend the complimentary Member Appreciation Reception on Wednesday 10/2. <input type="checkbox"/> I plan to attend the complimentary Buffet Breakfast on Thursday 10/3. <input type="checkbox"/> I plan to attend the dessert social on Thursday 10/3.		

Signature: _____ Date: _____

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____

(*You will be invoiced after Convention – **Please send a copy of this registration form with payment)

Fax registration form to: (207) 626-5947 Mail form to: Convention Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

Please make check payable to Maine Municipal Association

Questions/Cancellations: Please call Louise Ridley at MMA, 1-800-452-8786. Notification must be given three business days in advance to obtain a refund. All cancellations are subject to a \$10 processing fee. Registrations may be transferred to another official or employee. Please inform us of any special dietary needs or special requirements you may have due to a disability.

Please keep a copy of this form for your records.

Maine Municipal Association Ethel Kelley Memorial Award

...MMA's Most Prestigious Award

NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees – Friday, August 30, 2013.



Ethel Kelley devoted 45 years of service to the Maine Municipal Association – from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association.

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 28th Recipient!

CRITERIA: Do you know someone in your municipality who...

- ★ *Is dedicated to the cause of good local government;*
- ★ *Has conscientiously served local government and made this a lifetime achievement for 20 years or more;*
- ★ *Has demonstrated the capability and willingness to “Hold the Community Together”;*
- ★ *Has a selfless concern for others in their community;*
- ★ *Has not received full recognition for their service in local government; and*
- ★ *Is currently serving or has retired in the past two years (may be given posthumously if within the past two years).*

MMA wants to know about them! Send your nomination and give MMA the opportunity to recognize their achievement and dedication to local government.

NOMINATION PROCESS: Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be downloaded from the MMA website at www.memun.org. ***The supporting letters are a critical part of the process.*** Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

SELECTION PANEL: The Award Selection Panel will consist of three MMA Past Presidents who will meet in mid to late September to make their selection.

PRESENTATION: The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for **Wednesday, October 2, 2013 at 12:00 p.m. at the Augusta Civic Center.**

For more information, please contact Theresa Chavarie, MMA Manager of Members Relations at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org



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LOCAL GOVERNMENT
begins with you

Maine Municipal Association Ethel Kelley Memorial Award

NOMINATION FORM

**** Due Date – Friday, August 30, 2013 ****

(Please complete all applicable sections)

Nominee's Name: _____

Municipality Served: _____

LIST MUNICIPAL POSITIONS (Please include information relating to services provided to your municipality as well to other municipalities):

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Total Length of Local Government Service: _____

Membership in Professional Associations:

Community Service and Recognitions Received:

Is the Nominee Retired? YES (When did Nominee retire? ___/___/___)

NO (Anticipated retirement date? ___/___/___)

Signed by:

Name: _____

Title: _____

Municipality: _____ Date: _____

Name: _____

Title: _____

Municipality: _____ Date: _____

Please complete and return with up to (5) supporting letters. *The supporting letters are critical to your success.* Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **Friday, August 30, 2013** to:

Ethel Kelley Memorial Award – Selection Panel
Maine Municipal Association, 60 Community Drive, Augusta, ME 04330



**MMA is pleased
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www.memun.org/public/MMA/svc/training.htm

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Maine Municipal Association



Presque Isle City Councilor **Micah Desmond** resigned due to time constraints and conflicts in trying to serve as a councilor while running two businesses in Presque Isle and Houlton. Desmond's term was set to expire in 2014.

Baileysville selectmen named native **Bob Fitzsimmons** as the new police chief, replacing Shawn Donahue, who resigned last fall to work for the Washington County Sheriff's Office. Fitzsimmons' father, Merle, served as the town's police chief in the 1970s. Most recently, Fitzsimmons served as a sergeant for the Calais Police Department. He previously worked for the Passamaquoddy Tribe as warden and police officer at Pleasant Point for nine years.



Bob Fitzsimmons

Turner selectmen in June honored the work of **Laurel Gagne** of the Rescue Department as a recipient of the 2013 Spirit of America Award for outstanding community service.

Former Lewiston Mayor **Larry Gilbert** will seek a third term in November, hoping to be a positive influence on the future of one of Maine's largest cities. Gilbert, a former Lewiston police chief and U.S. Marshal, served the remainder of term of then-Mayor Lionel Guay. He was re-elected for two more terms before leaving city government in 2012. The city charter does not allow mayors to serve more than two consecutive terms.

Livermore Falls Police Lt. **Thomas Gould** was scheduled to assume the job of Fairfield police chief on July 15, besting 40 other candidates for the job. Gould had spent his nearly 30-year law enforcement career in Livermore Falls. Fairfield officials said Gould possessed all the qualities they want in a new chief.

Rangeley Town Manager **Tim Kane** resigned, effective July 19, to begin his new job as a Washington County school superintendent. Kane's back-

ground is in education; his new job will allow him to finish his studies for a doctorate in educational leadership. He began his work as Rangeley manager on May 11, after resigning his job as a principal in Vermont and relocating to Maine. He is a native of Wilton.

Gary Lamb resigned as Greenville town manager to accept the job of Waterboro Town Administrator. Lamb will work a notice of up to 60 days in Greenville, where he managed since November 2010. A native of Sanford, Lamb said he was resigning for both professional and personal reasons. Waterboro officials said Lamb was among 40 candidates for the job and was selected as someone who can lead the town, which is poised for a burst of growth. Lamb served as assistant planner and assistant code enforcement officer in Kennebunk and as a town councilor in Sanford. He also is a former state wildlife biologist.

Former South Berwick Librarian **Mary-Margaret Anthoine Ney** returned to Lewiston and Auburn in June to take the job of librarian for the Auburn Public Library. Ney grew up in Lewiston and frequented both libraries. Ney, a lawyer, holds a master's degree in business from the University of Notre Dame and a master's degree in library and information science from the University of South Carolina. She earned her law degree from the University of Maine School of Law. She has worked in libraries since 2006. She is a member of the Southern Maine Library District, the American Library Association and the Maine Library Association. She serves as a consultant for the Maine State Library.

Former Lisbon firefighter **Marc Veilleux** has been named police chief for the town of Sabattus. He replaces Don Therrien, who resigned in March. Veilleux worked for the Lisbon Fire Department for 22 years and started his new duties in May. Meanwhile, selectmen also named **Rob Gayton** as the department's second assistant fire chief. Gayton worked as a full-time firefighter for the City of Lewiston starting at the age of 18, following the Sept. 11, 2001 terrorist attacks.

Richard Bates of Camden was named Rockport town manager in June, effective immediately. Bates called the opportunity "a dream job" as someone who loves to sail and appreciates the Rockport working waterfront. Bates has 40 years of experience in local government, mostly in New Hampshire except for his work as interim manager of Sabattus. Bates was among 30 candidates for the job.

Standish Town Manager **Gordon Billington** was recently recognized by the Greater Portland Council of Government for his leadership and integrity in serving the organization. Billington has served on the council for several years, including two as president. The award was presented to Billington by outgoing president **Michael Reynolds**, a Raymond selectman. [\[link\]](#)

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Auburn: A village fire station will be shuttered for 190 days in the coming fiscal year after the City Council approved a new budget in June that cut \$1.7 million in spending. Other, larger stations will cover for the New Auburn station during the planned “brownouts.”

Machias: By anyone’s measure the town’s long-planned 250th birthday bash was a hit in June. Hotel rooms were full from Machias to Ellsworth and eateries enjoyed solid, steady customers. In all, the birthday planners estimated the celebration generated \$200,000 for the local economy. More than 600 people entered the parade and another 4,000 watched it, according to reports. Some events were so popular they will be continued as annual events, such as the fire department hosting more community softball games. The City of Ellsworth is now planning its own 250th birthday.

Norridgewock: Town leaders are considering installing cameras in public areas following a string of vandalism and break-ins at municipal properties. Over the past year, the town park has been vandalized three times. Someone dumped the public toilet into to the river and, most recently, the library was burglarized. The culprits stole \$500 in property and caused \$250 in damage. Town officials think installing cameras might be cheaper than repairing or replacing all the damaged property.

Norway: Special town meeting voters in late June added \$213,000 to the town’s 2013-14 budget, which represents the amount of State Revenue Sharing the municipality estimated it would lose under Gov. Paul LePage’s proposed state budget. The Legislature restored \$125 million of the \$200 million LePage wanted to keep to balance the state budget. Town Manager David Holt said the cash infusion means the town will avoid a \$50 tax increase per \$100,000 in property value, according to a Lewiston newspaper report. Towns across Maine were reviewing their budgets following the Legislature’s override on June 26 of LePage’s budget veto.

Old Orchard Beach: Six of the town’s seven councilors were recalled by voters in early June after ongoing disputes over personnel issues. Among the issues was the firing of the town manager, who has filed suit against the town.

Scarborough: The town council will take up a proposed ordinance this month that calls for helping grieving families establish permanent memorials while trying to stop the erection of crosses and other monuments along the roads where people have died in highway accidents. The ordinance would not stop families and friends from planting flowers, crosses and other memorial items at the scene of their love one’s death, but would only

allow the spontaneous memorials for a “reasonable amount” of time before town officials would meet with family members to help them establish permanent memorials if they wish.

West Gardiner: The town’s volunteer firefighters have developed an on-line process for resident to get permits to burn debris on their properties. Other nearby towns have signed up to use the system, including: Farmingdale, Litchfield, Randolph, Richmond and Topsham. The system was developed by Gary Hickey and former Chief Chris McLaughlin so residents can sidestep the \$7 fee charged by the state to get a burning permit and also save time by not having to find department volunteers in order to get the permit. [\[m\]](#)

NEW ON THE WEB

Highlights of what’s been added at www.memun.org since the last edition of the *Maine Townsman*.

- **Revenue Sharing.** The State Treasurer’s Office has released new municipal revenue-sharing figures, now that the 2014-2015 State Budget has been enacted.
- **Affordable Care Act.** Throughout 2013 and 2014, Maine Municipal Employees Health Trust will update municipal employers about the federal Affordable Care Act, its requirements and impact. Topics to be addressed include: a 90-day waiting period limit; W-2 reporting; employer notice requirements; wellness program requirements; and other provisions
- **Online Certificate Program.** The Muskie School of Public Service is promoting its “On-line Graduate Public Management” certificate program. Classes start Sept. 3, 2013.

www.memun.org



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Municipal Bulletin Board

FAIR LABOR STANDARDS ACT

Attorney Lawrence Winger will present a day-long workshop on the Fair Labor Standards Act on Wednesday, July 24 at the Maine Municipal Association Conference Center in Augusta. The workshop is designed for municipal managers, supervisors and those responsible for human resources.

It will begin with registration at 8 a.m. and is scheduled to conclude at 4 p.m. Topics to be covered include: applicable Wage & Hour laws; classification of exempt and non-exempt employees; the salary basis test; and, special rules applicable to public employers. Cost for MMA members and patrons is \$75. For non-members, it's \$150. The fees include workshop materials and a light lunch.

NEW CLERKS WORKSHOP

The Maine Town & City Clerks' Association will hold a New Clerks Workshop on Tuesday, Aug. 6 at the Seasons Event Center in Portland. Presenters are Kim McLaughlin, Town Clerk in Old Orchard Beach, and April Dufoe, Town Clerk in Kennebunkport. The workshop begins with registration at 8:30 a.m. and concludes at 4 p.m.

The course is designed to familiarize newly elected and appointed municipal clerks with their duties and responsibilities. The workshop is applicable for clerks from both large and small municipalities. Among the items to be discussed: dog licenses; hunting and fishing licenses; birth, marriage and death certificates; elections procedures; preparing meeting agendas and minutes; and, more. Cost is \$55 for MTCCA members and \$75 for non-members.

TAX COLLECTORS: 'I'VE GOT THE JOB...'

Stu Marckoon, Treasurer in the Town of Lamoine, and Gayle Doyon, Tax Collector in the City of Biddeford, will present a special workshop titled, "I've Got the Job – What Now?" The workshop will be held on Tuesday, Aug. 20 at the MMA Conference Center in Augusta and is sponsored by the Maine Tax Collectors' and Treasurers' Association.

The speakers plan to address most of these topics: nature of the jobs and general duties; settlement and discharge; delinquent real estate taxes; excise taxes; bank accounts and receipts; payroll; records disposition; budgeting; and, more.

Registration will begin at 8:30 a.m. and the workshop will conclude at 3:30 p.m. Cost is \$50 for MMTCTA members and \$60 for non-members. The workshop outline is based largely on MMA's Tax Collectors and Treasurers Manual. While it is not required that attendees bring the manual with them, the manual is a valuable resource item that can help with your day-to-day work.

VITAL RECORDS

The Maine Town & City Clerks' Association will hold a Vital Records Workshop on Thursday, Aug. 22 at the Northeastland Hotel in Presque Isle. The day-long session will provide municipal clerks with an overview of the law, rules and regulations concerning vital records in Maine.

The instructors include: Patty Brochu, City Clerk in Old Town; and, Roberta Fogg from the Maine State Office of Vital Records. The history and integrity of vital records, certified copies, amendment of vital records and death and marriage records are among the topics on the agenda. Registration begins at 8:30 a.m. The workshop concludes with a Q&A session at 3:30 p.m. Cost is \$55 for MTCCA members and \$75 for non-members.

ELECTED OFFICIALS: AUGUSTA, CARIBOU

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Aug. 28 at the Maine Municipal Association Conference Center in Augusta. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. There will be a live, interactive videocast of the workshop to the Northern Maine Development Commission office in Caribou.

The workshop is designed for newly elected officials, but veteran councilors

and select board members may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; and, conflicts of interest, among others. Cost for the workshop is \$50 for MMA members in Augusta, \$40 in Caribou – and \$100 for non-members.

VOTER REGISTRATION: BANGOR, PORTLAND

The Maine Town & City Clerks' Association will hold a day-long session on voter registration on Wednesday, Sept. 18 at the Spectacular Event Center in Bangor and on Tuesday, Oct. 15 at Keeley's Banquet Center in Portland. Tracey Stevens, Town Clerk in Freeport, and Maine Deputy Secretary of State Julie Flynn will conduct this workshop. It will include a review of duties for registrars of voters and outline their tasks before, during and after Election Day.

The workshop starts with registration at 8:30 a.m. and ends at 4 p.m. The cost is \$55 for MTCCA members and \$75 for non-members.

TITLE 21-A: BANGOR, PORTLAND

Patti Dubois, City Clerk in Waterville, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A at the Spectacular Event Center in Bangor on Thursday, Sept. 19 and on Wednesday, Oct. 16 at Keeley's Banquet Center in Portland. The workshop will cover all aspects of administering state and federal elections at the municipal level.

Sponsored by the Maine Town & City Clerks' Association, the workshop will begin with registration at 8:30 a.m. and end at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members. Member attendees are encouraged to wear their name badges. [mtc](#)

All of the upcoming workshops can be found on the MMA website.

Use the following link:

<http://www.memun.org/public/MMA/svc/training.htm>



REGULATING NOISE

Question: Is there any law establishing statewide noise standards?

Answer: No, there isn't. Whether and to what extent noise is regulated is largely a local policy matter in Maine. Municipalities do have broad "home rule" authority to enact ordinances, including noise ordinances, but there are some State and even federal laws that preempt or limit municipal regulation of noise depending on its source. Here, in no special order, is a summary:

Farm operations. The Maine Agriculture Protection Act (formerly the "Right to Farm" law) prohibits enforcement of municipal ordinances against farm operations, including noise and other associated effects such as odors, dust, insects and fumes, provided the operation complies with the Maine Department of Agriculture's best management practices (see 7 M.R.S.A. § 154; see also "Right to Farm" Revisited," *Maine Townsman*, "Legal Notes," August-September 2008).

Discharge of firearms. Maine law generally preempts municipal regulation of all things relating to firearms, with one exception: A municipality may enact an ordinance regulating the discharge of firearms in the municipality or in any part of the municipality. The municipality must first consult with the Department of Inland Fisheries and Wildlife (IF&W), however. In addition, the ordinance must describe the area in which the discharge of firearms is prohibited using clearly defined physical boundaries. Also, a copy of the ordinance and any map showing the affected area must be given to IF&W within 30 days after enactment. For more, see 30-A M.R.S.A. § 3007(5); see also "Hunting & Use of Firearms," *Maine Townsman*, "Legal Notes," October 2006.

Sport shooting ranges. A municipal ordinance may not require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment of the ordinance; however, any expansion of shooting activity at the range after the enactment of an ordinance is subject to the ordinance (see 30-A M.R.S.A. § 3011; see also "Sport Shooting Ranges," *Maine Townsman*,

"Legal Notes," April 2012).

Engine ("Jake") brakes. The federal Noise Control Act of 1972 preempts state and local governments from adopting or enforcing noise standards applicable to any motor carrier engaged in interstate commerce unless the standards are identical to federal standards. Thus, unless noise standards in an engine braking or "Jake Brake" ordinance are identical to federal standards, they are unenforceable as applied to motor carriers engaged in interstate commerce (see 42 U.S.C. § 4917; see also "Jake Brake" Advisory," *Maine Townsman*, "Legal Notes," November 2008).

Railroads. A Federal Railroad Administration (FRA) rule requires trains to sound their horns at all public highway crossings but allows the state and local government in charge of the highway to establish "quiet zones" if appropriate safety measures are installed. Unless a quiet zone has been established in compliance with FRA criteria or with FRA approval, the federal rule preempts state or local noise regulations governing the sounding of train horns (see 49 CFR Parts 222, 229; see also "Railroad 'Quiet Zones'," *Maine Townsman*, "Legal Notes," February 2006).

Barking dogs. Maine law preempts the application of barking dog ordinances to dogs engaged in herding, protecting or warning the owners of danger to livestock (see 7 M.R.S.A. §

3950(1)). Otherwise, a barking dog ordinance is enforceable even if it does not contain noise standards measurable in decibels (see "Law Court: Barking Dog Ordinance has Bite," *Maine Townsman*, "Legal Notes," April 2002).

For more on municipal ordinance power and preemption, see our "Information Packet" on ordinance enactment, available free to members at www.memun.org. (By R.P.F.)

NO PLANNING BOARD?

Question: What is our alternative if, due to vacancies, absences or lack of interest, our planning board can no longer muster a quorum?

Answer: Unlike a board of appeals, which is mandated by Maine law in any municipality with a zoning ordinance (see 30-A M.R.S.A. § 4353), a planning board is *not* required by Maine law (see "Planning Boards – Are They Required by Law?," *Maine Townsman*, "Legal Notes," January 2011). So one option would be to dissolve it. This, however, would require repeal of the ordinance or charter provision that created it. In addition, it would mean either identifying another board to perform the role of planning board or eliminating its functions altogether. For most municipalities, this would be a difficult, and in certain cases, an impermissible option.

For example, for purposes of municipal subdivision review, every municipi-



Municipal Calendar

BY AUGUST 1 — Urban Rural Initiative Program (URIP) certification forms must be returned to MaineDOT Community Services Division prior to August 1st. This is an annual certification that must be completed by a municipality to receive URIP funds. Effective July 1, 2008, there is a requirement for municipalities to provide information on how the previous fiscal year's funds were expended.

ON OR BEFORE AUGUST 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 (22

MRSA §4311).

BETWEEN MAY 1 AND OCTOBER 1 — Municipal officers may initiate process to close certain ways during winter months (23 MRSA §2953). For further information, see the MMA Municipal Roads Manual.

BY SEPTEMBER 1 — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished by him for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. There is a penalty for failure to make such a return (30-A MRSA §7005).



Legal Notes

pality must have a “municipal reviewing authority” (see 30-A M.R.S.A. § 4403). In most municipalities, this is the planning board, but where there is none, by default it is the municipal officers – the selectmen or councilors (see 30-A M.R.S.A. § 4301(12)). Moreover, the municipal reviewing authority has other statutory duties such as preparation of zoning ordinances and amendments which cannot simply be eliminated (see 30-A M.R.S.A. § 4352).

Most planning boards also have important local responsibilities, including review and permitting of significant developments under zoning, site plan and other land use ordinances. Eliminating these functions could prove unpopular in many communities, and finding another board willing to perform them could be a challenge too.

So if a planning board is retained, there must be a functioning board with a quorum of members willing and able to act when necessary. An applicant who needs approval from the planning board cannot simply skip it or proceed to the next level because a functioning board does not exist at the time. If need be, a court can order that one be appointed (see *Fletcher v. Feeney*, 400 A.2d 1084 (Me. 1979)).

If maintaining a viable planning board is a problem, one promising alternative may be to drop any requirement that members must be local residents. This is what Caribou did when it couldn't muster enough residents to serve on its appeals board (see “No Board of Appeals? – A Reader's Suggestion,” *Maine Townsman*, “Legal Notes,” February 2012). And this is perfectly legal since, for these types of offices, State law requires only that officials be at least 18 years of age, U.S. citizens and Maine residents – *municipal* residency is not required (see 30-A M.R.S.A. § 2526(3)).

Serving on a planning board, as on a board of appeals, is one of the more difficult roles in local government. MMA's comprehensive *Planning Board Manual* can make the job easier. MMA also sponsors at least half a dozen workshops each year for planning boards at various locations around the state. For information on when and where, and for our manual, which is free to members, visit

MMA's website at www.memun.org. (By R.P.F.)

CAN A SELECTMAN BE HIRED AS A TOWN EMPLOYEE TOO?

Question: Our town has a job opening, and one of our selectmen is interested. Can a selectman be hired as a town employee too?

Answer: It depends. It is not illegal under Maine law for a selectman to also be a town employee. Provided the employment position is not a sworn office with duties that conflict with those of selectman, it is not a violation of the common law doctrine of incompatibility of offices for a selectman to be a town employee as well (see *Inhabitants of Town of Harpswell v. Wallace*, CV-08-184 (Me. Super. Ct., Cum. Cty., May 16, 2008) (Cole, J.)).

However, some municipalities, by charter or by ethics policy, prohibit their municipal officers (selectmen or councilors) from simultaneously being employed by the municipality.

In addition, if the position was cre-

ated by the municipal officers or the compensation was increased by them during the officer's term, that officer cannot be appointed to it during the term for which he or she was elected and for one year thereafter (see 30-A M.R.S.A. § 2606). This is what's called a “prohibited appointment.”

But as long as it is not a prohibited appointment, and provided the municipality does not otherwise prohibit it by charter or ethics policy, it is not illegal for a municipal officer to also be a municipal employee. Nevertheless, conflict of interest law would bar that officer from playing any part in the hiring process. Likewise, he or she would have to abstain from participating in any compensation-related decisions, including approval of treasurer's disbursement warrants for his or her wages, and any disciplinary proceedings.

For more on conflict of interest, incompatibility of office and other ethical issues, see our “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.) [\[me\]](#)



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2013 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the spring and fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts three to four months. Below is the schedule for the Bond Bank's Fall Issue.

AUGUST						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Thursday, August 1st
Application Deadline.

Wednesday, August 21st
Application approval (Board Meeting).

Thursday, September 5th
Preliminary opinions and loan agreements due from bond counsel of each borrower.

SEPTEMBER						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Friday, September 6th
Last date for signing school contracts and rates in place for water districts. PUC Approvals due.

Monday, September 30th & Tuesday, October 1st
Maine Municipal Bond Bank Pricing.

Wednesday, October 2nd
Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Wednesday, October 16th
Final documents due from bond counsel.

Wednesday, October 23rd
Pre-Closing.

Thursday, October 24th
Closing - Bond Proceeds Available (1:00 PM).

OCTOBER						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

If you would like to participate in or have any questions regarding the 2013 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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